



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 19 OCTOBER 2009

PRESENT:

Cr Lisa Price, Mayor - Farley Ward
Cr Kellie O'Callaghan, Deputy Mayor - Burnet Ward
Cr Rohan Fitzgerald - Dunbar Ward
Cr Sharon Gibson - Merton Ward
Cr Sandy Kam - Galbraith Ward
Cr Bruce Lougheed - Tanjil Ward
Cr Graeme Middlemiss - Rintoull Ward
Cr Ed Vermeulen - Gunyah Ward
Cr Darrell White - Firmin Ward
Paul Buckley, Chief Executive Officer
Seona Conway, General Manager Organisational Excellence
Michael Edgar, General Manager Community Liveability
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
Katie Garlick, Council Operations Administration Officer
Dean Morahan, Acting Manager Infrastructure Operations
Michelle Franke, Manager Corporate Strategy
Liz Collins, Manager Finance

INDEX

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

NOTICES OF MOTION

NIL

ITEMS REFERRED BY THE COUNCIL

7.1	2009 VICTORIAN BUSHFIRES ROYAL COMMISSION INTERIM REPORT - LATROBE CITY COUNCIL RESPONSE	65
7.2	W H CORRIGAN SOCCER RESERVE NAMING PROPOSAL	69
7.3	PLANNING PERMIT APPLICATION S08/315 - THIRTY SEVEN (37) LOT SUBDIVISION AT 25 JUNCTION ROAD, CHURCHILL	79
7.4	REPORT ON COUNCIL'S CORE BUSINESS	84
7.5	APPROPRIATE LOCATION AND NUMBER OF PUBLIC TOILETS FOR THE MOE CENTRAL BUSINESS DISTRICT	90
7.6	TRAFALGAR AND KILMANY LANDFILL WASTE DISPOSAL COST TO COUNCIL	98
7.7	LATROBE CITY OUTDOOR POOL SUMMER SEASON OPERATIONAL HOURS ARRANGEMENTS	103

CORRESPONDENCE

NIL

PRESENTATION OF PETITIONS

10.1	PETITION - GLANVILLE CRESCENT, HAZELWOOD NORTH - CLOSURE OF ROAD	112
------	--	-----

CHIEF EXECUTIVE OFFICER

NIL

ECONOMIC SUSTAINABILITY

11.2.1	COAL COUNCILS OF AUSTRALIA SCOPE FOR COOPERATION - MEMORANDUM OF UNDERSTANDING	114
--------	--	-----

BUILT AND NATURAL ENVIRONMENT SUSTAINABILITY

11.3.1	TIMBER CARTAGE ROUTES AT JUMBUK AND YINNAR SOUTH	121
--------	--	-----

RECREATIONAL AND CULTURAL LIVEABILITY

NIL

COMMUNITY LIVEABILITY

NIL

GOVERNANCE

11.6.1	CONTRACT ACTIVITIES FROM THE PREVIOUS COUNCIL MEETING AND BY THE CHIEF EXECUTIVE OFFICER UNDER DELEGATION	123
11.6.2	S11. INSTRUMENT OF APPOINTMENT AND AUTHORISATION	125

ORGANISATIONAL EXCELLENCE

11.7.1	2008/2009 ANNUAL REPORT	131
--------	-------------------------	-----

URGENT BUSINESS

NIL

MEETING CLOSED TO THE PUBLIC

13.1	MEETING CLOSED TO THE PUBLIC	137
------	------------------------------	-----

TEA BREAK

ITEMS CLOSED TO THE PUBLIC

15.1	ADOPTION OF MINUTES	141
15.2	CONFIDENTIAL ITEMS	142
15.3	2008 GENERAL ELECTION INFRINGEMENTS	144

CLOSED

1. Opening Prayer

The Opening Prayer was read by the Mayor.

Recognition of Traditional Landholders

The Recognition of Traditional Landholders was read by the Mayor.

2. Apologies for Absence

NIL

3. Declaration of Interests

Cr Kam declared a direct interest under Section 77B and an indirect interest under Sections 78 and 78B of the *Local Government Act* 1989 in Item 15.2 – Confidential Items.

Cr Gibson declared a direct interest under Section 77B of the *Local Government Act* 1989 in Item 15.2 – Confidential Items.

Cr White declared a direct interest under Section 77B of the *Local Government Act* 1989 in Item 15.2 – Confidential Items.

4. Adoption of Minutes

Moved: Cr Gibson

Seconded: Cr Middlemiss

That Council adopts the Minutes of the Ordinary Council Meeting held on 5 October 2009 (CM 304), relating to those items discussed in open Council.

CARRIED UNANIMOUSLY

PUBLIC QUESTION TIME

**5.1 ENTRY TO THE TRARALGON PLAZA UNDERGROUND CAR PARK
OFF GREY STREET**

Mr Bill Barber asked the following question:

Question

With the forthcoming traffic legislation is Council aware that with the present line marking in Grey Street it will be illegal to turn off Grey Street travelling east into the car park as there is an unbroken line in Grey Street. Will Council erect a no turn right sign at that entrance, or will the line marking be changed to all access into the car park and egress out of the car park for traffic wishing to travel east along Grey Street toward Argyll Street?

Answer

The Chief Executive Officer paraphrased the question and responded that this is a VicRoads road and Council will pass the question onto VicRoads.

5.2 PEDESTRIAN CROSSING LIGHTS – POST OFFICE FRANKLIN STREET AND POST OFFICE PLACE TO THE PLAZA

Mr Bill Barber asked the following question:

Question

Will Council consider replacing the existing flashing pedestrian lights at the above two place with press button pedestrian crossing light? The present lights impede the traffic flow in Franklin Street often banking traffic back across the Seymour Street intersection and back toward Hotham Street. Pedestrian traffic lights operating on the press button principle will provide a better organised and safer crossing and bunching people up a better method of assisting both foot and vehicular traffic.

Answer

The Chief Executive Officer paraphrased the question and responded that this will be considered as part of the traffic management plan in the Traralgon Town Centre Plan.

Suspension of Standing Orders

Moved: Cr Middlemiss

Seconded: Cr Lougheed

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 7.07 pm

Mr Harold Bridge, addressed Council in relation to Item 10.1 – Petition - Glanville Crescent, Hazelwood North - closure of road.

Mr Bill Roberts, Mr Stuart Bailey, Mr Terry Melvin, Mr Brian Kilday, Mr Gary Matthews, Mr Owen Trumper representing HVP, Mr Greg Blakley representing Yinnar Citizens Association, and Mr Norm Albutt, addressed Council in relation to Item 11.3.1 – Timber cartage routes at Jumbuk and Yinnar South.

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

Resumption of Standing Orders

Moved: Cr O'Callaghan

Seconded: Cr Lougheed

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 8.47 pm

The Mayor sought Council's consent to bring forward Item 10.1 – Petition - Glanville Crescent, Hazelwood North - closure of road and Item 11.3.1 – Timber cartage routes at Jumbuk and Yinnar South.

Moved: Cr Middlemiss

Seconded: Cr Lougheed

That Items 10.1 and 11.3.1 be brought forward for consideration.

CARRIED UNANIMOUSLY

10.1 **PETITION - GLANVILLE CRESCENT, HAZELWOOD NORTH -
CLOSURE OF ROAD**

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

1. PURPOSE

The purpose of this report is to present Council with a petition received opposing a proposal to close the east end of Glanville Crescent, Hazelwood North to through traffic.

2. DECLARATION OF INTERESTS

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

3. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2009-2013

Strategic Objective - Liveability

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

Community Outcome - Community

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

Strategic Action - Community Liveability

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

Policy

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

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

4. BACKGROUND

In March 2009 a request was made to Council, seeking the installation of barricading, road signage and closure of the eastern end of Glanville Crescent "*to stop traffic passing to Glanville Crescent from the bush adjacent*" for traffic safety - pedestrian and vehicle reasons.

A letter to the residents of both Glanville Crescent and Patons Road was sent on 6 August 2009, seeking feedback in relation to a proposal to install barriers to close the east end of Glanville Crescent to vehicular traffic. Similarly, feedback was also sought from HVP Plantations as an abutting land owner and the Hazelwood North CFA.

The types of barrier being considered for installation are post and rail, bollards and hazard boards or a fence with a gate.

The petition was subsequently received by Council on 4 September 2009 opposing the proposal to close the eastern end of Glanville Crescent.

5. ISSUES

Glanville Crescent is a No Through Road and services a number of Rural Living Zone allotments and directly abuts HVP Plantations pine plantation, existing to the east. In addition, Glanville Crescent provides access to Patons Road, also a No Through Road, which services a small number of Rural Living Zone allotments.

The paved surface of Glanville Crescent ends with a cul-de-sac and property access for two dwellings approximately 110 metres short of the Glanville Crescent road reserve boundary to the east. This section of road reserve is under the control of Council but is not presently maintained other than infrequent grass slashing. Informally, this area has been used for recreational purposes (walking, jogging, motor bike riding etc). It also used for informal access to the tracks within the HVP Pine Plantation site directly to the east.

An investigation confirmed that vehicle use of the road reserve east of the Glanville Crescent cul-de-sac was considered both unsafe and undesirable as a potential source of nuisance for adjacent residents.

'No Through Road' and chevron signs were installed in Glanville Crescent following receipt of earlier complaints about vehicle activity at the east end of the road but appear to have had little impact on the problem.

The proposed closure aims to increase road safety, improve the amenity for the adjacent residents and eliminate illegal access along the section of road reserve (unmade road) by motor bikes and four wheel drives into private land owned by HVP Plantations.

Access to the private pine plantation land is not desirable and HVP Plantations have confirmed in writing that four wheel drive and trail bike activity within the pine plantation area causes significant environmental damage. Further discussion is to be undertaken with HVP Plantations regarding access to their land.

6. FINANCIAL AND RESOURCES IMPLICATIONS

There are no immediate financial implications arising from the petition.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Consultation with residents of both Glanville Crescent and Patons Road was undertaken in accordance with Council's Community Engagement Policy, seeking feedback in relation to a proposal to install barriers to close the east end of Glanville Crescent to vehicular traffic. Feedback was also sought from HVP Plantations and the Hazelwood North CFA in relation to the proposal.

Details of Community Consultation / Results of Engagement:

Results of community consultation

Three resident (3) responses were received in support of the proposed installation of barriers and end of road closure. Comments in these submissions specifically included the need to:

- Continue to provide pedestrian access and passive recreation opportunities along the road reserve; and
- Increase pedestrian safety.

Six (6) responses were received directly opposed to the proposed installation of barriers and end of road closure. Comments in these submissions specifically included the need to:

- Provide for fire access and escape options for fires emanating to the west of Glanville Crescent; and
- Continue to provide pedestrian access and passive recreation opportunities along the road reserve.

Seven (7) land owners, who were initially consulted, did not provide comment in relation to the proposal.

The petition, representing eight of the 16 properties in the area, opposes the proposed installation of barriers to close the road to vehicular traffic. Note that five of the eight residents included in the petition had already made written submissions, directly opposing the proposal.

The owner of the pine plantation area, HVP Plantations advised that they were in favour of the proposed barriers. A response received from the Hazelwood North Rural Fire Brigade indicated preference for a fence across the road reserve that provided for pedestrian access and a locked gate for emergency vehicle access.

8. OPTIONS

There are two options available to Council:

1. Lay the petition on the table in accordance with Clause 100 of Local Law No.1 and investigate this matter further;
or
2. Deal with the petition immediately.

9. CONCLUSION

It is usual practice for petitions to lay on the table as per Clause 100 of Council's Local Law No.1.

Due to the subject matter that the petition relates to and the time that will be required to carry out further investigation, it is recommended that the petition lay on the table until the Ordinary Council Meeting scheduled for 7 December 2009.

10. RECOMMENDATION

1. That Council lays the petition requesting Council to take action in relation to the proposed closure of Glanville Crescent, Hazelwood North on the table until the Ordinary Council Meeting to be held on 7 December 2009.
2. That the head petitioner, Mr Shawn Elsum, be advised of Council's decision in relation to the petition opposing a proposal to close the east end of Glanville Crescent, Hazelwood North.
3. That residents who have previously provided feedback in relation to this matter be advised of Council's decision in relation to the petition opposing a proposal to close the east end of Glanville Crescent, Hazelwood North.

Moved: Cr Lougheed

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT**Residents of Glanville Crescent and Patons Road, Hazelwood North.**

Paul IVKOVIC
 Coordinator Project Services
 Latrobe City
 PO Box 264
 Morwell 3840
 1300 367 700

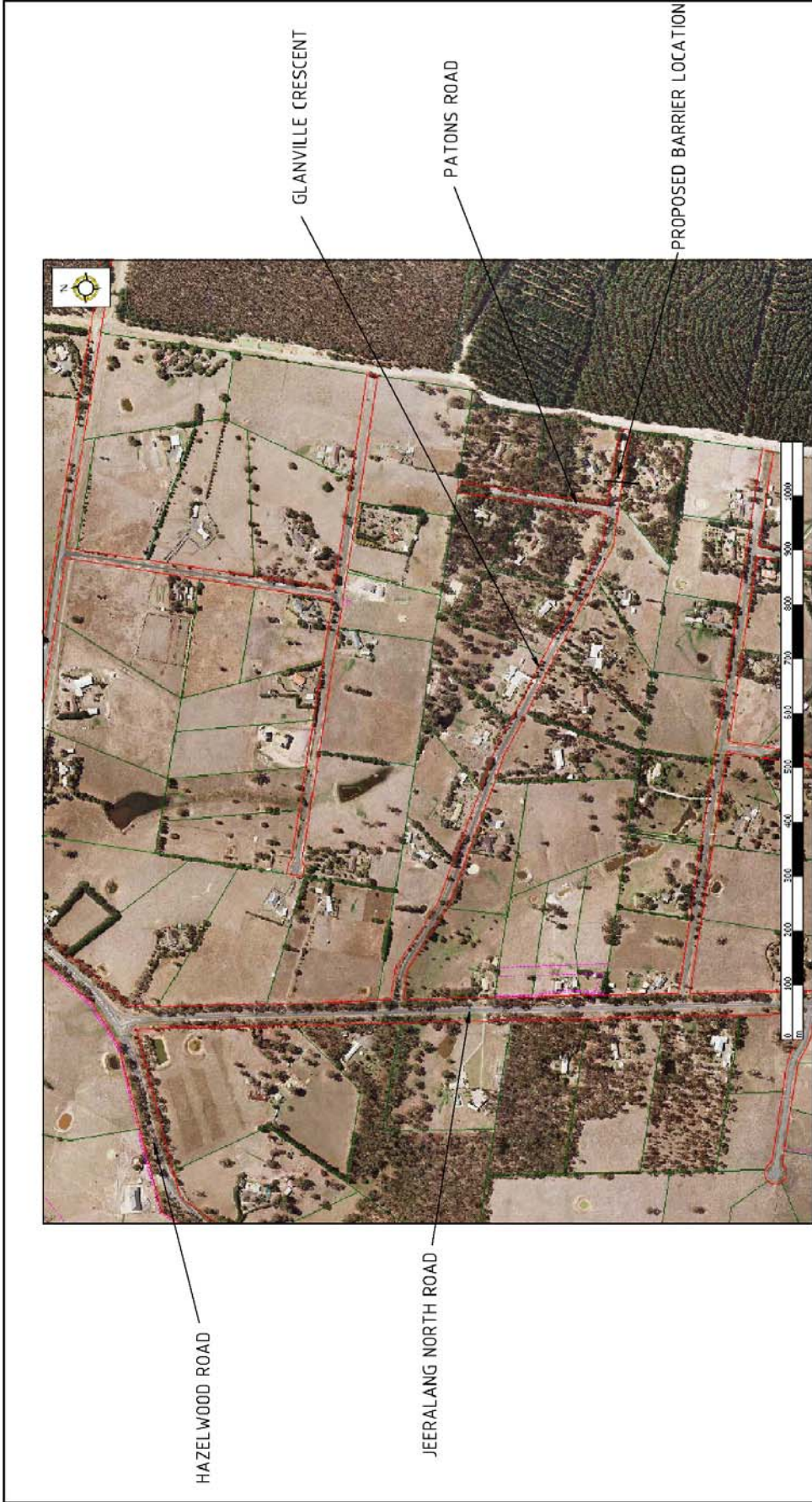
Subject: Proposed Installation Of Barriers To Close The East End Of Glanville Crescent To Through Traffic.

This petition is in opposition to the proposed closure of the east end of Glanville Crescent Hazelwood North.

As residents of Glanville Crescent and Patons Road, Hazelwood North we do not believe the installation of barriers and closure of the eastern end of Glanville Crescent through traffic is warranted.

Name / Address	Signature
1. <u>Tyson Taylor 75 Glanville crescent</u>	<u>[Signature]</u>
2. <u>Simone Aye 75 Glanville Crescent</u>	<u>[Signature]</u>
3. <u>NORRIS ELSOM 5 PATONS RD</u>	<u>[Signature]</u>
4. <u>Simon Fisher 5 PATONS RD</u>	<u>[Signature]</u>
5. <u>Frances Hughes 25 Patons Rd</u>	<u>[Signature]</u>
6. <u>MICHAEL HUGHES "</u>	<u>[Signature]</u>
7. <u>Conor Hughes 25 patons rd</u>	<u>[Signature]</u>
8. <u>Callum Hughes 25 patons rd</u>	<u>[Signature]</u>
9. <u>LORRAINE VENTURINI 20 Patons Rd.</u>	<u>[Signature]</u>
10. <u>G. VENTURINI "</u>	<u>[Signature]</u>
11. <u>RAY BATES 90 GLANVILLE CRES.</u>	<u>[Signature]</u>

- 12. Rohan & Corine Noller [Signature]
25 Abouille Cms Hazelwood 44
- 13. _____
- 14. DARON LAWRENCE 55 Clayton [Signature]
" " " " " "
- 15. Kerry Lawrence [Signature]
- 16. Wendy Cresswell 45 [Signature]
- 17. Lorraine Cresswell 45 [Signature]
- 18. _____
- 19. _____
- 20. _____
- 21. _____
- 22. _____
- 23. _____
- 24. _____
- 25. _____
- 26. _____
- 27. _____
- 28. _____
- 29. _____
- 30. _____
- 31. _____
- 32. _____
- 33. _____
- 34. _____
- 35. _____
- 36. _____
- 37. _____
- 38. _____



SCALE (IN MM)
 0 100 200 300
 DWG No. 16
 SHEET NO. 1 OF 1

Latrobe City
 GLANVILLE CRESCENT
 HAZELWOOD NORTH
 CITY AUTHORISATION
 PM VERSION / DATE OF PLOT 5/8/09

GENERAL NOTES / CROSS REFERENCES

File name: F:\Glanville Crescent, Hazelwood North

11.3.1 TIMBER CARTAGE ROUTES AT JUMBUK AND YINNAR SOUTH

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

1. PURPOSE

The purpose of this report is to present to Council for consideration the proposed timber cartage routes at Jumbuk and Yinnar South and the risk control measures recommended for implementation from the Jumbuk Road, Middle Creek Road and Upper Middle Creek Road, Road Safety Audit.

2. DECLARATION OF INTERESTS

The Acting Manager Infrastructure Operations declared an indirect interest under section 78A of the *Local Government Act* 1989.

3. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2009-2013

Strategic Objective – Sustainability

To promote the responsible and sustainable care of our built and natural environment for the use and enjoyment of the people who make up the vibrant community of Latrobe Valley.

Community Outcome – Built Environment Sustainability

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

Strategic Action – Infrastructure Development

Ensure integration of roads, bike paths, footpaths and public transport options.

Policy

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

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

4. BACKGROUND

On 28 January 2005, Hancock Victorian Plantations (HVP, formerly Grand Ridge Plantations and APM Forests Pty Ltd) advised Latrobe City Council of their intention to transport timber along Jumbuk Road and Junction Road to Monash Way. The information provided was in accordance with a long standing practice of notifying Council Officers of logging plans and gives the Council Officers the opportunity to advise of any restrictions, planned works or concerns that officers may have for the logging road network or to suggest alternate routes for various reasons.

HVP owns approximately 1,600 hectares of timber resource adjacent to Jumbuk Road from around the Healys Road extension to Bolgers Road. This area was planted between 1974 and 1977 and the plantations have been maintained since that time. Plantations in the Strzelecki Ranges are normally harvested 27 to 30 years after planting. HVP have estimated that this timber resource has a current market value of between \$13 – \$14 million.

A meeting between Officers of the former Shire of Morwell and APM Forests Pty Ltd in 1990, agreed on ten routes for timber traffic and APM Forest Pty Ltd followed up that meeting with a confirmation letter on the 1 June 1990 (Attachment 7). The agreement and attached map shows timber traffic travelling north on Jumbuk Road to the north of Jumbuk Park (in the vicinity of O'Reillys Hill Road) then travelling on Junction Road to Monash Way.

