



LATROBE CITY COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING

HELD IN THE
NAMBUR WARIGA MEETING ROOM,
CORPORATE HEADQUARTERS, MORWELL
AT 7:00 PM ON 02 NOVEMBER 2009

PRESENT:

Cr Lisa Price, Mayor - Farley Ward
Cr Kellie O'Callaghan, Deputy Mayor - Burnet Ward
Cr Rohan Fitzgerald - Dunbar Ward
Cr Sharon Gibson - Merton Ward
Cr Sandy Kam - Galbraith Ward
Cr Bruce Lougheed - Tanjil Ward
Cr Graeme Middlemiss - Rintoull Ward
Cr Ed Vermeulen - Gunyah Ward
Cr Darrell White - Firmin Ward
Paul Buckley, Chief Executive Officer
Michael Edgar, General Manager Community Liveability
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
Katie Garlick, Council Operations Administration Officer

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NIL

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NIL

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NIL

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NIL

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NIL

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CLOSED

1. Opening Prayer

The Opening Prayer was read by the Mayor.

Recognition of Traditional Landholders

The Recognition of Traditional Landholders was read by the Mayor.

2. Apologies for Absence

NIL

3. Declaration of Interests

Cr Kam declared an indirect interest under Section 78B of the *Local Government Act* 1989 in Item 6.4 - 2009/22 - Notice of Motion - RoadSafe Victoria.

4. Adoption of Minutes

Moved: Cr Gibson

Seconded: Cr Vermeulen

That Council adopts the Minutes of the Ordinary Council Meeting held on 19 October 2009 (CM 305), relating to those items discussed in open Council.

CARRIED UNANIMOUSLY

PUBLIC QUESTION TIME

5.1 CAR PARKING TAKE AWAY WITH NO COMPROMISE

Mr Gerry Orr asked the following question:

Question

Why don't you look after a business that has been in Moe for 20 years and have some common sense?

Why doesn't Peter Quigley or Lisa Price return my calls and letters on this issue?

What is going to be done, before I have to close?

Answer

The Chief Executive Officer paraphrased the question and responded that correspondence addressing issues raised has been sent to Mr Orr late last week and should arrive within the next few days.

**5.2 ANSWERS TO PREVIOUS QUESTION TAKEN ON NOTICE AT THE
ORDINARY COUNCIL MEETING HELD ON 21 SEPTEMBER 2009**

5.1 VCAT AND OTHER COUNCIL RELATED LEGAL COSTS

Mr Bill Barber asked the following question:

Question

In noting an article in yesterday's metropolitan print media regarding legal costs by Councils for VCAT. Will Council provide legal fee costing by Council for VCAT for 2008 and thus far for 2009?

Further will Council also include the recent Electoral Tribunal costs born by Latrobe City Stakeholders, together with any other legal fee matters pertaining to council, or will we need to resort to the usual 'Freedom of Information' procedures to obtain this information?

Answer

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

Copy of letter included on the following page.

Our Ref: CM 303
TM:RB

2 November 2009



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Post to PO Box 264 Morwell 3840
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Dear Mr Barber

**PUBLIC QUESTION: VICTORIAN CIVIL AND ADMINISTRATIVE
TRIBUNAL LEGAL COSTS**

I refer to your public question to Latrobe City Council at the ordinary council meeting held on 21 September 2009:

“In noting an article in yesterday’s metropolitan print media regarding legal costs by Councils for Vcat. Will Council provide legal fee costings by Council for Vcat for 2008 and so far in 2009?”

Further will Council also include the recent Electoral Tribunal costs born by Latrobe City Council Stakeholders, together with any other legal fee matters pertaining to Council, or will we need to resort to the usual ‘Freedom of Information’ procedures to obtain this information?”

Latrobe City Council incurred the following legal expenses in Victorian Civil and Administrative Tribunal (VCAT) matters that went to VCAT;

2007 / 2008	\$29,461.50
2008 / 2009	\$102,752.10
2009 YTD	\$45,623.89

Latrobe City Council incurred legal costs to the sum of \$17,319.17 in the Municipal Electoral Tribunal matter.