Attachment 3 includes a map that shows the following proposed timber cartage routes. The timber coupe is cross hatched in red:

- Jumbuk Road/Junction Road route - yellow
- Jeeralang West Road/Jeeralang North Road route - blue
- Vaggs Creek Track route - pink
- Upper Middle Creek Road/Middle Creek Road/Jumbuk Road route - green

Following the advice received on 28 January 2005 that HVP would soon be commencing logging operations the table below contains a summary of the key issues since that time:

Date	Issue
12 May 2005	As the land use since the original agreement to use this road in 1990, had changed from predominately farm and forestry to rural residential the Ward Councillor held a public meeting with residents, HVP and Council Officers to discuss the proposed logging operations.
11 August 2005	Ward Councillor chaired a further public meeting with residents and Council Officers, although invited HVP representatives could not attend.
7 May 2007	Council resolution, not to support logging traffic on Jumbuk Road but will seek funding for Vaggs Creek Track to be used as an alternative route.
4 June 2007	Recommendation in report to apply a restriction to long vehicles over 7.5 metres long. Council resolves to restrict vehicles with any load that are over 12 tonne tare from using Jumbuk Road, south of Junction Road.
18 June 2007	Council amended the resolution of 4 June 2007 to restrict vehicles to 12 tonnes gross mass from using Jumbuk Road, south of Junction Road.
1 October 2007	Council resolution to apply a 23 tonne load limit on Jumbuk Road, south of Junction Road and the Jumbuk and Yinnar South Community Timber Traffic Working Party was set up with the following membership: <ul style="list-style-type: none"> • Available Councillors; • Two representatives from Jumbuk Road/Junction Road Safety Action Group; • Two representatives from Yinnar South Community Association; • A representative from HVP; and the power to co opt members.
8 November 2007	HVP Presentation to the Councillors at the Issues and Discussion meeting.

At the Ordinary Council Meeting held on 3 December 2007
Council resolved:

1. *That Council continues to impose the interim 23 tonne gross load limit and associated risk control measures on Jumbuk Road from Junction Road to Healys Road, as adopted at the Ordinary Council Meeting held on 1 October 2007.*
2. *That a request for an allocation of \$50,000 to undertake safety audits at Jumbuk Road between Junction Road and the Jumbuk Hall and the Jumbuk Road/Middle Creek Road/Upper Middle Creek Road route be referred to the 2007/08 mid year budget review for Council to consider.*
3. *That, subject to funding approval, an independent specialised consultant undertakes a safety audit on Jumbuk Road between Junction Road and the Jumbuk Hall for Council in accordance with terms of reference agreed to by the Jumbuk and Yinnar South Timber Traffic Working Party.*
4. *That, subject to funding approval, an independent specialised consultant undertakes a safety audit on the Jumbuk Road/Middle Creek Road/Upper Middle Creek Road route for Council in accordance with terms of reference agreed to by the Jumbuk and Yinnar South Timber Traffic Working Party.*
5. *That Council consults further with the Yinnar South Citizens Association, the Jumbuk Road/Junction Road Safety Action Group and HVP Plantations during and following the completion of safety audits on the Jumbuk Road/ Middle Creek Road/Upper Creek Road route.*
6. *That, following the completion of the safety audits, a further report is presented to Council by 7 July 2008, with recommendations in relation to timber cartage routes in the Jumbuk and Yinnar South areas.*

A traffic engineering consultant was engaged on 18 August 2008 to prepare the route safety audit. The consultant is a reputable traffic engineer with 35 years experience with VicRoads and other engineering firms.

The draft report for the road safety audit was delivered to Latrobe City Council on 4 December 2008. It includes traffic counts, intersection turning movement counts, accident analysis, discussions with local residents and an assessment of the pavement condition on the Jumbuk Road and Vaggs Creek Track routes, as well as recommended actions and cost estimates for safety improvements.

The draft report was presented to the Councillors involved with Jumbuk and Yinnar South Community Timber Traffic Working Party and released to stakeholders on 20 and 23 February 2009. The draft road safety audit was presented to stakeholders by the consultant on 12 and 18 March 2009. The consultant used feedback from stakeholders to prepare the final report.

The final report for the road safety audit (Attachment 1 and Attachment 2 – Tables extracted from report) was delivered to Latrobe City Council on 14 April 2009. The final report was released to stakeholders for comment on 17 June 2009. Submissions have been received from the Jumbuk Road/Junction Road Safety Action Group, the Yinnar South Citizens Association and HVP Plantations.

5. ISSUES

5.1 Road Safety Audit Scope

The traffic engineering consultant undertook a road safety audit on the following roads in accordance with the terms of reference agreed to by the Jumbuk and Yinnar South Timber Traffic Working Party following the Council resolution of 3 December 2007:

- Jumbuk Road from Junction Road to the Jumbuk Hall;
- Jumbuk Road from Monash Way to Middle Creek Road;
- Middle Creek Road from Jumbuk Road to Upper Middle Creek Road; and
- Upper Middle Creek Road from Middle Creek Road to Vaggs Creek Track.

The Yinnar South Citizens Association requested that the scope of the road safety audit include Jumbuk Road from the Jumbuk Hall to Bolgers Road and Upper Middle Creek Road from Vaggs Creek Track to the ford over Middle Creek.

The Jumbuk Road/Junction Road Safety Action Group requested that the scope of the road safety audit should include Junction Road.

The reasons for not including these roads are as follows:

- Jumbuk Road from the Jumbuk Hall to Bolgers Road was not included in the audit as the non timber traffic is able to be detoured via O'Reillys Hill Road.

- This section of Jumbuk Road from the Jumbuk Hall to the south end of O'Reillys Hill Road would be closed to all traffic except timber traffic when timber cartage is in progress along this section of the road.
- Residents of the two affected properties at Jumbuk Park could use this section of Jumbuk Road when there is a road closure in place subject to communication protocols being implemented by the affected residents and HVP Plantations.
- Upper Middle Creek Road from Vaggs Creek Track to the ford over Middle Creek was not included in the audit as access could be restricted to local traffic and timber traffic only. It is proposed that residents at the two affected properties and HVP Plantations would implement communication protocols to manage the risk. In addition, Latrobe City Council has applied for funding for an amount of \$160,000 under the Better Roads Victoria Rural Local Timber Roads Program to widen sixteen isolated bends on Upper Middle Creek Road. These works when completed will address risk issues on this section of road.
- Junction Road was not included in the audit as the safety issues at Junction Road are known. There are issues with the sight distance at the intersections of Tebb Terrace and Temple Court, crossfall on the bend at the Braniffs Road intersection and concealed driveways. These risks can be managed by restricting the speed of timber traffic to 60 kph on Junction Road.

5.2 Road Safety Audit Report Recommendations

The purpose of the audit was to identify and cost any ameliorative roadworks required to be undertaken in order to improve the safety of the above roads for timber haulage traffic.

The roadworks identified in the report are prioritised as follows:

- **Immediate:** Severe potential hazards which can be and should be addressed prior to the roads being used by logging traffic to ensure a satisfactory standard of safety;
- **Important:** Potential hazards which should be corrected if economically feasible; and
- **Recommended:** Highly desirable that hazards be addressed to maximise safety.

Refer to the Attachment 2 for details of the roadworks and Attachment 1 for the full report including these details. The consultant proposed the prioritisation of the roadworks.

5.3 Latrobe City Council Officers Response to Road Safety Audit Report

The full Council Officer's response to the recommendations of the road safety audit have been included in the final report.

Council Officers for the most part support the recommendations in the road safety audit except for the following exceptions:

- (i) Jumbuk Road from Healys Road to the Jumbuk Hall
 - The installation of 60 kph speed restrictions on Jumbuk Road is not warranted because the 85th percentile for vehicle speeds is below 60 kph. VicRoads are unlikely to approve the installation of speed restriction signs because Jumbuk Road is not located in a residential area.
 - Overtaking facilities are not required at Jumbuk Road because the low speed turnouts are an unorthodox treatment for the area and may cause accidents.
 - Curve alignment markers are not warranted at Jumbuk Road as motorists have an expectation that the road has tight curves. It is suggested that guide posts are installed at approved spacing's as an initial treatment.

- (ii) Jumbuk Road from Monash Way to Middle Creek Road
 - The redesign of the intersection of Monash Way and Jumbuk Road is supported. However, VicRoads is the responsible road authority for this intersection and therefore is responsible for upgrading this intersection. It is suggested that VicRoads are advised of the recommendations of the road safety audit. The risks at this intersection could be mitigated by restricting timber cartage during foggy conditions.
 - The redesign of the intersection at Jumbuk Road and Middle Creek Road is supported. It is suggested that the priority for the works is important rather than immediate. Immediate works are not warranted as there have been no recorded casualty crashes at this intersection. A concrete median was constructed in 2005 to prevent traffic turning right from Jumbuk Road from cutting the corner.

(iii) Middle Creek Road from Jumbuk Road to Upper Middle Creek Road

- The widening and the strengthening of the road pavement from Jumbuk Road to south of the tennis Courts (CH 2.000) will be referred to the indicative rolling five year road rehabilitation program.
- The guard fence on the outside of the bend to the north of Healys Road is not warranted because there is a two metre wide shoulder.
- Advanced warning signs at the approaches to intersections are not warranted because the road is used predominantly by local traffic and there is adequate sight distance at intersections.

(iv) Upper Middle Creek Road from Middle Creek Road to Vaggs Creek Track

- Latrobe City Council has applied to the Better Roads Victoria Rural Timber Roads Program for funding to widen five bends north of Vaggs Creek Track and to resheet and seal a 1.00 kilometre section of road south of Middle Creek Road during the 2009/2010 financial year. A decision on this funding is imminent.
- The culvert near Vaggs Creek Track does not warrant being extended due to the low traffic volumes on Upper Middle Creek Road.

5.3 Design Standards

The Jumbuk Road/Junction Road Safety Action Group has challenged the design standard for widening at curves that allows a minimum desirable seal width that permits a 19 metre long triaxle semi trailer to pass a car with minimal clearance.

This design standard was adopted by Latrobe City Council for the roadworks that were carried out at Budgeree Road which is a timber haulage road that carries more logging traffic than Jumbuk Road. This standard is based on the low probability of a truck passing a truck on a given section of road. Trucks used in timber haulage operations communicate their position with 2-way radios and other truck drivers entering these areas would also be aware of this protocol.

In addition, the road safety risk posed by a truck passing a truck in a low speed, low traffic volume environment on a mountain road is lower than that posed on a high speed road on flat terrain. The risk posed by a truck passing a truck needs has to be balanced against the impact on the environment caused by the construction of large side cuttings and the cost of the widening works.

The Jumbuk Road/Junction Road Safety Action Group raised the issue of the safety audit not recommending that a guard fence be installed adjacent to the steep drop offs on Jumbuk Road.

If Council adopted VicRoads warrants for the installation of guard fence, all mountain roads within Latrobe City would require the installation of guard fence along the entire road length at significant cost. In addition, the road shoulders would need to be widened to a width of two metres because VicRoads guidelines require guard fences to be one metre clear of the edge of seal with the balance of the shoulder required to support the footings for the guard fence.

Guard fences need to be installed at the specified clearances so as not to create a hazard for motorists. There is an inherent risk with guard fences on mountain roads with vehicles ricocheting into the path of on coming traffic after colliding with the guard fence or with vehicles being shepherded into the on coming lane by the guard fence.

Latrobe City Council has not yet developed standards for the installation of guard fences on mountain roads using the AustRoads "extended domain approach" which allows for risk to be balanced against cost to facilitate the development of design guidelines for local roads. The VicRoads guidelines do not consider the low risk environment on mountain roads where there are low speeds and low traffic volumes.

The Jumbuk Road/Junction Road Safety Action Group has challenged the design standard for the width of seal on straights of 5.5 metres for roads affected by timber traffic.

The seal width of 5.5 metres is the adopted standard for local access roads like Jumbuk Road. This standard was adopted for the road widening works at Budgeree Road, which is a major timber haulage road from the Strzelecki Ranges. A width of 5.5 metres is acceptable on mountain roads where there is a low speed, low traffic volume environment. It is desirable that a seal width of 7.0 metres is adopted for roads affected by timber traffic. However, the risk posed by a truck passing another vehicle needs to be balanced against the impact on the environment caused by the construction of large side cuttings and the cost of the widening works.

The following table includes a comparison of the seal and formation widths on the worst sections of Jumbuk Road and other roads where residences exist on roads used by timber traffic. The data indicates that Jumbuk Road has a wider seal and formation width than a number of the roads currently used by timber traffic:

Road	Seal Width (m)	Formation Width (m)
Jumbuk Road south of Summerfield Track	5.3	6.1
Budgeree Road south of Roys Road	5.6	6.6
Callignee South Road north of Flynns Creek	4.5	6.0
Darlimurla Road west of Todds Road	n/a	6.5
Dobbins Road near Dobbins Hill	n/a	4.2
Glendonald Road east of Jellefs Outlet	n/a	4.9
Jeeralang North Road north of Thomson Road	n/a	4.5
Jeeralang West Road south of Farleys Road	5.6	6.1
MacIntoshs Road east of Todds Road	n/a	4.2
Morwell River Road south of Xuerebs Outlet	4.5	5.5
Taylor's Road north of Browns Road	n/a	5.2
The Mill Road north of Budgeree Road	n/a	4.5
Traralgon Creek Road south of Taylor's Road	4.7	5.5
Whitelaws Track south of Colliers Road	5.5	6.5

5.4 Jumbuk Road/Junction Road Safety Action Group Submission

A submission dated 22 July 2009 was received from the Jumbuk Road/Junction Road Safety Action Group. Refer to Attachment 4 for details.

The Group are opposed to timber traffic using Jumbuk Road and Junction Road even if the road is upgraded in accordance with the recommendations of the road safety audit due to concerns about road safety.

The Group stated in their submission that the following issues were deficient or were not considered in the road safety audit:

- steep drop offs;
- clearance to trees;
- audit at Junction Road;

- other truck traffic;
- shoulder strength;
- pavement depth;
- pavement strength;
- narrow seal widths;
- clear zones from edge of seal;
- clearance between passing vehicles;
- shoulder widths;
- no widening on straights; and
- pedestrian access.

5.5 Yinnar South Citizens Association Submission

A submission dated 23 July 2009 was received from the President of the Yinnar South Citizens Association. Refer to Attachment 5 for further details.

The Association has requested that timber traffic not be permitted to use the Jumbuk Road/Middle Creek Road/Upper Middle Creek Road route until such time as the roads are upgraded to their satisfaction. The Association has also requested that the priority on some upgrade works is escalated in accordance with advice provided by the Association at their meeting on 18 March 2009.

5.6 HVP Plantations Submission

A submission dated 30 June 2009 was received from HVP Plantations. Refer to Attachment 6 for further details.

HVP Plantations have advised that the coupes adjacent to Jumbuk Road will have to be harvested within the next eighteen months due to the loss of timber resources in the Boolarra and Churchill bushfires and because the logs are growing too large for their customers due to harvesting being delayed for several years due to access issues and community concerns. The timber is required to fulfil contractual obligations with the local paper mill and sawmill.

HVP Plantations preferred option is for 2-way truck traffic on Junction Road and Jumbuk Road from Junction Road to Bolgers Road. HVP Plantations support this option for the following reasons:

- The cost to upgrade Jumbuk Road is \$1.3 million compared to \$2.7 million for Middle Creek Road.
- Lower fuel consumption per tonne of wood delivered i.e. lower greenhouse gas emissions.
- Social equity i.e. timber traffic is not being shifted onto other roads.

- Safer cartage route due to low traffic volumes and vehicle speeds.
- VicRoads casualty crash data for Jumbuk Road indicates that the accidents are single vehicle accidents that occur outside the time that the trucks will be using the road. Refer to Page 11 of Attachment 1 - Road Safety Audit for details regarding casualty crashes.

HVP Plantations no longer support the Vaggs Creek Track route mainly because of the delays involved in upgrading this route. Some loaded log trucks will still need to travel via Jumbuk Road even if the Vaggs Creek Track is used.

HVP Plantations do not support the cartage of timber via the Jeeralang West Road and Jeeralang North Road route because the increase cartage costs will mean that the harvesting and cartage costs will exceed the sale price of the wood. HVP Plantations believe that Jumbuk Road is a safer route than Jeeralang North Road.

5.7 Legal Advice

Legal advice has been sought regarding the ability of Latrobe City Council to impose load limits on Jumbuk Road.

The advice indicates that Latrobe City Council has the power to impose a permanent load limit on Jumbuk Road under the provisions of Clause 12, Schedule 11 of the *Local Government Act 1989*:

“A Council may prohibit or restrict the use of a road by any motor vehicle of, or over, a certain size or weight.”

However, the exercise of this power must be consistent with Administrative Law principles and must take into account all relevant considerations and ignore all irrelevant considerations. The decision must not be unreasonable.

If Council acts validly, it cannot be liable to compensate HVP Plantations.

However there appears to be no obvious reason why the prohibition of trucks from Jumbuk Road should apply in respect to gross vehicle mass of vehicles rather than vehicle length as suggested in earlier reports.

There is also the potential for an argument that the availability of widespread exemptions issued to date makes for unreasonableness on account of discrimination.

If the informal agreement between the former Shire of Morwell and APM Forests Pty Ltd is deemed to form a contract then that may expose Council to legal action.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

The Safety Audit report recommended a list of ameliorative actions to enable log trucks to use Jumbuk, Middle Creek and Upper Middle Creek Roads.

A funding opportunity is available from the Better Roads Victoria Rural Local Timber Roads Program which aims to assist in the upgrade of local timber roads that play a significant role in the transporting of timber in regional Victoria. All Gippsland Regional submissions are required to be submitted to VicRoads by Friday, 23 October 2009.

The objective of this activity is to assist municipalities (Councils contribute 1/7th (14%) and VicRoads 6/7th (86%)) upgrade local roads affected by the transporting of significant quantities of timber from forests and plantations. Where sealing works are involved municipalities are required to pay for the cost of the sealing works as well as the 1/7th (14%) contribution.

Roads being nominated for this program are discussed and prioritised by VicRoads Regional Services with relevant timber industry representatives in line with the Victorian Government's strategic objectives. In assessing priorities, VicRoads considers the following:

- Tonnage of timber being transported on the route;
- Current condition of the route;
- Composition of traffic using the route;
- Impact of timber cartage on pavement deterioration;
- Safety record of the route;
- Cost and scope of before and after studies;
- Economic benefit of the project.

VicRoads ranks proposals according to the estimated average yearly tonnage over the next five year period and the estimated cost of the project.

The Better Roads Victoria Rural Local Timber Roads Program is a competitive program where bids from across the state are assessed. While the case and support for the Jumbuk Road works are supported by the local timber industry and the local Gippsland Councils it is not a certainty that funding will be forthcoming.

VicRoads Officers indicated at a recent stakeholders meeting with municipalities and the timber industry to discuss priorities for the Better Roads Victoria Rural Local Timber Roads Program that Latrobe City Council will increase the chances of successfully obtaining funding if their contribution is increased to at least 30% to 50% of the cost of the roadworks for Jumbuk Road. Other municipalities in the region sometimes contribute more than the required 1/7th (14%) with Wellington Shire Council currently contributing 50% towards every application that they make to this program.

The estimated costs of the recommended ameliorative actions from the Road Safety Audit are set out below and are based on a Latrobe City Council contribution of 30%.

HVP along with any other road users are not obliged to contribute to road upgrades.

6.1 Jumbuk Road from Junction Road to the Jumbuk Hall

The draft Road Safety Audit estimated that Council will need to expend \$1,303,250 to provide a safer road for 2-way log truck traffic.

	VicRoads Contribution	Council Contribution	Total
Year 1	\$ 280,000.00	\$ 120,000.00	\$ 400,000.00
Year 2	\$ 300,000.00	\$ 150,000.00	\$ 450,000.00
Year 3	\$ 300,000.00	\$ 150,000.00	\$ 450,000.00
TOTAL:	\$ 880,000.00	\$ 420,000.00	\$ 1,300,000.00

6.2 Vaggs Creek Track

Funding for this option is not available until Latrobe City Council formalises the track into a public road. The estimated cost for legal fees and survey costs to create the road easement is \$100,000.

The construction cost of Vaggs Creek Track is estimated to be \$805,000. The total cost including creating the public road would be \$905,000.00.

	VicRoads Contribution	Council Contribution	Total
Year 1	Nil	\$ 100,000.00	\$ 100,000.00
Year 2	\$ 283,000.00	\$ 122,000.00	\$ 405,000.00
Year 3	\$ 280,000.00	\$ 120,000.00	\$ 400,000.00
TOTAL:	\$ 563,000.00	\$ 342,000.00	\$ 905,000.00

6.3 Jumbuk Road from Monash Way to Middle Creek Road

The Council Officers response to the final road safety audit recommended that roadworks for an amount of \$2,363,600 are carried out at Jumbuk Road from Monash Way to Middle Creek Road. It is suggested that the roadworks prioritised as immediate are carried out during the 2010/2011 financial year.

Priority	Amount
Immediate	\$ 32,500.00
Important	\$ 773,100.00
Recommended	\$ 1,550,000.00
TOTAL:	\$ 2,362,600.00

6.4 Middle Creek Road

The Council Officers response to the final road safety audit has recommended that roadworks for an amount of \$1,416,850 are carried out at Middle Creek Road. It is suggested that the roadworks prioritised as immediate are carried out during the 2010/2011 financial year.

Priority	Amount
Immediate	\$ 21,150.00
Important	\$ 1,395,700.00
Recommended	Nil
TOTAL:	\$ 1,416,850.00

The Council Officers response to the final road safety audit has recommended that the section of Middle Creek Road from Jumbuk Road to south of the tennis courts is rehabilitated at an estimated cost of \$1,550,000. It is suggested that the project is included in the indicative rolling five year road rehabilitation program and staged over two years.

6.5 Upper Middle Creek Road

An application for funding for this project has been submitted to the Better Roads Victoria Rural Local Timber Roads Program and a decision on the success of the application is imminent. It is proposed that the works will be staged over 3 years.

The works at Upper Middle Creek Road between Middle Creek Road and the ford involve the widening of sixteen isolated bends, the resheeting of the road formation with crushed rock and the sealing of the gravel road from CH 00 to CH 1.00 and CH 4.80 to CH 5.30.

	VicRoads Contribution	Council Contribution	Total
Year 1	\$ 160,000.00	\$ 66,500.00	\$ 226,500.00
Year 2	\$ 160,000.00	\$ 66,500.00	\$ 226,500.00
Year 3	Nil	\$ 67,000.00	\$ 67,000.00
TOTAL:	\$ 320,000.00	\$ 200,000.00	\$ 520,000.00

6.6 Summary

The following table provides a summary of the recommended expenditure on the timber cartage route:

Road	VicRoads	Council	Total
2009/2010			
Upper Middle Ck Rd	\$ 160,000	\$ 66,500	\$ 226,500
TOTAL:	\$ 160,000	\$ 66,500	\$ 226,500
2010/2011			
Jumbuk Road south	\$ 280,000	\$ 120,000	\$ 400,000
Jumbuk Road north	Nil	\$ 32,500	\$ 32,500
Middle Creek Road	Nil	\$ 21,150	\$ 21,150
Upper Middle Ck Rd	\$ 160,000	\$ 66,500	\$ 226,500
TOTAL:	\$ 440,000	\$ 240,150	\$ 680,150
2011/2012			
Jumbuk Road south	\$ 300,000	\$ 150,000	\$ 450,000
Middle Creek Road	Nil	\$ 775,000	\$ 775,000
Upper Middle Ck Rd	Nil	\$ 67,000	\$ 67,000
TOTAL:	\$ 300,000	\$ 992,000	\$1,292,000
2011/2012			
Jumbuk Road south	\$ 300,000	\$ 150,000	\$ 450,000
Middle Creek Road	Nil	\$ 775,000	\$ 775,000
TOTAL:	\$ 300,000	\$ 925,000	\$1,225,000

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Meetings were held with interested stakeholders who included the Jumbuk Road/Junction Road Safety Action Group, the Yinnar South Citizens Association, HVP Plantations and the Infrastructure Development Team for Latrobe City Council.

At each stage of the community engagement process information was conveyed to stakeholders via e-mail or hand delivery.

Details of Community Consultation / Results of Engagement:

Stakeholders were given an opportunity to review the brief for the road safety audit, the draft report for the road safety audit and the final report for the road safety audit. Stakeholders were also given the opportunity to provide information for the development of the road safety audit.

The consultant held meetings with each stakeholder and used feedback from the stakeholders to develop the draft road safety audit. The consultant then presented the draft report to each stakeholder and used the feedback to develop the final report.

8. **OPTIONS**

8.1 Timber Cartage Options for Jumbuk and Yinnar South

There are three options as well as steps that can be taken to further mitigate risks for each of these options. The three options available are:

- Option 1: Stop timber traffic from using Jumbuk Road
- Option 2: Allow one way timber traffic on Jumbuk Road
- Option 3: Allow two way timber traffic on Jumbuk Road

These three options are further explored below.

Option 1: Stop Timber Traffic from using Jumbuk Road

The Jumbuk Road/Junction Road Safety Action Group has requested that log trucks not be permitted to travel along Jumbuk Road due to their concerns with safety issues.

HVP Plantations requires access to the section of Jumbuk Road from the north end of Summerfield Track to Bolgers Road in order to harvest the pine plantations on the western side of this section of the road. HVP Plantations would not be able to harvest these plantations without having access to Jumbuk Road. These plantations need to be logged with a cable harvester due to the steepness of the terrain. The cable harvester would need to be set up on the high side of the logging coupes adjacent to Jumbuk Road. The logs would be snigged up to the road to be loaded on to trucks.

Legal advice has indicated that Latrobe City may be exposed to legal litigation if log trucks are restricted from using Jumbuk Road. Timber customers of HVP and their operations would also be affected if HVP Plantations are not able to harvest the plantations adjacent to Jumbuk Road.

The Jumbuk Road/Junction Road Safety Action Group has suggested that timber traffic access the logging coupes on Jumbuk Road via the **Jeeralang West Road/Jeeralang North Road route**. As indicated above, two way timber traffic would still need to use Jumbuk Road from the north end of Summerfield Track to Bolgers Road.

The advantage with this route is that logging trucks will be using established logging routes. However, the disadvantage with this route is that the route is longer than the Jumbuk Road/Junction Road route being 48.9 kilometres versus 18.2 kilometres.

HVP Plantations is opposed to this option as the plantation may become economically unviable due to the increased cartage costs. HVP Plantations indicated in 2006 that their firm would incur additional cartage costs of \$757,000 over each harvesting cycle.

Furthermore, a 1.30 kilometre section on Jumbuk Road to the south of Bolgers Road will need to be upgraded at an estimated cost of \$115,000. The works involve resheeting the road pavement, widening of three bends and pruning of overhanging trees.

Option 2: Allow One Way Timber Traffic on Jumbuk Road

The Yinnar South Citizens Association has requested that one way timber traffic is permitted to travel along Jumbuk Road due to their concerns about the inequity of all timber traffic being directed along the Upper Middle Creek Road/Middle Creek Road/Jumbuk Road route.

The Association has proposed that unloaded logging trucks would travel south bound along the Junction Road/Jumbuk Road route with loaded trucks travelling south bound via the Vaggs Creek Track route or the Jeeralang West Road / Jeeralang North Road route. As indicated above, loaded trucks will still need to travel along Jumbuk Road from the north end of Summerfield Track to Bolgers Road.

Latrobe City Council has similar arrangements with HVP at Jeeralang West Road, Whitelaws Track and Golden Gully Road. Previous experience has shown that the operation of one way truck traffic on logging routes has provided a safe environment for road users.

An unloaded logging truck with the jinker retracted would have a similar turning path at bends as other vehicles which are currently using Jumbuk Road such as the school bus, garbage truck, car towing a caravan, delivery truck, tip truck or vehicle towing a tandem trailer.

The final road safety audit recommended that ameliorative actions for an amount of \$1,301,350 would need to be carried out to enable log trucks to travel south bound along Jumbuk Road from Junction Road to the Jumbuk Hall. These roadworks include the widening of bends to enable a car and a semi trailer to pass, a reduced speed limit, construction of low speed turnouts (overtaking lane) and additional signage to improve delineation.

The **Vaggs Creek Track** route could be developed as a strategic logging route for timber plantations abutting Jumbuk Road. In addition, the track could be used as a fire access track and for recreation pursuits i.e. bush walking, four wheel driving, horse riding and mountain bike riding.

The track is currently not suitable for truck traffic because of the lack of cross drainage and a suitable crushed rock pavement. HVP Plantations road maintenance contractor has estimated that the cost to upgrade the track to a 3.7 metre wide single lane all weather track is \$805,000.

Vaggs Creek Track is located on land owned by HVP Plantations and land leased by HVP Plantations from the Crown.

VicRoads has indicated that Vaggs Creek Track does not meet the criteria for funding under the Better Roads Victoria Rural Local Timber Roads Program because the track is not a public highway. A road easement would need to be created over Vaggs Creek Track.

Latrobe City Council could swap the unused road reserve at Bolgers Road for the land at Vaggs Creek Track to create the road easement. It is estimated that it would cost \$100,000 to create the road easement.

The Yinnar South Citizens Association has also requested that all roadworks be completed prior to timber traffic being permitted to use the Upper Middle Creek Road/Middle Creek Road/Jumbuk Road route.

The final road safety audit recommended that ameliorative actions for an amount of \$2,749,650 would need to be carried out to make this route safer when there is 2-way timber traffic. The roadworks at Jumbuk Road include modifications to the Monash Way/Jumbuk Road and Jumbuk Road/Middle Creek Road intersections, provision of right turn lanes at the Walshs Road intersection and additional signage and linemarking to improve delineation. The roadworks at Middle Creek Road involve widening and strengthening of the road pavement and additional signage for improved delineation. The roadworks at Upper Middle Creek Road include the widening of bends, the sealing of the road pavement and improved delineation.

Jumbuk Road and Middle Creek Road are approved B-double routes that are currently used by milk tankers to pick up milk from five dairies. Based on the information provided by a dairy company it has been calculated that 10,950 loaded milk tankers would use the route during the thirty year harvesting cycle of the timber plantations in the area. With the 2-way timber traffic option at the south end of Jumbuk Road the dairy industry has 3.3 times the impact on the road network than the timber industry.

Option 3: Allow Two Way Timber Traffic on Jumbuk Road
HVP Plantations has requested that two way timber traffic is permitted along the Junction Road/Jumbuk Road route.

Jumbuk Road was previously used by log trucks to cart native eucalypt until the late 1960's. The log trucks were semi trailers consisting of a prime mover with a single drive axle and a trailer with a single axle.

In the intervening years since the softwood and hardwood plantations were established the land use in this area has changed from predominately farm or forestry to rural residential.

The draft road safety audit recommended that ameliorative actions for an amount of \$1,303,250 would need to be carried out to enable log trucks to travel south bound and north bound along Jumbuk Road from Junction Road to the Jumbuk Hall. These works include the widening of bends to enable a car and a semi trailer to pass, a reduced speed limit for logging traffic, strengthening of the pavement, construction of low speed turnouts and additional signage to improve delineation.

The draft report had considered a scenario of 2-way timber traffic on Jumbuk Road instead of 1-way traffic. The consultant used the curve widening table developed by Council Officers for Jumbuk Road which allows a semi trailer to pass a car.

It is proposed that the roadworks are staged over a three year period to allow for sufficient lead time to resolve potential issues concerning native vegetation removal and land tenure.

The two way timber traffic option is more cost effective and more likely to be achieved in a shorter lead time than the one way timber traffic option. With the one way traffic option, Jumbuk Road and Vaggs Creek Track both need to be upgraded for an amount of \$2.30 million potentially over a six year period. There is a substantial risk that funding may not be able to be sourced for the upgrade of Vaggs Creek Track.

HVP propose to undertake harvesting for approximately eight months per year over a four year period. If Jumbuk Road was upgraded to allow for two way timber traffic, the local residents and users of Jumbuk Road would have the benefit of a safer road without timber traffic for 26 out of 30 years. It is unlikely that funding would be obtained to upgrade the road if timber traffic was not permitted to use the road.

Latrobe City Council recently widened a hairpin bend adjacent to No 875 Jumbuk Road in 2003 following a request from HVP Plantations. A subsequent request for the bend to be widened was received from a resident following a collision between a school bus and a car.

8.2 Safety Mitigation for Timber Cartage Options

There are further steps that can be carried out to mitigate risks involved with using these roads for logging operations.

8.2.1 Jumbuk Road / Junction Road

In the event that 1-way or 2-way timber traffic is permitted to use the Jumbuk Road/Junction Road route, it is recommended that the following risk control measures are implemented on the route prior to timber cartage commencing:

(a) Load Limit on Jumbuk Road

If Jumbuk Road is used for timber traffic then the current 23 tonne gross load limit and permit conditions could be retained until roadworks are completed at Jumbuk Road. When the roadworks are complete an eight tonne gross load limit could be imposed from 9.00 pm to 6.30 am to protect the amenity of the neighbourhood. Similar load limits have been imposed at Jeeralang West Road and Whitelaws Track due to complaints about timber traffic using the road at 4.00 am.

Should Council resolve to restrict timber traffic from using the road, it is recommended that a 7.5 metre length limit is imposed on the road rather than a load limit. The safety assessment identified that long vehicles are likely to cross the separation line at sharp bends on Jumbuk Road. Legal advice has suggested that there is a possibility that a load limit could be challenged on the basis that the size of the vehicle rather than the mass of the vehicle poses a risk to other road users.

It is proposed that exemptions for any load limit or size limit are only granted to emergency vehicles or vehicles undertaking road maintenance. Legal advice has indicated that if unlimited exemptions are granted there is a possibility that the load limit or size limit could be challenged for being discriminatory.

(b) Speed Restrictions

During January 2009, Parks Victoria harvested a pine tree plantation in the Morwell National Park following a request from residents of Jumbuk Road to reduce a perceived fire hazard to the adjacent properties. The load limit permit that was granted for the timber cartage operation imposed a voluntary 40 kph and 60 kph speed restriction on log trucks travelling along Jumbuk Road and Junction Road respectively. Traffic counts indicated that the voluntary speed restrictions were complied with. Further timber cartage operations using these roads should comply with these limits.

(c) Enforcement of Curfew and Speed Restrictions

HVP Plantations are in the process of installing GPS in trucks in order to monitor vehicle speeds and movements. The GPS would be able to identify trucks that have breached any restrictions. HVP Plantations should suspend the contract of any transport operator who breaches any restrictions.

A condition that trucks involved in timber cartage on these routes should be included to require the fitment of these GPS units.

(d) Advisory Signs

Fold down signs or multi message boards should be used to advise motorists when timber cartage is in progress.

(e) 2-way Radios

Any trucks engaged in the timber operation should be required to communicate their location to other drivers via 2-way radio on UHF channel 28.

(f) School Bus

HVP Plantations should be restricted from timber cartage along Jumbuk Road and Junction Road when the school bus is using the road. This risk measure would also mitigate the risks involved with children and parents waiting at the roadside for the school bus. HVP have similar arrangements in place for Jeeralang West Road and Budgerie Road.

Recently during the cartage operation for Morwell National Park a loaded log truck and school bus safely passed. It would be preferable to further separate their activities by specifying times that logging trucks can travel on this section of Jumbuk Road and on Junction Road.



(g) Emergency Vehicles

HVP Plantations should be required to notify emergency services in writing prior to the commencement of the timber cartage operation. Emergency services should be requested to notify HVP Plantations of their intention to use the roads so that HVP Plantations can arrange for cartage operations to cease while emergency vehicles are using the roads.

(h) Service and Delivery Vehicles

HVP should be required to notify the operators of delivery vehicles such as mail, gas, water etc in writing prior to harvesting commencing. These operators will be advised to instruct their drivers to communicate via the use of 2-way radios.

(i) Single Truck Movements

HVP Plantations should be required to restrict truck traffic so that there is one truck only travelling along the Jumbuk Road/Junction Road portion of the route at any one time.

(j) Inclement Weather

HVP Plantations should be required to not undertake timber cartage during foggy conditions or when there is snow on the ground.

(k) Weekend Cartage

HVP Plantations should be required not to undertake timber cartage on weekends when child pedestrians, horse riders and cyclists are likely to use the road.

(l) Maintenance Inspections

It is proposed that the Latrobe City Council Sealed Road Maintenance Team will undertake weekly inspections of the road while timber cartage operations are in progress. This proposed inspection regime will significantly increase level of service provided from the Latrobe City Council Road Management Plan which requires inspections on sealed access roads with speed restrictions greater than 60 kph to be carried out every 12 to 15 weeks.

Other measures that may be considered:

(i) Pilot Vehicle

During the recent timber harvesting operation at the Morwell National Park a pilot vehicle was used to escort the empty and loaded logging trucks. Feedback from some residents at the south end of Jumbuk Road indicated that this risk control measure was effective.

HVP Plantations are opposed to the use of pilot vehicles for timber cartage due to the additional cost and because a precedent may be set for pilot vehicles to be used on other timber haulage roads. It has estimated that the operation of a pilot vehicle for the timber cartage operation at Jumbuk Road could cost \$910,000 over each harvesting cycle.

(ii) Off Peak Cartage

Timber traffic could be restricted to using the road from 9.00 am to 3.00 pm when peak commuter traffic and the school bus are not using the road. Traffic counts have indicated that during this period an average of 12 vehicles per hour use Jumbuk Road.

HVP Plantations are opposed to off peak cartage as the restriction would affect the flexibility of cartage operations.

8.2.2 Risk Control Measures at Jumbuk Road/Middle Creek Road/Upper Middle Creek Road Route

In the event that timber traffic is permitted to use the Upper Middle Creek/Middle Creek/Jumbuk Road route, it is recommended that the following risk control measures are implemented on the route prior to timber cartage commencing:

(a) Speed Restrictions

A voluntary 40 kph speed restriction be imposed on Upper Middle Creek Road and an 80 kph speed restriction be imposed on Middle Creek Road and Jumbuk Road.

(b) Advisory Signs

Fold down signs or multi message boards should be used to advise motorists when timber cartage is in progress.

(c) Inclement Weather

The safety issues at the intersections along the route should be ameliorated by restricting timber cartage during foggy conditions.

(d) School Bus

Timber cartage should be restricted along the route when the school bus is using the road.

(e) Maintenance Inspections

It is proposed that the Latrobe City Council Sealed Road Maintenance Team will undertake weekly inspections of the road while timber cartage operations are in progress. This proposed inspection regime will significantly increase level of service provided from the Latrobe City Council Road Management Plan which requires inspections on sealed access roads with speed restrictions greater than 60 kph to be carried out every 12 to 15 weeks.

9. CONCLUSION

A viable route is required by HVP to extract timber from their logging coupes in the Jumbuk Road and Upper Middle Creek Road areas of Jumbuk and Yinnar South. This area was planted between 1974 and 1977 and the coupes have been maintained since that time.

An informal agreement between the former Shire of Morwell and APM Forests Pty Ltd in 1990, agreed on ten routes for timber traffic and Jumbuk and Junction Roads were included in this agreement.

Legal advice received from Latrobe City Council's legal advisors indicates that Latrobe City Council has the power to impose a permanent load limit on Jumbuk Road under the provisions of the Local Government Act.

However, the exercise of this power must be consistent with Administrative Law principles and must take into account all relevant considerations and ignore all irrelevant considerations. The decision must not be unreasonable.

If Council acts validly, it cannot be liable to compensate HVP Plantations.

However there appears to be no obvious reason why the prohibition of trucks from Jumbuk Road should apply in respect to gross vehicle mass of vehicles rather than vehicle length. As the length of the vehicle increases more road width is required on a curve for that vehicle to negotiate a bend.

Also there is the potential for an argument that the availability of widespread exemptions makes for unreasonableness on account of discrimination.

If the informal agreement between the former Shire of Morwell and APM Forests Pty Ltd. is deemed to form a contract and logging trucks are not allowed to use Jumbuk and Junction Roads then that could potentially expose Council to legal action.

A funding source (Better Roads Victoria Rural Local Timber Roads Program) has been identified to cover the majority of the ameliorative costs of upgrading Jumbuk Road, however the Gippsland Regional funding submission needs to be finalised by VicRoads by Friday 23 October 2009.

10. RECOMMENDATION

1. That Council permits 2-way timber traffic to travel on the Jumbuk Road/Junction Road route when the accepted roadworks identified in the Road Safety Audit are completed.
2. That Council submits a funding application to upgrade Jumbuk Road as recommended in the Road Safety Audit to Better Roads Victoria Rural Local Timber Roads Program by 23 October 2009, for an amount of \$1,300,000.00 and Council contribute 30% to this upgrade which amounts to \$420,000.00.