If you require any further information on this matter, please contact Tom McQualter, Manager Council Operations and Legal Services on (03) 5128 5657 or via email tommc@latrobe.vic.gov.au.

Yours sincerely

LISA PRICE
Mayor

Suspension of Standing Orders

Moved: Cr Gibson

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 7.05 pm

Mr Keith Bartlett, addressed Council in relation to Item 7.3 – Timber Cartage Routes at Jumbuk and Yinnar South.

Mr Andrew McDonald and Mr Bruce Stephenson, addressed Council in relation to Item 11.3.1 – Planning permit application 2009/072 - use of the land as a hotel, associated buildings and works and on premises and packaged liquor license - Balfour Place, Churchill.

Mr Bruce Stephenson, addressed Council in relation to Item 11.3.2 – Proposal to acquire and develop a park in Walker Parade, Churchill

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 7.47 pm

NOTICES OF MOTION

6.1 2009/19 - NOTICE OF MOTION - EFFECTS OF CARBON POLLUTION BOOKLET

CR VERMEULEN

MOTION

1. That Latrobe City create a separate entry on its website.
2. This section will contain a statement on the generally agreed effects of carbon pollution.
3. That a list of actions that minimise carbon pollution, that can be taken by ordinary households and small businesses, be published on this part of the website.
4. That when this list is sufficient in size, a booklet be published and distributed to every household and business in Latrobe City, by March 2010.

Moved: Cr Vermeulen

Seconded: Cr Lougheed

1. **That Latrobe City, with input from its Climate Change Consultative Committee, create a separate entry on its website.**
2. **This section will contain a statement on the generally agreed effects of carbon pollution.**
3. **That a list of actions that minimise carbon pollution, that can be taken by ordinary households and small businesses, be published on this part of the website.**
4. **That when this list is sufficient in size, a booklet be published and distributed to every household and business in Latrobe City, before June 2010.**

CARRIED UNANIMOUSLY

6.2 2009/20 - NOTICE OF MOTION - PARKING INFRINGEMENTS**CR FITZGERALD****MOTION**

1. That a report be provided to open Council on parking infringements within the Latrobe City. The report should detail the following:
 - The total number of parking infringement notices issued across the Latrobe City for the 2008 to 2009 financial year.
 - The number of parking infringement notices issued in Traralgon, Morwell, Moe and Churchill central business district for the 2008 to 2009 financial year.
 - The number of staff allocated to monitor parking infringements in Traralgon, Morwell, Moe and Churchill central business district on a day to day basis for the 2008 to 2009 financial year.
 - The number of parking infringements issued in 1 hour, 2 hour, 4 hour and all day parking zones in each of the following towns Traralgon, Morwell, Moe and Churchill for the 2008 to 2009 financial year.
 - The total revenue raised from parking infringements for the 2008 to 2009 financial year.
 - The total number of parking infringement notices issued across the Latrobe City for the first quarter of the 2010 financial year.
 - The number of parking infringement notices issued in Traralgon, Morwell, Moe and Churchill business district for the first quarter of the 2010 financial year.
 - The number of staff allocated to monitor parking infringements in Traralgon, Morwell, Moe and Churchill's central business district on a day to day basis for the first quarter of the 2010 financial year.
 - The number of parking infringements issued in 1 hour, 2 hour, 4 hour and all day parking zones in each of the following towns Traralgon, Morwell, Moe and Churchill for the first quarter of the 2010 financial year.
 - The total revenue raised from parking infringements for the first quarter of the 2010 financial year.
2. Provide an estimate of the costs to construct an additional level at the multi-level car park in Traralgon.
3. That the commencement date for the Traralgon car parking study be made public.
4. Provide details of how the parking infringement revenue is allocated in the Council budget, more specifically identify if it is used to improve car parking availability in Traralgon.