The funding application is to be based on the following amounts with Year 1 anticipated to be the 2010/2011 financial year and Years 2 & 3 to be subsequent years:

	VicRoads Contribution	Council Contribution	Total
Year 1	\$ 280,000.00	\$ 120,000.00	\$ 400,000.00
Year 2	\$ 300,000.00	\$ 150,000.00	\$ 450,000.00
Year 3	\$ 300,000.00	\$ 150,000.00	\$ 450,000.00
TOTAL:	\$ 880,000.00	\$ 420,000.00	\$ 1,300,000.00

3. That Council permits 2-way timber traffic to travel on the Upper Middle Creek Road/Middle Creek Road/Jumbuk Road route when the accepted roadworks indentified as "Immediate" in the Road Safety Audit are completed.
4. That a Jumbuk and Yinnar South Timber Traffic Reference Group is established to monitor the progress of roadworks and timber traffic on the Jumbuk Road/Junction Road and Upper Middle Creek Road/Middle Creek Road/Jumbuk Road routes. Membership of the Reference Group will include the Gunyah Ward Councillor, other nominated Councillors and two members each from the Jumbuk Road/Junction Road Safety Action Group, the Yinnar South Citizens Association and HVP Plantations. The Reference Group will meet twice per year until timber harvesting operations are completed or as required.
5. That Council continues to impose the interim 23 tonne gross load limit and associated risk control measures on Jumbuk Road from Junction Road to Healys Road, as adopted at the Ordinary Council Meeting held on 1 October 2007, until such time as the accepted roadworks identified in the Road Safety Audit are completed.
6. That when the accepted roadworks identified in the Road Safety Audit are completed on Jumbuk Road from Junction Road to Healys Road and the interim 23 tonne gross load limit is removed, that Council impose an eight tonne gross load limit from 9.00 pm to 6.30 am on Jumbuk Road from Junction Road to Healys Road until the logging operations are completed.
7. That HVP Plantations implement the following risk control measures on the Junction Road/Jumbuk Road route prior to the commencement of timber harvesting:
 - (a) A voluntary 40 kph and 60 kph speed restriction is required to be imposed on trucks travelling along Jumbuk Road and Junction Road respectively.

- (b) Curfews and voluntary speed restrictions are required to be monitored and enforced by installing GPS instrumentation in trucks.
 - (c) Fold down advisory signs are required to be erected on Jumbuk Road and Junction Road to advise motorists when timber cartage is in progress.
 - (d) Trucks are required to communicate their location to other drivers via 2-way radio on UHF channel 28.
 - (e) Trucks are not permitted to travel along Jumbuk Road and Junction Road when the school bus is using the road. Restricted times to be included in the coupe plans after negotiation with the affected bus companies.
 - (f) Emergency services are required to be notified in writing about the timber harvesting operation prior to the commencement of cartage operations. The coupe plans are required to include protocols which require emergency services to notify HVP Plantations of their intention to use the roads and for HVP Plantations to arrange for cartage operations to cease while emergency vehicles are using the roads.
 - (g) The operators of delivery vehicles such as mail, gas, water etc are required to be notified in writing about the timber harvesting operation prior to commencement of cartage. These operators will be advised to instruct their drivers to use 2-way radios.
 - (h) Restrict truck traffic so that there is one truck only travelling along the Jumbuk Road/Junction Road portion of the route at any one time.
 - (i) Timber cartage must not be undertaken during foggy conditions or when there is snow on the ground.
 - (j) Timber cartage must not be undertaken on weekends or public holidays.
8. That HVP Plantations implement the following risk control measures on the Upper Middle Creek Road/Middle Creek Road/Jumbuk Road route prior to the commencement of timber harvesting:
- (a) A voluntary 40 kph and 80 kph speed restriction is required to be imposed on trucks travelling along Upper Middle Creek Road and Middle Creek Road/Jumbuk Road respectively.
 - (b) Voluntary speed restrictions are required to be monitored and enforced by installing GPS instrumentation in trucks.
 - (c) Fold down advisory signs are required to be erected on Upper Middle Creek Road, Middle Creek Road and Jumbuk Road to advise motorists when timber cartage is in progress.

- (d) Trucks are not permitted to travel along Upper Middle Creek Road/Middle Creek Road/Jumbuk Road route when the school bus is using the road.
 - (e) Timber cartage must not be undertaken during foggy conditions.
9. That the Latrobe City Council Sealed Road Maintenance Team will undertake weekly inspections of the Jumbuk Road/Junction Road and Middle Creek/Jumbuk Road routes while timber cartage operations are in progress.
 10. That Council applies for funding for an amount of \$1,300,000 from Better Roads Victoria Rural Local Timber Roads Program to upgrade Jumbuk Road from Junction Road to Healys Road.
 11. That the rehabilitation of Middle Creek Road from south of Jumbuk Road to south of the Yinnar South Tennis Courts is included in the road rehabilitation program.
 12. That the accepted "Immediate" roadworks identified in the Road Safety Audit at the Jumbuk Road/Middle Creek Road/Upper Middle Creek Road route for an amount of \$120,000 are referred to the 2010/2011 Capital Works Program for consideration.
 13. That Council advises HVP Plantations of the intention to renegotiate the current operational arrangements in relation to timber traffic using Jumbuk Road when the forthcoming harvesting operations are completed.

ADJOURNMENT

The meeting was adjourned at 9.07 pm

The meeting was resumed at 9.19 pm

Moved: Cr Middlemiss

Seconded: Cr Lougheed

1. That Council accepts in principle the need to permit timber traffic to travel on the Jumbuk Road/Junction Road route when the accepted roadworks identified in the Road Safety Audit are completed.
2. That Council submits a funding application to upgrade Jumbuk Road/Upper Middle Creek Road/Middle Creek Road as recommended in the Road Safety Audit to Better Roads Victoria Rural Local Timber Roads Program by 23 October 2009.
3. That Council accepts in principle the need to permit timber traffic to travel on the Upper Middle Creek Road/Middle Creek Road/Jumbuk Road route when the accepted roadworks indentified as "Immediate" in the Road Safety Audit are completed.
4. That a Jumbuk and Yinnar South Timber Traffic Reference Group is established to monitor the progress of roadworks and timber traffic on the Jumbuk Road/Junction Road and Upper Middle Creek Road/Middle Creek Road/Jumbuk Road routes. Membership of the Reference Group will include the Gonyah Ward Councillor, other nominated Councillors and two members each from the Jumbuk Road/Junction Road Safety Action Group, the Yinnar South Citizens Association and HVP Plantations. The Reference Group will meet twice per year until timber harvesting operations are completed or as required.
5. That Council continues to impose the interim 23 tonne gross load limit and associated risk control measures on Jumbuk Road from Junction Road to Healys Road, as adopted at the Ordinary Council Meeting held on 1 October 2007, until such time as the accepted roadworks identified in the Road Safety Audit are completed.
6. That when the accepted roadworks identified in the Road Safety Audit are completed on Jumbuk Road from Junction Road to Healys Road and the interim 23 tonne gross load limit is removed, that Council impose an eight tonne gross load limit from 9.00 pm to 6.30 am on Jumbuk Road from Junction Road to Healys Road until the logging operations are completed.
7. That HVP Plantations implement the following risk control measures on the Junction Road/Jumbuk Road route prior to the commencement of timber harvesting:
 - (a) A voluntary 40 kph and 60 kph speed restriction is required to be imposed on trucks travelling along Jumbuk Road and Junction Road respectively.
 - (b) Curfews and voluntary speed restrictions are required to be monitored and enforced by installing GPS instrumentation in trucks. The records from these GPS devices be made available to Council on request.
 - (c) Fold down advisory signs are required to be erected on Jumbuk Road and Junction Road to advise motorists when timber cartage is in progress.
 - (d) Trucks are required to communicate their location to other drivers via 2-way radio on UHF channel 28.

- (e) Trucks are not permitted to travel along Jumbuk Road and Junction Road when the school bus is using the road. Restricted times to be included in the coupe plans after negotiation with the affected bus companies.
 - (f) Emergency services are required to be notified in writing about the timber harvesting operation prior to the commencement of cartage operations. The coupe plans are required to include protocols which require emergency services to notify HVP Plantations of their intention to use the roads and for HVP Plantations to arrange for cartage operations to cease while emergency vehicles are using the roads.
 - (g) The operators of delivery vehicles such as mail, gas, water etc are required to be notified in writing about the timber harvesting operation prior to commencement of cartage. These operators will be advised to instruct their drivers to use 2-way radios.
 - (h) Restrict truck traffic so that there is one truck only travelling along the Jumbuk Road/Junction Road portion of the route at any one time.
 - (i) Timber cartage must not be undertaken during foggy conditions or when there is snow on the ground.
 - (j) Timber cartage must not be undertaken on weekends or public holidays.
8. That HVP Plantations implement the following risk control measures on the Upper Middle Creek Road/Middle Creek Road/Jumbuk Road route prior to the commencement of timber harvesting:
- (a) A voluntary 40 kph and 80 kph speed restriction is required to be imposed on trucks travelling along Upper Middle Creek Road and Middle Creek Road/Jumbuk Road respectively.
 - (b) Voluntary speed restrictions are required to be monitored and enforced by installing GPS instrumentation in trucks.
 - (c) Fold down advisory signs are required to be erected on Upper Middle Creek Road, Middle Creek Road and Jumbuk Road to advise motorists when timber cartage is in progress.
 - (d) Trucks are not permitted to travel along Upper Middle Creek Road/Middle Creek Road/Jumbuk Road route when the school bus is using the road.
 - (e) Timber cartage must not be undertaken during foggy conditions.
9. That the Latrobe City Council Sealed Road Maintenance Team will undertake weekly inspections of the Jumbuk Road/Junction Road and Middle Creek/Jumbuk Road routes while timber cartage operations are in progress.
10. That Council applies for funding for an amount of \$1,300,000 from Better Roads Victoria Rural Local Timber Roads Program to upgrade Jumbuk Road/Upper Middle Creek Road/Middle Creek Road.
11. That the rehabilitation of Middle Creek Road from south of Jumbuk Road to south of the Yinnar South Tennis Courts is included in the road rehabilitation program.

12. That the accepted “Immediate” roadworks identified in the Road Safety Audit at the Jumbuk Road/Middle Creek Road/Upper Middle Creek Road route for an amount of \$120,000 are referred to the 2010/2011 Capital Works Program for consideration.
13. That Council advises HVP Plantations of the intention to renegotiate the current operational arrangements in relation to timber traffic using Jumbuk Road when the forthcoming harvesting operations are completed.
14. That final consideration of the conditions applicable to the proposed route be undertaken at the Ordinary Council Meeting to be held on 2 November 2009 having given regard to submissions made to the 19 October 2009 Ordinary Council Meeting.

For the Motion

Councillors White, Middlemiss, Vermeulen, Price and Lougheed

Against the Motion

Councillors Gibson, Kam, Fitzgerald, and O’Callaghan

The Mayor confirmed that the Recommendation had been CARRIED

ATTACHMENTS**ATTACHMENT 1**

**JUMBUK ROAD, MIDDLE CREEK ROAD, UPPER MIDDLE CREEK ROAD
ROAD SAFETY AUDIT**

FINAL REPORT

APRIL 2009

**ATTACHMENT 2 – EXTRACT FROM JUMBUK ROAD, MIDDLE CREEK ROAD, UPPER MIDDLE CREEK ROAD
ROAD SAFETY AUDIT**

Table 6.2 Jumbuk Road Junction Road to O'Reilly's Hill Road

Summary of Recommended Actions – Draft Report

Item	Finding	Recommendation	Priority	Cost	Project Manager Response	
					Accept (Y/N)	Comment
6.4.1	The speed limit on Jumbuk Road is 100 km/h. The alignment of the road and restricted sight distance at the horizontal curves would not enable vehicles to safely travel at the posted speed limit.	Install 60 km/h speed limit signs on this section of Jumbuk Road.	Immediate	\$ 3,200.00	NO	85% of vehicles speeds are below 60 kph and therefore speed restrictions signs are not warranted. Also, VicRoads are unlikely to approve the installation of the speed restriction signs.
6.4.2	The pavement width on this section of Jumbuk Road is based on providing sufficient width for a rigid truck and car to pass. Widening of the pavement at some of the curves and improvements to the sight distance would be required.	Widen the pavement at eleven horizontal curves on Jumbuk Road to enable the trucks and cars to pass. Trim the branches or remove the trees on the inside of the curves at six locations to improve the sight distance.	Important	\$ 877,600.00	YES	Estimates for the cost of works may need to be revised to provide for native vegetation offsets. Major earthworks are likely to have an impact on the stability of batters.
6.4.3	The width of the shoulder is narrow and there are edge drop off at the edge of the pavement.	Build up the level of the shoulder to match the edge of the sealed pavement	Important	\$ 95,000.00	YES	

Item	Finding	Recommendation	Priority	Cost	Project Manager Response	
					Accept (Y/N)	Comment
6.4.4	The pavement in the northbound lane would require strengthening to cater for the additional traffic. Also most of the curves have two way crossfall.	Construct a minimum depth granular resheet to strengthen the pavement in the northbound lane. Provide superelevation on the horizontal curves when the pavement is widened.	Important	\$ 142,000.00	YES YES	
6.4.5	There are no overtaking facilities along this section of Jumbuk Road.	Investigate the construction of low speed turnouts in both directions near chainage 2.8 km.	Recommended	\$ 50,000.00	NO	Turnouts are an unorthodox treatment for the area and may cause accidents.
6.4.6	There are several culverts at driveways close to the edge of the traffic lane.	Install a driveable endwall on the end of the culverts.	Immediate	\$ 20,600.00	YES	
6.4.7	The intersection of Jumbuk Road and Junction Road is 'Tee' intersection. There have been two casualty crashes where cars have run through the intersection.	Install hazard markers on the south side of Jumbuk Road facing the southbound traffic on Junction Road. Install an oversize road name and an advance Give Way warning sign on the Junction Road approach.	Immediate	\$ 850.00	YES YES	

Item	Finding	Recommendation	Priority	Cost	Project Manager Response	
					Accept (Y/N)	Comment
6.4.9	There are no curve warning signs and chevron alignment markers on the tight curves.	Install curve warning signs and chevron alignment markers at the tight curves on the road. Renew the linemarking on the centreline of the road.	Immediate	\$ 32,500.00	NO	The curve warning signs are not warranted as motorists have an expectation that the road has tight curves. There is not sufficient clearance on the outside of curves to install CAM's. Consider installing guide posts at approved spacings as the first option
6.4.9	Pedestrians regularly walk along the edge of the road in the morning.	Install a warning sign facing both directions of traffic advising to watch for pedestrians.	Immediate	\$ 1,500.00	YES	
6.4.10	There are several driveways which have restricted sight distance.	Construct benching of the batters on the approach to driveways with restricted sight distance.	Recommended	\$ 80,000.00	YES	
6.4.11	School buses use Jumbuk Road in the morning and afternoon periods. HVP has indicated that they will implement restrictions on log trucks using the road during the school bus period.	Implement restrictions on the use of Jumbuk Road by log trucks during the school bus period.	Important	n/a	YES	

**Table 7.1 Jumbuk Road Monash Way to Middle Creek Road
Summary of Recommended Actions – Final Report**

Item	Finding	Recommendation	Priority	Cost	Project Manager Response	
					Accept (Y/N)	Comment
7.4.2	The standard width for a Rural Collector Road is a seven metre wide pavement seal.	Widen the pavement on Jumbuk Road to provide a seven metre wide seal when major maintenance works are required.	Recommended	In conjunction with major rehabilitation works. (\$1,550,000)	YES	The cost to widen and resheet the road pavement is \$1,550,000.00.
7.4.3	The pavement in the northbound lane of Jumbuk Road between Walsh's Road and Middle Creek Road would require strengthening to cater for the additional traffic.	Construct a minimum depth granular resheet to strengthen the pavement in the section between Walsh's Road and Middle Creek Road.	Important	\$ 28,200.00	NO	Pavement strengthening is not required when there is 2-way truck traffic on Jumbuk Road the south end of Jumbuk Road.
7.4.4	At the curve north of the Walsh's Road intersection, vehicles have run wide and edge drop off has developed.	Seal the shoulders by up to one metre wide on both sides of the pavement at the curve north of the Walsh's Road intersection	Important	\$ 20,000.00	YES	
7.4.5	There have been five casualty crashes including a fatality at the intersection of Monash Way / Jumbuk Road since 1987. Monash Way is under the responsibility of VicRoads.	Request VicRoads approval and funding for the redesign the intersection of Monash Way and Jumbuk Road to cater for the truck turning movements.	Important	\$ 355,000.00	NO	VicRoads are responsible for this intersection. Advise VicRoads about the recommendations of the road safety audit.

Item	Finding	Recommendation	Priority	Cost	Project Manager Response	
					Accept (Y/N)	Comment
7.4.6	The major traffic movement at the intersection of Jumbuk Road and Middle Creek Road is between the north and south approaches. The existing layout provides priority for the north to east movements.	Redesign the intersection of Jumbuk Road and Middle Creek Road to cater for the north – south traffic movements	Immediate Important	\$ 750,000.00	NO	Priority should be important. There have been no recorded casualty accidents at this intersection. Also, a concrete median was recently constructed to prevent vehicles cutting the corner.
7.4.7	There is a significant right turn movement between the Jumbuk Road south approach and Walsh's Road.	Seal the outer shoulder on Jumbuk Road on the south approach to the Walsh's Road intersection.	Immediate	\$ 32,500.00	YES	A give way sign is not warranted at a T-intersection.
	There is Give Way linemarking but no Give Way sign on the Walsh's Road approach.	Install a Give Way signs on the Walsh's Road approach.	Immediate		NO	
	There is no hazard marker opposite Walsh's Road	Install a hazard marker on the west side of Jumbuk Road opposite Walsh's Road.	Immediate		YES	
7.4.8	There are several broken guideposts on Jumbuk Road	Replace the broken guideposts on both sides of the road.	Immediate	\$ 2,500.00	YES	
	There are too few guideposts on the outside of the curve on the approach to the Walsh's Road intersection.	Install additional guideposts on the outer edge of the pavement at the curve on the north approach to the Walsh's Road intersection.	Immediate		YES	

Item	Finding	Recommendation	Priority	Cost	Project Manager Response	
					Accept (Y/N)	Comment
7.4.9	A stand of trees on the west side of the road restricts the sight distance for northbound vehicles and is located close to the edge of the pavement at chainage 1150 metres.	Remove or protect the trees on both sides of the road at the curve near chainage 1150 metres.	Immediate	\$ 4,500.00	YES	
7.4.10	There are culvert endwalls close to the edge of the pavement at two locations.	Extend the culvert on the left side of the road near chainage 1000 metres.	Important	\$ 3,100.00	YES	
		Extend the culvert on the south side of the Miss Bonds Road intersection.	Important		YES	

Table 8.2 Middle Creek Road Jumbuk Road to Upper Middle Creek Road

Summary of Recommended Actions – Final Report

Item	Finding	Recommendation	Priority	Cost	Project Manager Response	
					Accept (Y/N)	Comment
8.4.1	The traffic speeds on Middle Creek Road are in excess of the posted speed limit. There are several driveways with direct access onto the road.	Request Police to enforce the speed limits along Middle Creek Road.	Immediate	n/a	YES	
8.4.2	The standard width for a Rural Collector Road is a seven metre wide pavement seal.	Widen the pavement on Middle Creek Road to provide a seven metre wide seal when major maintenance works are required.	Important	In conjunction with major rehabilitation works. (1,175,000)	YES	Only rehabilitate the section from CH 00 to CH 2040. The cost to widen and resheet the road pavement is \$1,175,000.00.
8.4.3	The pavement investigation indicated that the pavement depth should be increased by at least 50 mm in the northbound lane.	Construct a minimum depth granular resheet to strengthen the pavement in the northbound lane when the pavement is widened.	Important	\$ 628,000.00	YES	Only resheet the section from CH 00 to CH 2040. Include works in the road rehabilitation program.
8.4.4	There are no right turn facilities at the intersections along Middle Creek Road.	Seal the shoulders on the approaches to the Pages Road / Speargrass Road intersection and on the south approach to the Brewsters Road intersection to provide for through traffic to pass right turning vehicles.	Important	\$ 82,800.00	YES	
8.4.5	There are several culverts with endwalls located close to the edge of the traffic lane and culverts at driveways located adjacent to the pavement.	Extend the culverts or install driveable endwalls on the culverts	Important	\$ 110,900.00	YES	
8.4.6	The bus shelter on the north side of the Pages Road / Speargrass Road intersection restricts the intersection sight distance.	Relocate the bus shelter and construct an off road bus stop on the northwest corner of the intersection.	Important Immediate	\$ 4,000.00	YES	The bus stop is located at an intersection with a casualty crash record.

Item	Finding	Recommendation	Priority	Cost	Project Manager Response	
					Accept (Y/N)	Comment
8.4.7	The Brewsters Road intersection is located over the crest curve. The sight distance to the right turning traffic is restricted by the crest vertical curve	Seal the northbound shoulder on the south approach to the Brewsters Road intersection to improve the safety for the right turning traffic.	Immediate	\$ 250.00	YES	Consider relocating the bus stop to the Yinnar South Hall car park as an immediate priority.
	The sealing of the northbound shoulder would require the relocation of the bus stop.	Relocate the northbound bus stop into the Yinnar South Hall car park	Immediate	\$ 1,000.00	YES	
	There is no hazard marker opposite the Brewsters Road intersection.	Install a hazard marker on the west side of Middle Creek Road opposite Brewsters Road.	Immediate	\$ 500.00	YES	
	The 'School' warning sign on the south approach to the Brewster Road intersection is obscured by trees.	Relocate the 'School' warning sign on the south approach to the Brewsters Road intersection.	Immediate			

Item	Finding	Recommendation	Priority	Cost	Project Manager Response	
					Accept (Y/N)	Comment
8.4.8	The intersection of Middle Creek Road and Upper Middle Creek Road is a Tee intersection with a wide sealed bellmouth area. There is no hazard marker opposite Upper Middle Creek Road.	Install a hazard marker on the west side of Middle Creek Road opposite Upper Middle Creek Road.	Immediate	\$ 15,400.00	YES	
		Mark the centreline on Upper Middle Creek Road to channelise the traffic at the intersection.	Immediate		YES	
	The intersection sight distance is restricted by trees on the south side and by the fill batter on the north side.	Trim the trees on the south side and bench the fill batter on the north side to improve the intersection sight distance.	Immediate		YES	
8.4.9	The existing guardfence at the culvert north of the Healeys Road intersection has incorrect terminals.	Replace the old style ends of the guardfence with BCTA terminals.	Important	\$ 27,000.00	YES	The guard fence on the east side of the road is not warranted due to the 2.0 metre wide shoulder.
	There is a large tree just north of the guardfence terminal.	Extend the east side of the guardfence by 30 metres to provide a clear run out area behind the BCTA.	Important		NO	
	On the west side, the guardfence is terminated on top of a high fill batter.	Extend the guardfence on the west side by 30 metres and run around into the driveway.	Important		YES	
8.4.10	There are no facilities for pedestrians, cyclists and horse riders along Middle Creek Road.	Install a warning sign advising of pedestrians, cyclists and horse riders using Middle Creek Road.	Immediate	\$ 1,500.00	NO	No pedestrians or cyclists were observed during the traffic count.

Item	Finding	Recommendation	Priority	Cost	Project Manager Response	
					Accept (Y/N)	Comment
8.4.11	There are no intersection warning signs on the approaches to the intersections.	Install intersection warning signs on both approaches to the intersections along Middle Creek Road.	Immediate	\$ 2,100.00	NO	The warning signs are not warranted as the road is carrying predominantly local traffic and there is adequate sight distance at the intersections.
8.4.12	There have been two single vehicle casualty crashes at the curve north of the Healeys Road intersection. The linemarking on the centreline is fair.	Renew the centreline marking along the route.	Immediate	\$ 1,600.00	YES	Repaint linemarking as a part of the normal routine maintenance program.

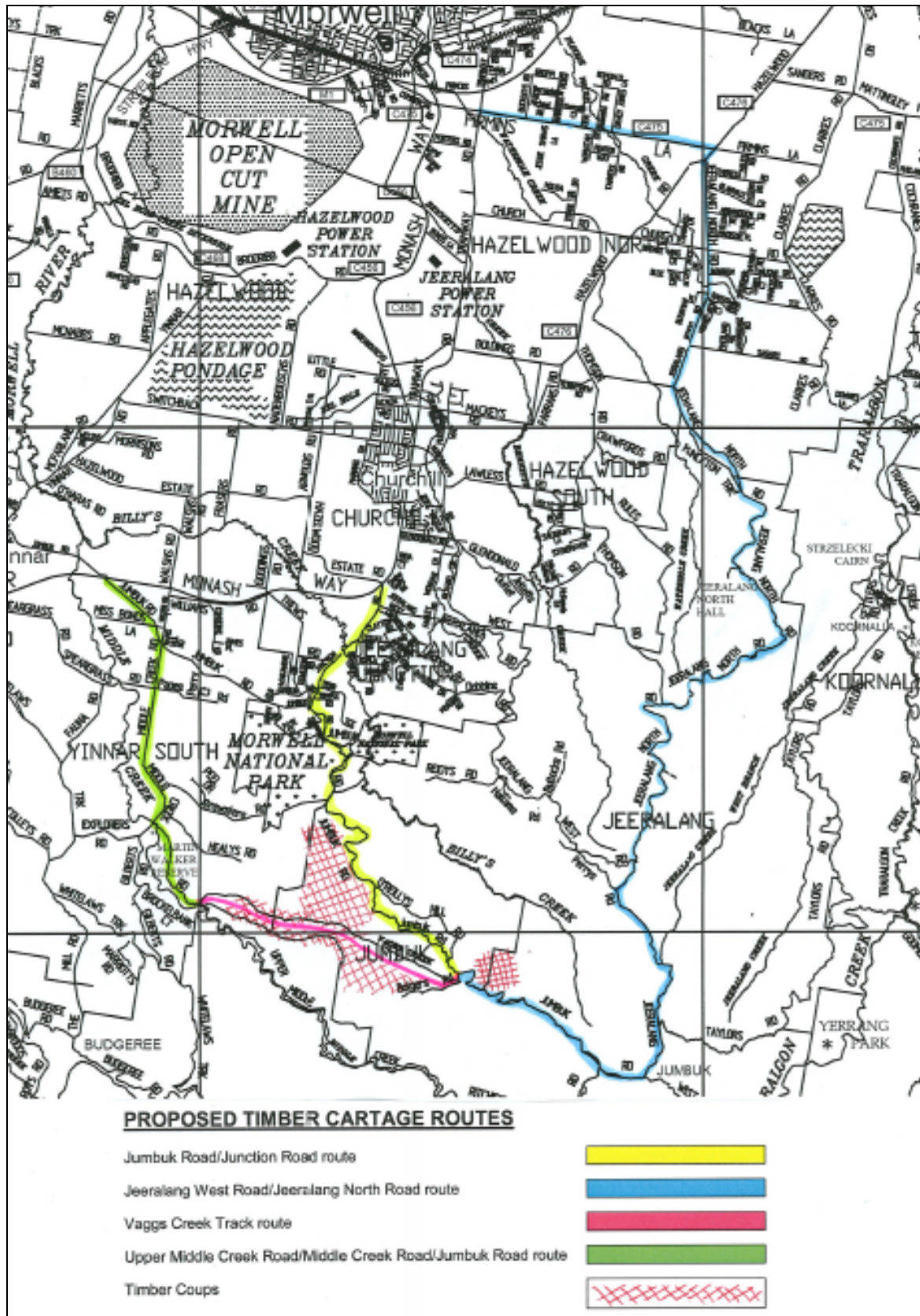
Table 9.2 Upper Middle Creek Road Middle Creek Road to Vaggs Creek Track

Summary of Recommended Actions – Final Report

Item	Finding	Recommendation	Priority	Cost	Project Manager Response	
					Accept (Y/N)	Comment
9.4.2	The width of the pavement at the curves along Upper Middle Creek Road would be inadequate for a semi trailer and a car to pass.	Widen the pavement at the horizontal curves on Upper Middle Creek Road.	Important Immediate	\$ 396,500.00	YES	Undertake isolated curve widening as an immediate priority.
9.4.3	The pavement investigation indicated that the pavement depth should be increased by at least 50 mm in the northbound lane.	Construct a minimum depth granular resheet to strengthen the pavement in the westbound lane when the pavement is widened.	Important Immediate	\$ 102,000.00	YES	The road pavement will be resheeted from CH 00 to CH 1.00 where the road will be resealed.
9.4.4	The use of the unsealed Upper Middle Creek Road by log trucks would create dust and require regular grading to maintain riding surface.	Seal the pavement of Upper Middle Creek Road between Middle Creek Road and Vaggs Creek Track.	Important Immediate	\$ 101,000.00	YES	It is proposed that the first 1.0 kilometre of the road will be sealed past the old homestead and the dairy where the vehicle speeds will be higher on the section of road that was previously realigned.
9.4.5	The intersection of Vaggs Creek Track with Upper Middle Creek Road would require extensive works prior to the use by the log trucks.	Extend the culvert on the north side of Vaggs Creek Track.	Important	\$ 73,700.00	NO	The culvert does not warrant extension due to the low traffic volumes on this section of Upper Middle Creek Road.
		Remove the large tree and fill batter on the south corner of the intersection with Upper Middle Creek Road.	Important		NO	The corner does not require widening if Vaggs Creek Track is not required as a timber haulage route.

Item	Finding	Recommendation	Priority	Cost	Project Manager Response	
					Accept (Y/N)	Comment
9.4.6	There are guideposts at culverts and driveways along this section of Upper Middle Creek Road. There are no guideposts at several horizontal curves.	Review the spacing of the guideposts along the section of Upper Middle Creek Road and install additional posts at the horizontal curves.	Immediate	\$ 400.00	YES	Delineate the outside of curves with guide posts at spacings acceptable for rural access roads.
9.4.8	There are several hazards along this section of Upper Middle Creek Road including a steep batter to the Middle Creek and large trees. These hazards will be close to the edge of the pavement when the road is widened for the log trucks.	Install close spaced delineators along the top of the steep batter to the Middle Creek.	Important	\$ 5,200.00	YES	
		Review the location of the trees close to the edge of the pavement at the time of the widening works.	Important		YES	

ATTACHMENT 3 – PROPOSED TIMBER CARTAGE ROUTE



ATTACHMENTS 4 – 7

ITEMS REFERRED BY THE COUNCIL

7.1 **2009 VICTORIAN BUSHFIRES ROYAL COMMISSION INTERIM REPORT - LATROBE CITY COUNCIL RESPONSE**

AUTHOR: General Manager Governance
(ATTACHMENT – NO)

1. PURPOSE

The purpose of this report is to provide an update on Latrobe City Council's response to the recommendations made in the 2009 Victorian Bushfires Royal Commission Interim Report.

2. DECLARATION OF INTERESTS

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

3. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2009-2013

Strategic Objective – Liveability

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

Community Outcome – Community Liveability

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

Strategic Action – Community Well-being

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

Municipal Emergency Management Plan 2008 (MEMP 2008)

As required by the *Emergency Management Act 1986*, the MEMP 2008 details agreed arrangements for the prevention of, the response to and recovery from emergencies that could occur in Latrobe City.

Municipal Fire Prevention Plan 2008 (MFPP 2008)

As required by the *Country Fire Authority Act 1958*, the MFPP 2008 details arrangements to protect, as far as practicable all life, property, community assets, flora and fauna in the Latrobe City area from damage or destruction by the occurrence of fire and to make the municipality a safer place in which to live, work and visit.

4. BACKGROUND

The 2009 Victorian Bushfire Royal Commission was established to investigate the conditions that led to the Black Saturday Bushfires, the response to these fires and opportunities to prevent a reoccurrence of the devastation experienced in parts of Victoria in late January and early February 2009.

The Commission delivered an Interim Report on 17 August 2009 containing 51 recommendations focused predominantly on changes that can be made prior to the 2009/2010 bushfire season. The Commission is required to deliver a final report on 31 July 2010.

At the Ordinary Council Meeting held on 21 September 2009, Council resolved:

1. *That Council notes the 2009 Victorian Bushfire Royal Commission Interim Report.*
2. *That a further report be presented to Council at the Ordinary Council Meeting to be held on 19 October 2009 outlining Council's response to the relevant recommendations of the 2009 Victorian Bushfire Royal Commission Interim Report.*

5. ISSUES

An initial review of the recommendations most relevant to Latrobe City Council's emergency and fire prevention programs has been completed. However, at the time of preparing this response for the Ordinary Council meeting to be held on 19 October 2009, the Municipal Association of Victoria's (MAV) coordinated local government response to the recommendations was not yet available. This response will be an important document to review and incorporate as appropriate into Latrobe City Council's response. In the interest of providing a comprehensive response report to Council, it is advisable that additional time is allowed to prepare this report.

6. FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications in deferring the response report to a future Council meeting.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

None applicable

Details of Community Consultation / Results of Engagement:

Nil

8. OPTIONS

The following options are available to Council:

1. Defer consideration of Latrobe City Council's response to the 2009 Victorian Bushfire Royal Interim Report to the Ordinary Council meeting to be held on 2 November 2009.
2. Not require that a further report on Latrobe City Council's response to the 2009 Victorian Bushfire Royal Interim Report be presented to Council.

9. CONCLUSION

Due to important information not being available at the time of preparation of Latrobe City Council's response to the relevant recommendations in the 2009 Victorian Bushfire Royal Interim Report it is prudent at this time to defer consideration of this response from the Ordinary Council Meeting on 19 October 2009 to the Ordinary Council Meeting to be held on 2 November 2009. This will allow adequate time to review and include the Municipal Association of Victoria's coordinated local government response to the interim report.

10. RECOMMENDATION

That a report be presented to Council at the Ordinary Council Meeting to be held on 2 November 2009 outlining Council's response to the relevant recommendations of the 2009 Victorian Bushfire Commission Royal Interim Report.

Moved: Cr White

Seconded: Cr Vermeulen

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

.

7.2 W H CORRIGAN SOCCER RESERVE NAMING PROPOSAL**AUTHOR:** General Manager Governance**(ATTACHMENT – YES)****1. PURPOSE**

The purpose of this report is to present for further consideration the W H Corrigan Soccer Reserve place naming proposal at the W H Burrage Reserve Newborough and Monash Reserve Newborough.

2. DECLARATION OF INTERESTS

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

3. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2009-2013

Strategic Objective – Governance

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

Community Outcome – Legislative Compliance

By ensuring adherence to legislative requirements.

Strategic Action – Legislative Compliance

Ensure compliance with other relevant legislation.

Policy – Nil

There is no specific 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 adopted the Moe Newborough Outdoor Recreation Plan (MNORP) on 5 November 2007. A component of the MNORP identified improvements to the current soccer facilities at the W H Burrage Reserve, John Field Drive, Newborough and the existing W H Corrigan Soccer Reserve, Torres Street Newborough.

In consultation with both the Monash (MSC) and Newborough Yallourn United (NYUSC) soccer clubs, Council at the Ordinary Council Meeting held on 4 May 2009 adopted a revised works program of improvement to existing soccer facilities in Newborough.

The adopted works program allows the Yallourn Newborough Soccer Club to relocate from its current location in Torres Street Newborough to the W H Burrage Reserve. This will then allow the Monash Soccer Club to operate from the Torres Street pavilion at Monash Reserve from the commencement of the 2010 season.

At the request of the Yallourn Newborough Soccer Club Council gave consideration to naming the soccer pavilion at W H Burrage Reserve the "W H Corrigan Pavilion" and a public notice was published in the Latrobe Valley Express inviting public comment concerning the proposal.

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

- Name the soccer pitch and pavilion that is separately fenced within the W H Burrage Reserve the W H Corrigan Reserve; or

- Leave the name W H Corrigan Reserve at its dedicated location, being the Torres Street southern soccer ground and pavilion.

Council subsequently resolved at the Ordinary Council Meeting held on 17 August 2009:

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

Attached is a locality plan marked with W H Burrage Reserve John Field Drive Newborough, the existing W H Corrigan Reserve and Monash Reserve both located in Torres Street Newborough.

5. **ISSUES**

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

To assist Council when considering a proposal to name a locality or feature, *Guidelines for Geographic Place Name Victoria* have been developed which set out the procedures and rules for selecting, assigning or amending place names.

In accordance with these guidelines the naming of “sporting facilities” (unless it is a major sporting feature) is categorised as ‘desirable to include’ in the *Register of Geographic Place Names*. Such names are classified as an unofficial name and entered into the Register for public interest purposes only and do not have official status under the *Geographic Place Names Act 1998*.

When considering a proposal to name a locality or facility, Council must give consideration to the principles contained in the *Guidelines for Geographic Place Name Victoria*. A discussion of these principles and their relation to the current naming proposal is as follows:

Principle 1 – Responsibility for naming

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

Principle 2 – Recognition and use of Indigenous names

The use of traditional Indigenous names is encouraged and preferred for unnamed features, subject to agreement from the relevant Indigenous communities.

The proposed name is not an Indigenous name.

Principle 3 – Linking the name to the place

The name W H Corrigan does not have a direct link to the soccer fields and pavilion at the W H Burrage Reserve. The link is with the Newborough Yallourn United Soccer Club which is relocating from the Torres Street soccer facilities to the soccer facilities at the W H Burrage Reserve.

Mr W H Corrigan was a founding member and long serving inaugural President of the Newborough Yallourn United Soccer Club and club delegate on the Gippsland Soccer League Board.

Transferring the reserve name to the Newborough Yallourn United Soccer Club’s new home will preserve the Corrigan link with the soccer club and the soccer sporting community.

Principle 4 – Recognition of existing unofficial names

This principle states priority should be given to unofficial names currently applied to existing features/localities. The existing baseball, cricket and soccer sporting facilities and fields at John Field Drive are collectively named the W H Burrage Reserve. This proposal names the soccer fields and soccer pavilion area of the larger multi use sporting facility.

Principle 5 – Assigning names to unnamed features

In accordance with this principle, naming authorities should give priority to names drawn from relevant Indigenous Australian languages, names covered by Principle 3, or unofficial historical names, when assigning names to existing topographical features that have neither an official nor an unofficial name.

It is noted that the reserve entrance sign at the John Field Drive Reserve is "*Burrage Reserve*", while the feature is recorded as an official local place name on the Register of Place Names as "*W H Burrage Reserve*", registration date 2 May 1966.

Principle 6 – Public Safety

Assigning a name to the soccer facilities does not compromise public safety. W H Burrage Reserve is an extensive area and specifically naming the area utilised for soccer would assist in identifying the locality of the facility.

Principle 7 – Duplication of names

A search of the Register of Place Names did not identify any place name feature or facility with reference to Corrigan within Latrobe City Council or an adjoining municipality.

The Torres Street Soccer facilities currently used by the Newborough Yallourn United Soccer Club was dedicated as the W. H. Corrigan Reserve by the former City of Moe on Sunday 21 March 1982. Latrobe City signage at the entrance to this reserve is "*W H Corrigan Reserve*".

In the event the W H Corrigan Reserve name is relocated, it will be necessary to replace the existing signage at the reserve. As the Monash Soccer Club will shortly take occupancy of the adjoining soccer facilities used by Newborough Yallourn United Soccer Club it would seem appropriate to expand the area known as Monash Reserve to include all soccer facilities at this location in Torres Street, Newborough.

Principle 8 – Infrastructure names to conform with place names

Allocated place names should promote conformity for reasons of safety, to avoid confusion, to facilitate communications or to promote local identity.

This principle relates to the assignment of place names within a particular locality to promote conformity e.g. Morwell Town Common is within the locality boundary of Morwell. The inclusion of the term 'soccer' in the proposed place name specifically relates the infrastructure present at this reserve.

Principle 9 – Assigning the same name to recognisable features

The proposed name would comply with this principle as the area of the W H Burrage Reserve proposed to be named W H Corrigan Soccer Reserve (soccer fields and pavilion) have been used to play soccer for a number of years.

Principle 10 – Consultative process

Council has satisfied this principle by inviting public comment to name the pavilion and meeting with interested stakeholders prior to deciding on the proposal.

Principle 11 – Dual names

Dual or multiple names may be assigned to places, in those instances where it is appropriate to give official recognition to names drawn from two or more cultural backgrounds. This principle is considered not applicable.

Principle 12 – Commercial and business names

Naming authorities should not name places after commercial businesses, trade names, or non-profit organisations.

The proposed place name complies with this principle.

Principle 13 – Commemorative names

Naming authorities should not name places after living persons, unless exceptional circumstances apply and is clearly in the public interest. This principle also states that when personal names are used as place names, it is preferable to use surnames rather than first names.

The proposed place name complies with this principle.

Principle 14 – Discriminatory names

The proposed name should not cause offence on the basis of race, ethnicity, religion and gender, or to particular community groups.

The proposal is not considered discriminatory.

Principle 15 – Australian English – Recommended usage

The proposed name satisfies this principle.

Principle 16 – Boundary changes to be in the public interest

This principle relates to changes made to the boundaries of bounded features, suburbs and locality areas. Changes should be in the overall public interest and not for any private interest/s and only made after appropriate consultation with affected communities and emergency services.

This naming proposal is considered to be in the interest of the Newborough Yallourn United Soccer Club community and general public to separately name this sporting facility.

Principle 17 – Preserving a record of place names' origins

Details will be collected from various sources to support the proposal.

6. FINANCIAL AND RESOURCES IMPLICATIONS

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

Additional costs will be incurred for the provision of appropriate signs if Council proceeds with the naming of both sporting facilities.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

The naming proposal currently being considered was agreed upon at a meeting of representatives from the Corrigan family, Newborough Yallourn United Soccer Club, Monash Soccer Club, Gippsland Soccer League and Council held Monday, 27 July 2009.

A public notice detailing the current place naming proposal was published in the Latrobe Valley Express on Thursday, 27 August 2009 inviting public comment concerning the naming proposal.

The representatives detailed above were also specifically invited to provide further comment on the proposal.

For the information of Councillors, a public notice detailing the original place naming proposal was published in the Latrobe Valley Express on Thursday, 14 May 2009.

Details of Community Consultation / Results of Engagement:

At the time of preparing this report, no written submissions had been received. There also have been no further comments from the Corrigan family, Newborough Yallourn United Soccer Club, Monash Soccer Club or Gippsland Soccer League.