Moved: Cr Fitzgerald
Seconded: Cr Kam

That the Motion be adopted.

CARRIED UNANIMOUSLY

ADDITIONAL MOTION

Moved: Cr Kam
Seconded: Cr Fitzgerald

That Council is presented with the parking study brief for information.

CARRIED UNANIMOUSLY

6.3 **2009/21 - NOTICE OF MOTION - PETITION FOR CARERS TO BE INCLUDED IN THE NATIONAL DISABILITY INSURANCE SCHEME**

CR GIBSON

MOTION

That at the 2nd of November 2009 Council Meeting, Council consider placing the Carers petition for a National Disability Insurance Scheme, to be available in Council buildings.

Moved: Cr Gibson

Seconded: Cr Kam

That the Motion be adopted.

For the Motion

Councillors White, Gibson, Kam, Fitzgerald and O'Callaghan

Against the Motion

Councillors Middlemiss, Vermeulen, Price and Loughheed

The Mayor confirmed that the Motion had been CARRIED

.

6.4 2009/22 - NOTICE OF MOTION - ROADS SAFE VICTORIA**CR GIBSON****MOTION****That Council notes the activities and programs of RoadSafe Victoria at the 2nd of November 2009 Council meeting.**

Cr Kam left the Council Chamber at 8.15 pm

Moved: Cr Gibson

Seconded: Cr Fitzgerald

That the Motion be adopted.

CARRIED UNANIMOUSLY

Cr Kam returned to the Council Chamber at 8.21 pm

6.5 2009/23 - NOTICE OF MOTION - IN THE EVENT THAT THE CURRENT MOE LIBRARY AND SERVICE CENTRE IS FOUND SURPLUS TO THE NEEDS OF THE COMMUNITY IT WILL NOT BE SOLD BY PRIVATE TREATY

CR GIBSON

MOTION

At the 2nd November 2009 Council Meeting, Council declare that if the current Moe Library and Service Centre are found to be surplus to the needs of the community, it will not be sold by private treaty.

Cr Kam declared a direct interest under Section 77B of the *Local Government Act* 1989 and an indirect interest under Sections 78 and 78B of the *Local Government Act* 1989 in this item and left the Council Chamber at 8.21 pm

Moved: Cr Gibson

Seconded: Cr Fitzgerald

That the Motion be adopted.

For the Motion

Councillors Gibson, Fitzgerald and O'Callaghan

Against the Motion

Councillors White, Middlemiss, Vermeulen, Price and Lougheed

The Mayor confirmed that the Motion had been LOST

Cr Kam returned to the Council Chamber at 8.32 pm

ITEMS REFERRED BY THE COUNCIL

7.1 **SPECIAL CHARGE SCHEME FOR THE CONSTRUCTION OF A SEALED ROADWAY IN GODRIDGE ROAD, MORWELL**

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

1. PURPOSE

The purpose of this report is to seek Council's approval to declare a Special Charge Scheme for the construction of a sealed roadway in Godridge Road, Morwell in accordance with Section 163 of the *Local Government Act, 1989* and Council Policy, Contributory Scheme Policy 09 POL-2.

2. DECLARATION OF INTERESTS

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

3. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2009-2013

Strategic Objective – Sustainability

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

Community Outcome – Built Environment Sustainability

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

Strategic Action – Infrastructure Development

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

Policy – Contributory Scheme Policy 09 POL-2

This policy provides an equitable and consistent approach to implement, administer and deliver Special Charge Schemes under Section 163 of the *Local Government Act 1989*.

4. BACKGROUND

Godridge Road is an unsealed road providing access to three Industrial 3 Zone properties on the south side and six Mixed Use Zone properties on the north side and is in close proximity to residential properties in Catherine Street.

Godridge Road is listed as a “Limited Access Road” on Council’s Register of Public Roads in the Road Management Plan.

A petition to seal Godridge Road was originally tabled at the Ordinary Council Meeting held on 20 March 2006.