8. OPTIONS

Council has the following options:

1. Name the soccer fields and pavilion located at W H Burrage Reserve, John Field Drive, Newborough – the “W H Corrigan Soccer Reserve” and apply the name Monash Reserve to the entire reserve located at Torres Street Newborough; or
2. Resolve not to proceed with any naming proposal for the W H Burrage Reserve or Monash Reserve, this will result in the W H Corrigan Reserve name remaining at its current location in Torres Street, Newborough.

9. CONCLUSION

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

Council has considered this place name proposal on a number of occasions, invited community comment on two separate occasions and met with interested stakeholders from which the most recent naming proposal was put forward, being to name the soccer fields and pavilion area at the W H Burrage Reserve, Newborough - the “W H Corrigan Soccer Reserve” and for the entire reserve located at Torres Street, Newborough to be referred to as the Monash Reserve.

If Council supports this revised naming proposal, it can now resolve to name the two respective areas and pursuant to the *Guidelines for Geographic Names 2004* submit an application to Geographic Place Names to register the respective localities as an unofficial place names.

10. RECOMMENDATION

- 1. That Council names the soccer fields and pavilion at the W H Burrage Reserve the “W H Corrigan Soccer Reserve” and name the entire reserve at Torres Street Newborough – “Monash Reserve”.**
- 2. That Council, as a responsible naming authority, submits to Geographic Place Names an application to register “W H Corrigan Soccer Reserve” and “Monash Reserve” both as unofficial place name features within the municipality of Latrobe City Council.**
- 3. That Council notifies Mr Andrew Corrigan, Newborough Yallourn United Soccer Club, Monash Soccer Club, Gippsland Soccer League of its decision to name the soccer fields and pavilion at the W H Burrage Reserve the “W H Corrigan Soccer Reserve” and name the entire reserve at Torres Street Newborough the “Monash Reserve” and that Council will submit an application to Geographic Place Names to register both the “W H Corrigan Soccer Reserve” and “Monash Reserve” as an unofficial place name feature within the municipality of Latrobe City Council.**

Moved: Cr Gibson

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

LOCALITY PLAN



7.3 **PLANNING PERMIT APPLICATION S08/315 - THIRTY SEVEN (37) LOT SUBDIVISION AT 25 JUNCTION ROAD, CHURCHILL**
AUTHOR: General Manager Built and Natural Environment Sustainability
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present further information to Council regarding Planning Permit Application S08/315 for a thirty seven (37) lot subdivision at Junction Road, Churchill.

2. DECLARATION OF INTERESTS

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

3. POLICY IMPLICATIONS

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

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

Latrobe 2021 and Council Plan 2009-2013

Strategic Objective – Sustainability

To promote the responsible and sustainable care of our diverse built and natural environment for the use and enjoyment of the people who make up the vibrant community of Latrobe Valley.

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

Community Outcome – Built Environment Sustainability

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

Strategic Action – Built Environment

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

4. **BACKGROUND**

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

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

A further report was presented at the Ordinary Council Meeting held on 17 August 2009, and Council resolved as follows:

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

5. **ISSUES**

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

The applicant has obtained a traffic investigation report that has been provided to all adjoining and adjacent land owners and occupiers.

To enable appropriate time to be provided for the submission of comment on the traffic investigation report and consideration of submissions by Council's Statutory Planning Team, it is requested that the report be deferred to the 16 November 2009.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

There are no financial or resource implications in deferring consideration of this planning permit application.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Not applicable.

Details of Community Consultation / Results of Engagement:

Not applicable.

8. OPTIONS

Council has the following option in relation to this matter:

1. Defer consideration of item Planning Permit Application S08/315 - thirty seven (37) lot subdivision at Junction Road, Churchill from the Ordinary Council Meeting held on 19 October 2009, reporting back to Council on 16 November 2009, or prior meeting if possible.

9. CONCLUSION

To enable appropriate time to be provided for the submission of comment on the traffic investigation report and consideration of submissions by Council's Statutory Planning Team, a further deferral is requested.

Accordingly, it is requested that Council further defer the consideration of the Planning Permit Application S08/315 - thirty seven (37) lot subdivision at Junction Road, Churchill from the Ordinary Council Meeting held on 19 October 2009, and that the matter be considered at the Ordinary Council Meeting to be held on 16 November 2009 or a prior meeting if possible.

10. RECOMMENDATION

That Council defers consideration of the Planning Permit Application S08/315 – Thirty Seven (37) Lot Subdivision at 25 Junction Road, Churchill, for a further four weeks, with a report to be presented to Council at the Ordinary Council Meeting to be held on 16 November 2009, or prior meeting if possible.

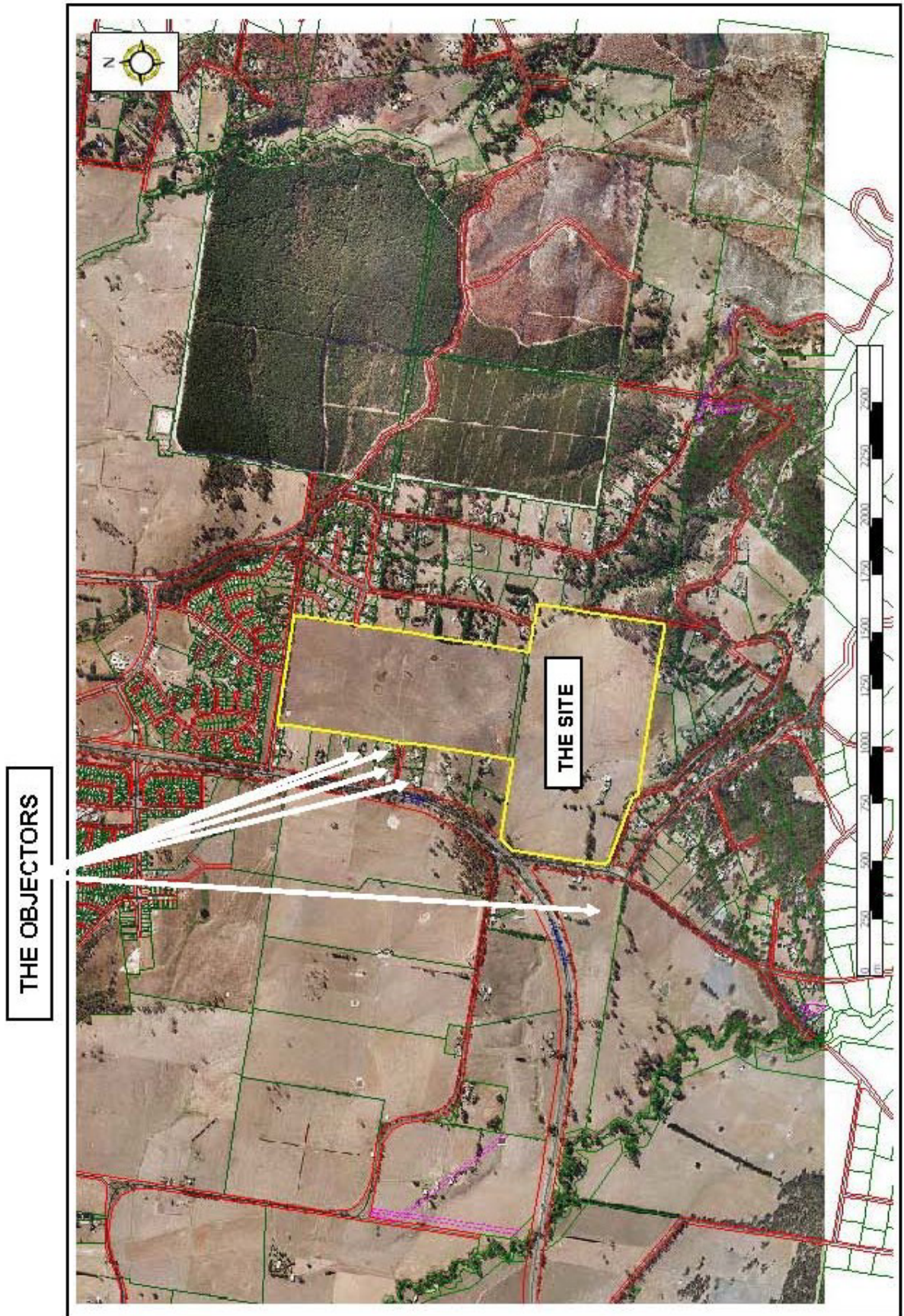
Moved: Cr Vermeulen

Seconded: Cr Loughheed

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT



7.4 REPORT ON COUNCIL'S CORE BUSINESS

AUTHOR: Chief Executive Officer
(ATTACHMENT – NO)

1. PURPOSE

The purpose of this report is to provide Council with a report on the core business of Latrobe City Council.

2. DECLARATION OF INTERESTS

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

3. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2009-2013

Strategic Objective – Governance

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

Community Outcome – Legislative Compliance

By ensuring adherence to legislative requirements.

Strategic Action

Ensure compliance with the Local Government Act.

4. BACKGROUND

At the Ordinary Council Meeting held on Monday, 5 October 2009, Council resolved as follows:

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.*

5. ISSUES

Local Government Authorities have responsibilities to act in accordance with a range of legislative requirements. The most significant of these is the *Local Government Act 1989* (The Act), however there are various other instruments that require councils to provide a particular service or comply with a specific duty/responsibility (e.g. *Planning and Environment Act 1987* and *Building Act 1993*).

The *Local Government Act 1989* establishes the charter for the 79 local governments throughout the state of Victoria. Among other things, it defines the purpose, objectives, role, functions and powers of local government in Victoria.

Section 3E (1) of The Act states:

The functions of a Council include:

- a) *advocating and promoting proposals which are in the best interests of the local community;*
- b) *planning for and providing services and facilities for the local community;*
- c) *providing and maintaining community infrastructure in the municipal district;*
- d) *undertaking strategic and land use planning for the municipal district;*
- e) *raising revenue to enable the Council to perform its functions;*
- f) *making and enforcing local laws;*
- g) *exercising, performing and discharging the duties, functions and powers of Councils under this Act and other Acts;*
- h) *any other function relating to the peace, order and good government of the municipal district.*

In relation to the objectives specific to each Council, the Act requires all Councils to prepare and approve a Council Plan.

Section 125 (2) of The Act states:

A Council Plan must include:

- a) *the strategic objectives of the Council;*
- b) *strategies for achieving the objectives for at least the next 4 years;*
- c) *strategic indicators for monitoring the achievement of the objectives;*
- d) *a Strategic Resource Plan containing the matters specified in section 126;*
- e) *any other matters which are prescribed by the regulations.*

The Latrobe City Council Plan 2009-2013 was adopted at the Ordinary Council Meeting held on Monday, 6 July 2009. The strategic objectives of Latrobe City Council, together with the service delivery that support these objectives, are outlined below.

Strategic Objective	Community Outcome	Service Delivery
<p>Sustainability To promote the responsible and sustainable care of our built and natural environment for the use and enjoyment of the people who make up the vibrant community of Latrobe Valley; and</p> <p>To provide leadership and to facilitate a well connected, interactive economic environment in which to do business.</p>	<p>Economic By providing leadership and facilitating a vibrant and dynamic economic environment in which to do business.</p>	<ul style="list-style-type: none"> • Events • Tourism • Marketing • Economic development • Business development • Investment attraction • Latrobe Regional Airport
	<p>Natural Environment By responsibly managing the natural environment to ensure its sustainability and diversity for the community.</p>	<ul style="list-style-type: none"> • Cleansing services • Waste services • Waste management and education • Landfill facilities and services • Environmental planning
	<p>Built Environment By developing clear directions and strategies through consultation with the community ensuring sustainable and balanced development.</p>	<ul style="list-style-type: none"> • Statutory Planning • Strategic land use planning • Infrastructure design • Project services • Building services • Building, outdoor and infrastructure maintenance • Capital Works program • Transit Cities program • Asset management and planning • Traffic planning • Recreation and open space planning
<p>Liveability To promote and support social, recreational, cultural and community life by providing both essential and innovative amenities, services and facilities within the municipality.</p>	<p>Recreational By enriching the vibrancy and diversity of community life through promoting and supporting recreational services and facilities in the municipality.</p>	<ul style="list-style-type: none"> • Operation of leisure facilities • Parks, gardens and sporting reserve maintenance • Playground development and maintenance • Usage and allocation of sporting reserves • International Power Traffic School • Lake Narracan and Hazelwood Pondage caravan parks

Strategic Objective	Community Outcome	Service Delivery
	<p>Community By enhancing the quality of residents' lives, by encouraging positive interrelated elements including safety, health, education, quality of life, mobility and accessibility, and sense of place.</p>	<ul style="list-style-type: none"> • Community information centres and libraries • Health services • Childcare, family day care and preschools • Maternal and child health services • Community and social support programs • Home and community care • Meals on Wheels • Employment development
	<p>Cultural By supporting the arts, major events, community festivals and cultural opportunities that contribute to the vibrancy and diversity of community life.</p>	<ul style="list-style-type: none"> • International relations • Facilitation and attraction of events • Visual and performing arts programs and facilities • Manage Latrobe City halls and venues for community use
<p>Governance To ensure governance and leadership through a strong commitment and adherence to democratic processes and legislative requirements.</p>	<p>Democratic By representing the interests of the community and conducting its affairs openly and with integrity, reflecting the highest level of good management and governance.</p>	<ul style="list-style-type: none"> • Community engagement • Civic functions and events • Council policies, operations and support • Community relations • Councillor support
	<p>Legislative Compliance By ensuring adherence to legislative requirements.</p>	<ul style="list-style-type: none"> • Legal support • Property management • Strategic risk management • Financial management • Animal control and municipal pound • Corporate strategic planning and reporting • Local Laws enforcement

Central to Latrobe City's ability to deliver these four strategic objectives to the community, is a fifth internal strategic objective, Organisational Excellence. It includes a range of continuous improvement activities and organisational development programs designed to promote organisational systems, staff and services within the Council's structure.

Strategic Objective	Service Delivery
<p>Organisational Excellence The Organisational Excellence Strategy focuses on how Latrobe City Council improves its performance at an organisational, team and individual level.</p>	<ul style="list-style-type: none"> • Human resources • Learning and development • Information technology • Information management • Geospatial information services

6. FINANCIAL AND RESOURCES IMPLICATIONS

There has been no direct cost to Council in the preparation of this report.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

No community engagement has been undertaken in the preparation of this report.

Details of Community Consultation / Results of Engagement:

There has been significant community engagement in the development of Latrobe 2021 and the Council Plan.

8. OPTIONS

This report is provided in accordance with Council's resolution of 5 October 2009.

9. CONCLUSION

The *Local Government Act 1989* establishes the charter for the 79 local governments throughout the state of Victoria.

The *Local Government Act 1989* requires all Councils to prepare and approve a Council Plan that outlines the strategic objectives of the Council.

The Latrobe City Council Plan 2009-2013 was adopted at the Ordinary Council Meeting held on Monday, 6 July 2009.

10. RECOMMENDATION

That Council notes the report on the core business of Latrobe City Council.

Moved: Cr Lougheed

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

.

**7.5 APPROPRIATE LOCATION AND NUMBER OF PUBLIC TOILETS
FOR THE MOE CENTRAL BUSINESS DISTRICT**

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

1. PURPOSE

The purpose of this report is to present to Council information regarding the appropriate location and number of public toilets to cater for the Moe Central Business District (CBD).

2. DECLARATION OF INTERESTS

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

3. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2009-2013

Strategic Objective – Sustainability

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

Community Outcome – Built Environment Sustainability

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

Strategic Action – Infrastructure Maintenance

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

Policy – Asset Management Policy 09 POL-3

To preserve and manage Council and community assets to ensure optimum utilisation while minimising the whole-of-life cost to the community.

Strategy – Public Toilet Strategy 2006

Council's adopted Public Toilet Strategy 2006 provides guidance for the provision of public toilet facilities across the municipality.

4. BACKGROUND

At the Ordinary Council Meeting held on 7 June 2009, Council resolved as follows:

1. *That a temporary toilet be located in the Moe CBD until such time that a permanent facility is constructed as identified in the Public Toilet Strategy and the Moe Activity Centre Plan.*
2. *That Council investigates the appropriate location and number of public toilets to cater for the Moe CBD by 21 October 2009.*
3. *That Council continues the current arrangements with the Monash Reserve toilet to only open on match days as recommended in the current Public Toilet Strategy, until such time as the new facility at Monash Reserve is completed.*
4. *That upon review of the Public Toilet Strategy in 2009/10, public comment is sought in accordance with the Latrobe City Community Engagement Policy and Strategy.*

This report addresses the second resolution only. The first resolution was addressed in a report presented to Council at the Ordinary Council Meeting held on 21 September 2009.

The Latrobe City Council Public Toilet Strategy was presented to Council and adopted on 18 December 2006.

The adoption of the strategy followed several reports and public consultation and at the meeting of 20 June 2005, Council considered a report titled "*Public Toilet Strategy – Update and Endorsement of Strategy Principles*". This report detailed the history of, need for and issues associated with the development of a public toilet strategy, and tabled the principles upon which the strategy was to be based.

The recommendations adopted by Council on 20 June 2005 were as follows:

That Council endorse the following principles for inclusion in the draft Public Toilet Strategy:

1. Definition of a Public Toilet - Public Toilets be defined as “the public sanitary facilities provided at activity centres that have no focal buildings or to cover periods of closure of focal buildings”.
2. Threshold for providing public toilets - a minimum threshold of 100 patrons or spectators normally attending an activity centre is needed as the general warrant for the provision of Public Toilets and, that a reduced threshold of 20 patrons or spectators normally attending an activity centre should apply at venues such as places where BBQ facilities are the main focal point.
3. Hours of Operation – a 24 hour level of service should be provided in at least one location in all the town centres, and that the “Transit Centred Precincts” be considered as the preferred location for 24 hour services in the three larger towns.
4. Distance between facilities – where activity levels justify the provision of public toilet services, facilities should be no greater apart than 500 metres.
5. Capacity of facilities - The capacity of facilities should be designed to cope with normal levels of activity.
6. Cleaning frequency – It is recommended that the current programmed cleaning basis be augmented with a greater reactive “as needs” service, to optimise cleaning levels.
7. Decommissioning – Public Toilets which are found to be:
 - located in unacceptable locations (as determined by Crime Prevention Through Environmental Design - CPTED principles); and/or
 - Are surplus to requirements (in terms of the 500 metre spacing principle) and/or
 - Which do not meet the minimum activity thresholds, should be de-commissioned.

5. ISSUES

The five toilets considered in the Public Toilet Strategy December 2006 for the Moe Town Centre Precinct are:

T 01	Town Hall, Albert Street
T 02	Coles Car Park, Albert Street
LC 1	Latrobe City Council Library
SC 1	Purvis Plaza
RS 1	Bus/Railway Station Precinct

The following plan shows the three toilets that are currently available to the public and a 250 metre buffer around each.



Plan 1

There are no published guidelines relating to the distance between public toilets and therefore an arbitrary distance of 500 metres between facilities was adopted in the Public Toilet Strategy December 2006.

However the Public Toilet Strategy also states that:

“In towns or locations with fewer toilet facilities (or only one), or where the activity centres that meet warrants for provision are greater than 500m apart, walking distances may be greater than 250m or even 500m, and this is acceptable. Also, where there are a number of toilets within the maximum distance of a focal activity centre, this tends to indicate an oversupply of facilities exists.”

The works program from the Public Toilet Strategy for Year 2 (2007/08) listed a new toilet to be constructed, T 97 in the Moe Railway Precinct and to decommission, T 01 Town Hall, Albert Street. Construction of the new toilet and decommissioning of the Town Hall toilet was deferred pending resolution of the Moe Activity Centre Plan.

The toilet T 02 Coles Car Park was also flagged in the Public Toilet Strategy to be decommissioned which has occurred.

Some members of the Moe community recently expressed concern about using the T 01 Town Hall facility due to a perception that it is unsafe and that it does not meet current Crime Prevention Through Environmental Design principles. In response to these community concerns, Council considered two reports on providing a temporary facility to provide an alternative to using the T 01 Town Hall facility.

Following the Council resolution on the 7 June 2009 a site was identified for a temporary toilet in the Moe Railway precinct on the south side of George Street to the west of the existing shops in the unused goods yard of the VicTrack property. The site selected is outside of the proposed public buildings envelope required for this site.

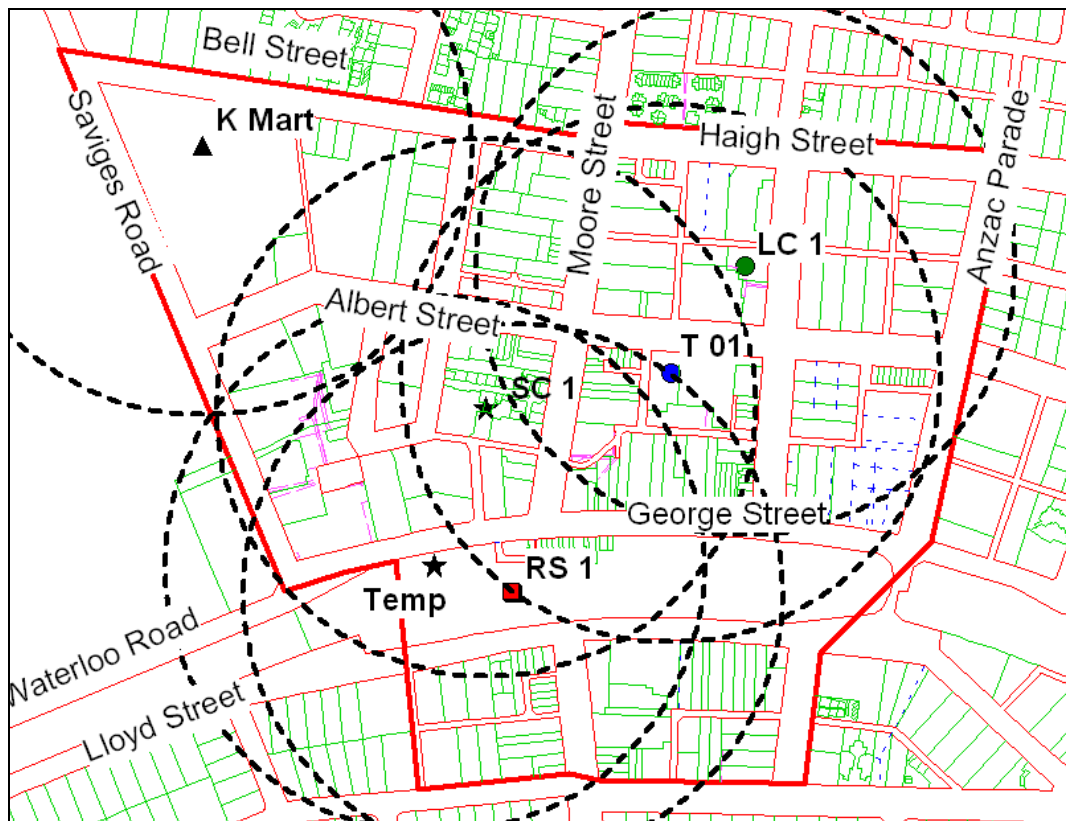
Council then resolved at the 21 September 2009 Ordinary Council Meeting:

That Council purchases and temporarily locates a prefabricated toilet on land to be leased from VicTrack in the Moe Railway precinct site on the south side of George Street to the west of the existing shops in the unused goods yard until such time as a permanent facility is established as part of the Moe Activity Centre Plan.

The loss of the SC 1 Purvis Plaza toilet due to a fire has reduced the number of toilets detailed in the Public Toilet Strategy. This toilet also serviced the Clifton Street precinct, however due to Purvis Plaza being closed, there is a reduced need for a facility in this location. Observations of the area undertaken by Council officers show that the majority of users of the Clifton Street precinct are car based and do not walk to other shops in other parts of Moe. Purvis Plaza is currently being renovated and the toilets will again be available for use with the plaza expected to reopen before the end of the 2009 calendar year.

There is a 24 hour accessible toilet at Apex Park in Waterloo Road, approximately 400 metres from the CBD (not shown on map).

The following plan shows the toilets listed above from the Public Toilet Strategy December 2006 with the exception of the T 02 Coles Car Park toilet. The existing K Mart toilet is not listed in the Public Toilet Strategy, however there is one accessible toilet that is available for customers to use and this is shown. Also shown are the SC 1 Purvis Plaza toilet and the temporary toilet that is being installed in the Moe Railway Precinct.



Plan 2

This plan shows that the CBD is oversupplied with public toilets if all these toilets are available. Even with the SC 1 Purvis Plaza toilet not being available there is no impact on the area of the CBD not covered by the 250 metre buffers.

The following plan shows the three currently available toilets with the buffer increased to 400 metres. This shows coverage to all of the CBD apart from the north west corner of the CBD where Kmart occupy the site and provide a toilet for their customers. The adopted Public Toilet Strategy acknowledges that walking distances may be greater than 250 metres or even 500 metres and states that this is acceptable.



Plan 3

6. FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications from this report.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

There has been no external consultation in the preparation of this report.

Details of Community Consultation / Results of Engagement:

There has been no community consultation undertaken in the preparation of this report.

8. OPTIONS

The following options are available to Council:

1. That Council notes this report in relation to the appropriate location and the number of public toilets to cater for the Moe CBD.
2. That Council defer any action pending completion of the review of the Public Toilet Strategy.

9. CONCLUSION

According to the criteria in the adopted Public Toilet Strategy, the Moe CBD presently has an adequate number of public toilets in appropriate locations as shown on Plan 3.

The location with the least coverage of toilets is the north west region of the CBD where the Coles supermarket and Kmart are located, however Kmart provide an accessible toilet for their customers.

The Moe CBD will have more than an adequate supply of toilet facilities as defined by the criteria in the adopted Public Toilet Strategy when the temporary toilet is constructed in the Moe Railway precinct and the SC 1 Purvis Plaza toilet is reopened.

10. RECOMMENDATION

That Council notes this report in relation to the appropriate location and the number of public toilets to cater for the Moe Central Business District.

Moved: Cr White

Seconded: Cr Lougheed

For the Motion

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

Against the Motion

Councillor Gibson

The Mayor confirmed that the Recommendation had been CARRIED

**7.6 TRAFALGAR AND KILMANY LANDFILL WASTE DISPOSAL
COST TO COUNCIL**

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

1. PURPOSE

The purpose of this report is to advise Council of the expenditure incurred by Latrobe City Council for disposal of municipal waste at Trafalgar and Kilmany Landfills as a result of the Morwell Landfill closure.

2. DECLARATION OF INTERESTS

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

3. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2009-2013

Strategic Objective - Sustainability

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

Community Outcome - Sustainability

By responsibly managing the natural environment, to ensure its sustainability and diversity for the community.

Strategic Action - Natural Sustainability

Develop waste management facilities, techniques and technologies to advocate waste avoidance or minimisation, enhance resource recovery and achieve 'final storage quality' where possible.

Strategic Action

Develop facilities to manage waste which enhance the desirability for economic development within Latrobe City.

Policy - Ecologically Sustainable Development Policy 09 POL-3

The goal of this policy is to achieve ecologically sustainable development in Latrobe City. Ecologically sustainable development is an international initiative and policy of both federal and state government. This local policy provides a basis for a series of outline policies and strategies to assist Latrobe City to achieve sustainability in various sectors of environmental protection, major land-use, business and industry, waste disposal and people and equity.

4. BACKGROUND

Latrobe City Council has contractual obligations to find a suitable landfill within the municipality for the following contracts:

- Kerbside waste collection;
- Transfer station management;
- Litter collection; and

In the event that the disposal of waste is to a landfill outside the municipality, a mechanism to compensate for additional transport is a condition stipulated in the respective contract agreements.

There is no contractual obligation for Latrobe City Council to find a suitable landfill within the municipality for the Materials Recovery Facility waste.

Latrobe City Council ceased operation of the Morwell Landfill on 28 February 2008. All Latrobe City municipal waste was diverted initially to Baw Baw Shire, then to Wellington Shire Council landfills until the completion of the Latrobe City Hyland Highway Landfill.

In February 2008, an agreement was formed between Latrobe City Council and Baw Baw Shire Council to divert Latrobe City municipal waste to the Trafalgar Landfill. Latrobe City municipal waste was diverted to the Baw Baw Shire Council owned Trafalgar Landfill from 29 February 2008 until 11 April 2009. Diversion to Trafalgar landfill then ceased after it was identified that the Trafalgar landfill had limited remaining airspace.

In April 2009, an agreement was formed between Latrobe City Council and Wellington Shire Council to divert Latrobe City municipal waste to the Kilmany Landfill. Latrobe City Council kerbside municipal waste was diverted to the Kilmany Landfill from 11 April 2009 until 18 May 2009, and transfer station waste until 29 May 2009.

Commercial and industrial contractors and construction and demolition contractors that previously had accounts with Latrobe City Council were requested to set up their own commercial arrangements with Baw Baw and Wellington Shire Council's to dispose to their landfills.

Latrobe City Council made provision of funds to cover the cost of waste disposal outside of the municipality within the 2007/2008 and 2008/2009 recurrent budget. Funds were allocated for a 12 month waste diversion period.

The Hyland Highway Landfill facility received EPA approval to accept kerbside municipal waste from 19 May 2009 and commercial and industrial waste from 29 May 2009.

On 7 July 2008 Council resolved:

1. *That Council pursuant to Section 186 (5)(a) of the Local Government Act 1989, deems that this is an emergency situation and enters into an agreement with Baw Baw Shire Council for waste disposal services until the Hyland Highway Landfill is operational; and*
2. *That the details of the disposal costs associated with the agreement with Baw Baw Shire be provided to Council when the Hyland Highway Landfill is operational.*

5. ISSUES

Table 1 below shows details of the landfill fees paid to Trafalgar and Kilmany landfills.

Table 1 - Landfill gate fee costs.

Landfill Waste	Trafalgar	Kilmany	Total
Kerbside	\$860,827.39	\$115,202.88	\$976,030.27
Transfer Station Waste	\$427,571.73	\$63,114.15	\$490,685.88
Domestic Asbestos	\$2,423.75	\$0.00	\$2,423.75
Total	\$1,290,822.87	\$178,317.03	\$1,469,139.90

Note: litter gate fees are paid by the contractor.

Table 2 below shows cost incurred for transport of kerbside waste, transfer station waste and litter to the Trafalgar and Kilmany Landfills.

Table 2 – Transport costs to landfills.

Waste Transport	Trafalgar	Kilmany	Total
Kerbside waste	\$70,888.74	\$13,883.91	\$84,772.65
Transfer Station	\$14,707.36	\$3,424.67	\$18,132.03
Litter	\$12,540.00	\$0.00*	\$12,540.00
Total	\$98136.10	\$17308.58	\$115444.68

* a new litter contract commenced including transport costs.

Note: Transport of asbestos to landfill is incurred by the transporter.

Table 3 below shows calculation of cost and income against budget to dispose of the Latrobe City municipal waste to the Trafalgar and Kilmany Landfills.

Table 3 – Cost against budget

Item	Total
Budget allocated	\$1,160,000.00
Landfill fees + Transport cost	-\$1,584,583.68
Total	(\$424,583.68)

6. FINANCIAL AND RESOURCES IMPLICATIONS

The cost to Latrobe City Council as a result of the Morwell Landfill closure and disposal of municipal waste at landfills outside municipality was \$1,584,583.68. The cost overrun against budget was \$424,583.68.

This cost has been fully provided for in the 2008/09 end of year financial accounts.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Latrobe City Council has kept the community informed of changes to waste disposal arrangement through print media, personal letters and personal briefings.

Details of Community Consultation / Results of Engagement:

Officers from Latrobe City Council and Baw Baw Shire Council held public meetings and information sessions for contractors on 20 February 2008 and 16 April 2008 to keep them informed of any issues or changes to arrangements. Latrobe City Council officers maintained contact with the industry and EPA during the time waste was being diverted to the Trafalgar and Kilmany landfills.

8. OPTIONS

The report provides details of expenditure associated with transport and disposal of waste to Baw Baw Shire and Wellington Shire in accordance with the Council resolution of 7 July 2008.

9. CONCLUSION

The cost associated with the disposal of waste at the Trafalgar Landfill from 29 February 2008 to 11 April 2009 and at the Kilmany Landfill from 13 April 2009 to 29 May 2009 could not be avoided due to the closure of the Latrobe City Morwell landfill.

Latrobe City Council's Hyland Highway Landfill facility opened in May 2009 and commenced full operations in June 2009, receiving EPA approval to accept municipal, commercial and industrial and construction and demolition waste.

10. RECOMMENDATION

That Council notes the report on the expenditure incurred by Latrobe City Council for disposal of municipal waste at Trafalgar and Kilmany Landfills as a result of the Morwell Landfill closure.

Moved: Cr Vermeulen

Seconded: Cr Lougheed

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

**7.7 LATROBE CITY OUTDOOR POOL SUMMER SEASON
OPERATIONAL HOURS ARRANGEMENTS**

AUTHOR: General Manager Recreational and Cultural Liveability
(ATTACHMENT – NO)

1. PURPOSE

The purpose of this report is to present the proposed operational arrangements for Latrobe City Council's outdoor pool 2009/10 summer season at Traralgon, Moe and Yallourn North outdoor pools for Council consideration.

2. DECLARATION OF INTERESTS

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

3. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2009-2013

Strategic Objective – Liveability

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

Community Outcome – Recreational Liveability

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

Strategic Action

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

The operation of leisure facilities (swimming pools, gyms and indoor stadiums) is a key area of Latrobe City Council service provision and delivery that contributes to the liveability of the City.

4. BACKGROUND

At the 20 October 2008 Ordinary Council Meeting, Council resolved the following in respect to operational hours for the 2008/09 outdoor pool season:

1. *That Council approves the following operational arrangements for the outdoor pool summer season:*

Yallourn North Outdoor Pool

<i>Dates/ Season</i>	<i>Hours of operation</i>
<i>Off-peak Season 8 November 2008 to 14 December 2008</i>	<i>Weekdays: 3:00 pm – 7:00 pm Weekends: 1:00 pm – 7:00 pm</i>
<i>Peak Season 15 December 2008 to 30 January 2009</i>	<i>All Days: 12:00 noon – 7:00 pm CLOSED CHRISTMAS DAY, BOXING DAY AND NEW YEARS DAY</i>
<i>Off-peak Season 31 January 2009 to 9 March 2009</i>	<i>Weekdays: 3:00 pm – 7:00 pm Weekends: 12:00 noon – 7:00 pm</i>
<i>Guaranteed Opening Hours 8 November 2008 to 9 March 2009</i>	<i>3:00 pm – 5:00 pm every day for days under 23 degrees</i>

Traralgon and Moe Outdoor Pools

<i>Dates/ Season</i>	<i>Hours of operation</i>
<i>Off-peak Season 29 November 2009 to 14 December 2009</i>	<i>Weekdays: 3:00 pm – 7:00 pm Weekends: 12:00 noon – 7:00 pm</i>
<i>Peak Season 15 December 2008 to 30 January 2009</i>	<i>All Days: 12:00 noon – 7:00 pm CLOSED CHRISTMAS DAY, BOXING DAY AND NEW YEARS DAY</i>
<i>Off-peak Season 31 January 2009 to 9 March 2009</i>	<i>Weekdays: 3:00 pm – 7:00 pm Weekends: 12:00 noon to 7:00 pm</i>
<i>Guaranteed Opening Hours 29 November 2008 to 9 March 2009</i>	<i>3:00 pm – 5:00 pm every day for days under 23 degrees</i>

- *Normal opening hours may be extended at the discretion of the pool operator from 7.00 pm if there is reasonable patron demand. The length of opening will be at the discretion of the Pool Manager to as late as 8.00 pm.*

- *Outdoor pools would be open at normal times if the forecasted temperature for the Latrobe Valley is 23 degrees or more based on the previous days 4.00 pm forecast as issued by the Bureau of Meteorology.*
 - *Normal opening hours may be shortened if the temperature drops below 23 degrees after 5.00 pm and there is minimal patron demand. Staff will advise patrons in attendance and place a sign on the entry advising why the pool is closed.*
 - *In the event the previous day's 4.00 pm forecast is below 23 degrees, all pools are guaranteed to be open between 3.00 pm and 5.00 pm each day (unless storms and/or lightning in the vicinity).*
 - *Outdoor pools will operate if prior bookings have been made by programs such as schools, group hire, etc.*
 - *Traralgon Outdoor Pool will be open for early morning swimming on Monday, Wednesday and Friday between 6.00 am and 8.00 am (unless storms and/or lightning in the vicinity).*
 - *If at the completion of the official season on 9 March 2009 our region is still experiencing warm temperatures, the pools will be able to be opened until such time that reasonable demand is no longer existent.*
2. *That Council undertakes a communication campaign utilising radio, newspaper and the Latrobe City web site to advise patrons of the new operational arrangements.*

In previous outdoor pool seasons (prior to 2008/09) there were occasions where each outdoor pool was required to be open on cooler days in accordance with the adopted operating hours. This was despite the patronage being very low and on some occasions there being no patrons at all.

All of Latrobe City's outdoor pools require a minimum of one duty manager and one lifeguard, as well as an extra lifeguard at Moe Outdoor Pool due to the diving pool, regardless of the number of patrons, for the facility to be open to the public.

In addition to this 2008 resolution, at the 5 October 2009 meeting Council resolved as follows:

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.*

5. ISSUES

Prior to the 2008/09 season, the outdoor pools opened and closed during summer regardless of the temperature. This mode of operation was inflexible, costly and delivered minimal community benefit. For example, if the temperature was 20 degrees and raining all of the outdoor pools would be open. The staff cost alone for this was approximately \$57 per hour for Traralgon and Yallourn North and \$84 per hour for Moe Outdoor, regardless of the number of patrons. If the patronage increases by more than 100, then an extra lifeguard is required at a cost of \$27 per hour for every 100 patrons.

As a result of the new operating regime for the 2008/09 season, Latrobe City outdoor pools hosted just over 30,000 patrons. The pools at Moe, Traralgon and Yallourn North were all closed on 9 March 2009 after being open for approximately four months. A key success indicator for the new arrangements was that no complaints from the community were received by Latrobe City Council in regards to the new operating hours.

Below are the attendance figures for the previous two financial years. Overall there was an increase of 2,272 attendances for the 2008/09 season.

	Attendance Figures	
	2007/08	2008/09
Traralgon Outdoor Pool	13,987	14,217
Yallourn North Outdoor Pool	5,554	5,231
Moe Outdoor Pool	8,446	10,811
Totals	27,987	30,259

The new operating arrangements in 2008/09 allowed for the pools to be re-opened after the end of the regular season if the region was still experiencing warm temperature, which was the case on Saturday, 21 March 2009. Traralgon and Yallourn North re-opened for the day with 67 attendances at Traralgon Outdoor Pool and 50 attendances at the Yallourn North Outdoor Pool. Moe Outdoor Pool was unable to be opened on this day due to an unplanned pump outage that negatively impacted on water quality.

Daylight savings will finish in Victoria on 4 April 2010. This is almost one month after the proposed closure of the outdoor pool season. It should however be noted that the pools can be re-opened during this period if our region is still experiencing warm temperatures and the demand is existent.

6. FINANCIAL AND RESOURCES IMPLICATIONS

In respect to budget implications, the following table shows the actual budget results and 2009/10 budget allocations for Latrobe City outdoor pools:

	2009/10 Budget	2008/09	2007/08
Traralgon Outdoor Pool Income	\$69,900	\$ 60,951	\$ 54,188
Traralgon Outdoor Pool Expenditure	\$113,000	\$109,840	\$117,618
Traralgon Outdoor Pool Net cost	\$43,100	\$ 48,889	\$ 63,430

	2009/10 Budget	2008/09	2007/08
Moe Outdoor Pool Income	\$45,000	\$ 47,316	\$ 37,141
Moe Outdoor Pool Expenditure	\$109,300	\$104,057	\$ 96,272
Moe Outdoor Pool Net cost	\$64,300	\$ 56,741	\$ 59,131

	2009/10 Budget	2008/09	2007/08
Yallourn North Outdoor Pool Income	\$21,200	\$ 18,795	\$ 18,127
Yallourn North Outdoor Pool Expenditure	\$74,300	\$ 75,160	\$ 68,196
Yallourn North Outdoor Pool Net cost	\$53,100	\$ 56,365	\$ 50,069

	2009/10 Budget	2008/09	2007/08
Outdoor Pools Income	\$136,100	\$127,062	\$109,456
Outdoor Pools Expenditure	\$296,600	\$289,057	\$282,085
Outdoor Pools Net cost	\$160,500	\$161,995	\$172,629

The above table demonstrates that the new operating hours and other efficiency improvements have enabled Latrobe Leisure to provide this service at an overall reduced cost over the past three years. This is despite increased staff wages and other operational expenses (chemicals, maintenance, etc.).

Based on an average of expenditure data from 2008/09 and current wage levels, it is projected that for each individual day that the three pools are open there is an expenditure cost of \$3,035 per day.

If Council was to request the opening of pools until the end of the daylight saving period, the expenditure impact would be approximately \$85,000 if the pools were open for the entire 28 day period. No income projections are able to be made as there is no historical attendance data available for this period as the pools have not been open during these dates (last three weeks of March, first week of April).

7. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Prior to the 2008/09 season, Latrobe Leisure consulted with a number of key groups, including local swimming clubs. An extensive media campaign was undertaken which included use of mediums such as radio, print and the Latrobe City Council website (updated daily). All signage at the outdoor pools was also upgraded to ensure patrons were provided with clear, accurate and timely information.

8. OPTIONS

Council has the following options:

1. Council may resolve not to amend the current operational arrangements. This is the preferred option as it provides operational flexibility and was popular with patrons during the 2008/09 season;
2. Council may resolve to amend the operational arrangements for the outdoor pools. This is not the preferred option as it does not provide operational flexibility and could have potential budget implications.

9. CONCLUSION

The new operating hours for the 2008/09 summer outdoor pool season provided operational flexibility for Latrobe Leisure and the community, whilst providing a reliable system for our patrons to identify if the pools are open or closed. The new arrangements also provide guaranteed hours each day for dedicated patrons and allowed Latrobe City Council to meet its obligations in relation to staff (two hour minimum shifts).

A key feature of the new 2008/09 operating hours was the ability to extend the season on days of favourable weather conditions without being hindered by budgetary constraints due to potential savings being made throughout the regular season.

An extensive communications campaign will be conducted through the radio and newspaper, which will include a public notice to fully inform patrons of the operating hours for this summer outdoor pool season.

10. RECOMMENDATION

1. That Council approves the following operational arrangements for the outdoor pools:

Yallourn North Outdoor Pool

Dates/ Season	Hours of operation
Off-peak Season 7 November 2009 to 13 December 2009	Weekdays: 3:00 pm – 7:00 pm Weekends: 12:00 noon – 7:00 pm
Peak Season 14 December 2009 to 31 January 2010	All Days: 12:00 noon – 7:00 pm CLOSED CHRISTMAS DAY, BOXING DAY AND NEW YEARS DAY
Off-peak Season 1 February 2010 to 8 March 2010	Weekdays: 3:00 pm – 7:00 pm Weekends: 12:00 noon – 7:00 pm
Guaranteed Opening Hours 7 November 2009 to 8 March 2010	3:00 pm – 5:00 pm every day for days under 23 degrees

Traralgon and Moe Outdoor Pools

Dates/ Season	Hours of operation
Off-peak Season 28 November 2009 to 13 December 2009	Weekdays: 3:00 pm – 7:00 pm Weekends: 12:00 noon – 7:00 pm
Peak Season 14 December 2009 to 31 January 2010	All Days: 12:00 noon – 7:00 pm CLOSED CHRISTMAS DAY, BOXING DAY AND NEW YEARS DAY
Off-peak Season 1 February 2010 to 8 March 2010	Weekdays: 3:00 pm – 7:00 pm Weekends: 12:00 noon – 7:00 pm
Guaranteed Opening Hours 7 November 2009 to 8 March 2010	3:00 pm – 5:00 pm every day for days under 23 degrees

- Normal opening hours may be extended at the discretion of the pool operator from 7.00 pm if there is reasonable patron demand. The length of opening will be at the discretion of the pool manager to as late as 8.00 pm.

- Outdoor pools would be open at normal times if the forecasted temperature for the Latrobe Valley is 23 degrees or more based on the previous days 4.00 pm forecast as issued by the Bureau of Meteorology.
 - Normal opening hours may be shortened if the temperature drops below 23 degrees after 5.00 pm and there is minimal patron demand. Staff will advise patrons in attendance and place a sign on the entry advising why the pool is closed.
 - In the event the previous day's 4.00 pm forecast is below 23 degrees, all pools are guaranteed to be open between 3.00 pm and 5.00 pm each day (unless storms and/or lightning in the vicinity).
 - Outdoor pools will operate if prior bookings have been made by programs such as schools, group hire, etc.
 - Traralgon Outdoor Pool will be open for early morning swimming on Monday, Wednesday and Friday from Monday 30 November 2009 to Friday 5 March 2010 inclusive between 6.00 am and 8.00 am (unless storms and/or lightning in the vicinity). This service will not be available 24 December 2009 to 3 January 2010 inclusive.
 - If at the completion of the official season on 9 March 2010 our region is still experiencing warm temperatures, the pools will be able to be opened until such time that reasonable demand is no longer existent.
2. That Council undertakes a communication campaign utilising radio, newspaper and the Latrobe City Council web site to advise patrons of the operational arrangements.

Moved: Cr Gibson

Seconded: Cr Lougheed

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

PRESENTATION OF PETITIONS

**10.1 PETITION - GLANVILLE CRESCENT, HAZELWOOD NORTH -
CLOSURE OF ROAD**

This item was considered earlier in the meeting.

ECONOMIC SUSTAINABILITY

11.2.1 COAL COUNCILS OF AUSTRALIA SCOPE FOR COOPERATION
- MEMORANDUM OF UNDERSTANDING

AUTHOR: General Manager Economic Sustainability
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to seek Council's approval for Latrobe City Council to become a signatory to the Memorandum of Understanding for the Coal Councils of Australia Alliance.

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 – Community Capacity Building

To empower the community through enhancing community advocacy, leadership, partnerships, inclusiveness and participation.

Community Outcome – Advocacy and Leadership

By maintaining an understanding of issues of local importance Latrobe City will provide leadership in addressing such issues. Where appropriate, the City will advocate on behalf of the community and will ensure that the community is represented.

Strategic Action

Support research and analysis of issues of emerging community concern, and develop strategies to address those issues.

This report is also consistent with the *Latrobe City Council Interim Policy Position on the Expected Impacts of the Carbon Pollution Reduction Scheme (2009)* adopted in May 2009.

4. **BACKGROUND**

On 24 June 2009, representatives from seven Australian local government areas met in Canberra to discuss their common interest in the Federal Government's proposed Carbon Pollution Reduction Scheme (CPRS). The representatives, predominately Mayors, at the meeting were united by concerns about impacts of the CPRS on their local economies and employment levels in coal mining and coal-related industries.

Councils in attendance were:

- Latrobe City Council
- Wellington Shire Council
- Central Highlands Regional Council (QLD)
- Isaac Regional Council (QLD)
- Whitsunday Regional Council (QLD)
- Singleton Shire Council (NSW)
- Muswellbrook Shire Council (NSW)

Following the meeting held in June 2009 in Canberra, Latrobe City Council commissioned Scott Hargreaves and Associates to prepare a preliminary paper to examine the impacts and opportunities for each local government area under the CPRS (attachment one). This paper "*The Scope for Cooperation by Municipalities Potentially Affected by the CPRS*" was completed by and was distributed in August to each Council in attendance at the June meeting.

Since that time all representatives who attended the meeting have agreed that joint action by impacted councils would be beneficial particularly in engaging the Australian Government in direct dialogue, with the exception of Singleton Shire Council. Each local government area is now seeking formal approval from their council to sign the Memorandum of Understanding (MOU) for the Coal Councils Australia Alliance. Singleton Shire Council have advised that whilst they support the principles and objects of the draft MOU they are not in a position to contribute financially at this time.

During mid September, Newcastle City Council advised that they would also like to be involved in the Alliance.

This report seeks Council approval for Latrobe City Council to sign the Memorandum of Understanding.

5. ISSUES

Latrobe City Council Role in CPRS

Latrobe City Council plays a key strategic role in providing leadership in representing the broader interests of its community on issues relating to the development of the energy industry.

The Latrobe City municipality has been identified as a community likely to be exposed to significant structural adjustment pressures as a result of the introduction of the CPRS. It is anticipated that the introduction of the CPRS will decrease the competitiveness of the brown coal fired generators that are located within the Latrobe Valley. This would then impact on the local economy including employment growth.

Approval by Council for Latrobe City to become a party to the MOU for the Coal Councils Alliance of Australia would build on the range of work that Latrobe City Council has already completed in this area to date. This work includes leading the development of a regional submission to the CPRS Green Paper, seeking representation on the \$2.15 billion Climate Change Action Fund Consultative Committee and advocating for the Australian arm of the Global Institute on Carbon Capture to be located within Latrobe City.

Scope for Cooperation

“The Scope for Cooperation by Municipalities Potentially Affected by the CPRS” clearly demonstrates that there are local government areas across Australia that will be impacted by the CPRS, though not necessarily in the same way.

The paper highlights the need for social impact analysis to be undertaken by the Australian Government in order for councils to be able to have sufficient information in relation to the costs and benefits (both economic and coal) presented by the CPRS. Social Impact Analysis will be key in assisting regions to demonstrate the impacts of the CPRS. This is particularly important given that the CPRS White Paper states *“The Australian Government is aware of stakeholder concerns in relation to particular regions and stands ready to provide assistance through the Climate Change Action Fund to any region where a clear, identifiable and significant impact arises, or is likely to arise, as a direct result of the Scheme”*.

Memorandum of Understanding (MOU)

The MOU (attachment two) recognises that all parties have a commitment to pursuing optimal social and economic outcomes for their communities and have an intention to pursue the development and implementation of selected initiatives. In particular this MOU:

- Confirms the commitment of each party to work collaboratively to pursue the best outcomes for our respective communities.
- Establishes a commitment to work together to fully engage the Australian Government in the need to assist each region understand the opportunities and challenges of the CPRS.
- Establishes priority areas of focus for the 3 years 2009/10 to 2011/12, through the development of an agreed agenda. The agreed agenda will include a request that a social impact analysis be undertaken in each impacted region, to advocate for the Australian Government to engage with impacted communities through the transitional period and other areas of common interest as they arise.

The MOU is intended to guide future working relationships between the parties which may result in specific joint initiatives or other project arrangements.

It is proposed that the Coal Councils of Australia Alliance would not have a formal secretariat; instead all members would be asked to contribute \$5,000 per annum to an advocacy fund.

The Coal Councils of Australia Alliance will provide each member council with an opportunity to work in close partnership with the Australian Government during the introduction of the CPRS and subsequent transition period.

6. FINANCIAL AND RESOURCES IMPLICATIONS

Should Council agree to become a party to the MOU there will be minimal resource and financial implications. The \$5,000 advocacy fund contribution per annum can be accommodated within the existing budget. Additional resource requirements are anticipated to be minimal and able to be accommodated within existing resources and by working cooperatively with other Councils.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

The draft MOU and “*The Scope for Cooperation by Municipalities Potentially Affected by the CPRS*” have been forwarded to all potential parties of the MOU.

Details of Community Consultation / Results of Engagement:

Nil.

8. OPTIONS

Council has the following options:

1. Agree to become a party to the MOU for the Coal Council of Australia Alliance.
2. Decline to become a party to the MOU for the Coal Council of Australia Alliance.
3. Seek amendments to the MOU for the Coal Council of Australia Alliance.

9. CONCLUSION

Latrobe City Council has a key role in providing leadership in representing the broader interests of its community on issues relating to the development of the energy industry. Approval by Council for Latrobe City to become a party to the MOU for the Coal Councils Alliance of Australia would build on the range of work that Council has already completed.

10. RECOMMENDATION

That Council agrees to become a signatory to the Memorandum of Understanding for the Coal Councils of Australia Alliance.

Moved: Cr Gibson

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

BUILT AND NATURAL ENVIRONMENT SUSTAINABILITY

11.3.1 TIMBER CARTAGE ROUTES AT JUMBUK AND YINNAR SOUTH

This item was considered earlier in the meeting.

GOVERNANCE

11.6.1 CONTRACT ACTIVITIES FROM THE PREVIOUS COUNCIL MEETING AND BY THE CHIEF EXECUTIVE OFFICER UNDER DELEGATION

AUTHOR: General Manager Governance
(ATTACHMENT - **NO**)

1. DECLARATION OF INTERESTS

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

2. DOCUMENT/S

- a) The following contract was awarded at the Ordinary Council Meeting held on 21 September 2009:

ITT NO.	DESCRIPTION	CONTRACTOR	PRICE AWARDED
12688	Construction of pedestrian bridge over Traralgon Creek at Agnes Brereton Reserve, Traralgon	HCM Constructions Vic Pty Ltd	Lump sum of \$215,735.00 exclusive of GST

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

CONTRACT NO.	DESCRIPTION	CONTRACTOR	PRICE AWARDED	DATE AWARDED, SIGNED AND SEALED
12703	Provision of consultancy services – Project Engineer	SM Urban Pty Ltd	Schedule of rates	16 September 2009

- c) There were no contracts signed and sealed by the Chief Executive Officer under delegation since the previous report to Council on 5 October 2009.

3. RECOMMENDATION

That Council notes this report on contract decisions made at the Ordinary Council Meeting held on 21 September 2009 and by the Chief Executive Officer under delegation on 16 September 2009.

Moved: Cr Lougheed
Seconded: Cr Vermeulen

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

.

11.6.2 S11. INSTRUMENT OF APPOINTMENT AND AUTHORISATION

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to seek Council's consideration to authorise an additional Council officer pursuant to section 224 of the *Local Government Act* 1989 and other Acts as appropriate.

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 Governance

Ensure compliance with the Local Government Act.

Ensure compliance with other relevant legislation.

4. BACKGROUND

Section 224 of the *Local Government Act* 1989 allows the following:

224. Authorised officers

- (1) *A Council may appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.*
- (1A) *A Council must maintain a register that shows the names of all people appointed by it to be authorised officers.*
- (2) *The Council must issue an identity card to each authorised officer.*
- (3) *An identity card must—*
 - (a) *contain a photograph of the authorised officer; and*
 - (b) *contain the signature of the authorised officer; and*
 - (c) *be signed by a member of Council staff appointed for the purpose.*

By authorising officers a council is authorising or appointing a person to a particular statutory position. Once a person is authorised by Council, that person has the powers of that statutory position; as distinct from being delegated the powers of the Council.

Authorisations are different from delegations as delegations involve the Council giving its powers to members of staff who then act on behalf of Council. Persons authorised by Council to hold a statutory position are acting as holders of statutory powers; they are not acting as delegates or on behalf of the Council. Their powers and responsibilities are different to the powers and responsibilities of the Council.

Therefore it is important, for the proper functioning of the Council, to authorise officers generally under the *Local Government Act 1989* and specifically under other appropriate Acts.

5. ISSUES

Currently Council has a number of persons authorised to act in various statutory positions.

To ensure good governance it is appropriate for Council to periodically review its authorisations register and ensure that only appropriate persons are provided with authorisation.

Council has recently recruited a new planner that requires authorisation from Council.

The Chief Executive Officer's delegation precludes him from authorising an officer under the *Planning and Environment Act* 1987. Therefore any authorisations under this Act must be specifically made by Council.

This authorisation allows the planning officer to enter private property within the municipality to perform their duties without risk of being charged with trespass by the owner of the property.

6. FINANCIAL AND RESOURCES IMPLICATIONS

There is no direct cost to Council in authorising various powers and functions.

7. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

No external consultation has been engaged.

Details of Community Consultation / Results of Engagement:

Community consultation has not been undertaken as this is a statutory function required by the *Local Government Act* 1989.

8. OPTIONS

Council has the following options in relation to the authorisation of the officer:

1. Not authorise the officer under the *Planning and Environment Act* 1987, however this may impede the Council officer's ability to fully perform their expected duties; or
2. Authorise the officer proposed in the S11. Instrument of Appointment and Authorisation – October 2009.

9. CONCLUSION

Some Acts under which Council operates require direct authorisation from Council to Council officers to perform certain statutory duties.

By authorising various Council officers under the *Planning and Environment Act 1987*, Council will ensure that Council officers can fully perform their duties under the Act.

Should Council accept the recommendation, the Chief Executive Officer will simultaneously authorise the officer and person in accordance with his delegation.

10. RECOMMENDATION

- 1. That Council, in the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and section 147(4) of the *Planning and Environment Act 1987* appoints and authorises the following member of Council staff; John Russell Campbell Bettson as referred to in the S11. Instrument of Appointment and Authorisation – October 2009; and**
- 2. That Council authorises the Chief Executive Officer to sign and seal the S11. Instrument of Appointment and Authorisation – October 2009 and that this Instrument comes into force immediately upon the common seal of Council being affixed.**

Moved: Cr White

Seconded: Cr Lougheed

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

S11. Instrument of Appointment and Authorisation – October 2009



Latrobe City Council

Instrument of Appointment and Authorisation

In this instrument "officer" means:

John Russell Campbell Bettson

By this instrument of appointment and authorisation Latrobe City Council:

1. under section 224 of the *Local Government Act 1989* - appoints the officer to be an authorised officer for the administration and enforcement of the *Planning and Environment Act 1987* and the regulations of that Act
2. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987*.

It is declared that this Instrument:

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked; and
- (c) is automatically revoked upon that officer ceasing employment with Latrobe City Council.

This Instrument is authorised by a resolution of the Latrobe City Council on **[Date]**

The common seal of Latrobe City Council was hereto affixed in the presence of:

.....
PAUL LAURENCE BUCKLEY
Chief Executive Officer
Latrobe City Council

Date:

ORGANISATIONAL EXCELLENCE

11.7.1 2008/2009 ANNUAL REPORT

AUTHOR: General Manager Organisational Excellence
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present the 2008/2009 Annual Report in accordance with Section 134 of the *Local Government Act* 1989.

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 Compliance

By ensuring adherence to legislative requirements.

Strategic Action

Ensure compliance with the Local Government Act.

Policy – Audit Policy 09 POL-3

Duty to ensure Council has fulfilled its governance obligations to its community through the Audit Committee.

4. BACKGROUND

The *Local Government Act* 1989 requires Council to submit the Annual Report, including the audited financial, standard and performance statements, to the Minister for Local Government within three months of the end of the financial year.

Accordingly a copy of the Annual Report 2008/2009 was provided to the Minister electronically on 23 September 2009, with a hardcopy delivered on 29 September 2009.

Council resolved on 7 September 2009 to approve the financial, standard and performance statements and to authorise Councillors Fitzgerald and Middlemiss to certify the statements in their final form. This certification was undertaken prior to forwarding the Annual Report to the Minister for Local Government.

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

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

In accordance with these legislative requirements, an advertisement inviting the public to inspect the 2008/2009 Annual Report, and informing the public that the 2008/2009 Annual Report would be presented at the Council Meeting on 19 October 2009 was published in the Latrobe Valley Express on 1 October 2009.

5. **ISSUES**

The 2008/2009 Annual Report includes a detailed summary of operations, legislative requirements and audited financial, standard and performance statements. A copy of the 2008/2009 Annual Report, as presented to the Minister for Local Government, is attached.

The 2008/2009 financial year has been a successful year based on a range of financial and performance indicators consistent with "Latrobe 2021 - The Vision for Latrobe Valley".

Key projects delivered for the year included:

- Adoption of the revised Local Law No.1.
- Preparation of a project plan and conduct research for the review of Latrobe 2021.
- Adoption of the Positive Ageing Plan.
- Finalisation of construction of the Latrobe City Hyland Highway Landfill.

- Adoption of the Road Asset Management Plan.
- Progression of the review of the Municipal Strategic Statement.
- Adoption of the Southern Towns Outdoor Recreation Plan.
- Progression of the refurbishment of Latrobe Leisure Moe Newborough.
- Finalisation of construction of the Churchill and District Community Hub.
- Progression of the feasibility study for a Performance Arts Centre.

In 2008/2009 Council budgeted for a \$4.695 million surplus on operations and recorded a surplus on operations of \$10.555 million for the year. The additional surplus primarily resulted from additional developer contributed assets over the original estimate, together with additional capital grants and contributions for capital projects.

During the 2008/2009 financial year prudential financial management by Council was once again demonstrated, with all key financial ratios indicating Council is in a sound financial position. Council's financial statements indicate that the Council has continued to provide a solid financial foundation to meet future requirements.

6. FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications related to this process.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Council's Audit Committee has reviewed the financial, standard and performance statements of the 2008/2009 Annual Report and authorised its content.

Details of Community Consultation / Results of Engagement:

The Victorian Auditor General's Office has conducted a comprehensive audit of the financial, standard and performance statements and issued unqualified audit reports for the 2008/2009 financial year for all of the statements.

8. OPTIONS

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

9. CONCLUSION

The 2008/2009 Annual Report has been prepared in accordance with the legislative requirements of the *Local Government Act* 1989, and is presented for Council's consideration. The Victorian Auditor General's Office has conducted a comprehensive audit of the financial, standard and performance statements, and issued unqualified reports for all statements. Council's Audit Committee has reviewed and endorsed the financial, standard and performance statements of the 2008/2009 Annual Report.

10. RECOMMENDATION

That Council notes the 2008/2009 Annual Report in accordance with Section 134 of the *Local Government Act* 1989.

Cr Lougheed left the Council Chamber at 10.13 pm

Cr Lougheed returned to the Council Chamber at 10.15 pm

Moved: Cr Lougheed

Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT**2008/2009 ANNUAL REPORT**

Please click of the 'link' below for Council's webpage containing the Annual Report:

<http://www.latrobe.vic.gov.au/webfiles/council%20documents/annual%20report/latrobe%20city%20council%20annual%20report%202008-09.pdf>

**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 2008 GENERAL ELECTION INFRINGEMENTS	LEGAL ADVICE – s.89(2)(f)

Moved: Cr White

Seconded: Cr Lougheed

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

Meeting Closed to the Public

The Meeting closed to the public at 10.23 pm.

14. TEA BREAK**Adjournment of Meeting**

The Mayor adjourned the Meeting at 10.23 pm for a tea break.

Resumption of Meeting

The Mayor resumed the Meeting at 10.37 pm.