After a series of meetings in July and October 2006 and correspondence with property owners the final preferred option was to construct a 4.0m wide asphalt seal on a 5.0m wide industrial strength road pavement, 450mm deep, without kerbs or pipe drainage.

It was considered impractical to apply kerbs to this option as the kerbs would have to be removed if the road pavement was widened in the future to provide for any future developments. The estimated cost of this option is \$100,000.

A copy of the concept plan is attached with this report.

The following resolution was adopted by Council at the Ordinary Council Meeting held on 19 February 2007:

- 1. That Council agrees in principle to construct Godridge Road, Morwell to a standard that includes a 4.0m wide asphalt seal on a 5.0m wide crushed rock road pavement, 450mm deep (Option 2) as shown on attached drawing number R510657.*
- 2. That Council agrees in principle to levy a fixed amount of \$5,000 per property title as an owner contribution to a Special Charge Scheme for the sealing of Godridge Road, Morwell.*
- 3. That Council’s estimated contribution of \$56,000 for the sealing of Godridge Road, Morwell be referred to the 2007-08 Budget process for further consideration.*

4. *That subject to Council securing funding in the 2007- 08 Budget and a majority of support from property owners, Council proceeds to the next Stage of preparing a Special Charge Scheme for the sealing of Godridge Road in accordance with Council policy No. GEN-CM&D 10 Contributory Scheme Policy.*

Following Council's decision on 19 February 2007, property owners were advised in writing and requested to complete an opinion form seeking feedback in relation to the proposed construction standard as well as the proposed \$5,000 fixed contribution per property title. Taking into account multiple property ownership, the equivalent of seven out of nine property owners are in favour of the proposed design standard as well as contributing a fixed sum of \$5,000 per title.

A report to Council at the Ordinary Council Meeting held on 4 June 2007 informed Council of the outcomes of Stage 1 of the Contributory Scheme Policy consultative process and the following resolution was adopted by Council:

1. *That Council agrees to construct Godridge Road, Morwell to a standard that includes a 4.0m wide asphalt seal on a 5.0m wide crushed rock road pavement, 450mm deep as shown on attached drawing number R510657.*
2. *That Council agrees to levy a fixed amount of \$5,000 per property title as an owner contribution to a Special Charge Scheme for the sealing of Godridge Road, Morwell.*
3. *That Council's estimated contribution of \$56,000 for the sealing of Godridge Road, Morwell be referred to the 2008-09 Budget process for further consideration.*
4. *That subject to Council securing funding in the 2008-09 Budget, Council proceeds to Stage 2 of the preparation of a Special Charge Scheme for the sealing of Godridge Road, Morwell in accordance with Council policy No. GEN-CM&D 10 Contributory Scheme Policy.*
5. *That the property owners in Godridge Road, Morwell be advised of Council's decision in relation to a Special Charge Scheme.*

Funding for the project was not provided for in the 2008–09 Budget and therefore the preparation of the Special Charge Scheme did not proceed at that time. Funding was subsequently provided for the project in the 2009-10 Budget.

The following resolution was adopted by Council at the Ordinary Council Meeting held on 17 August 2009:

1. *That in accordance with section 163 of the Local Government Act 1989:*
 - (a) *Council declares its intention to levy a Special Charge Scheme at the Ordinary Council Meeting on 2 November 2009 for defraying expenses for the construction of a sealed roadway in Godridge Road, Morwell; and*
 - (b) *Council gives public notice of its intention to make a declaration of a Special Charge Scheme; and*
 - (c) *Council notifies persons liable to pay the special charge by sending a notice.*
2. *That Council, in accordance with section 223 of the Local Government Act 1989:*
 - (a) *Appoints a Committee consisting of the Ward Councillor and two other councillors to hear and consider any submissions received in relation to the declaration of its intention to levy a special charge scheme to seal Godridge Road, Morwell; and*
 - (b) *Fixes the date for the hearing of submissions in relation to the proposed Special Charge Scheme to seal Godridge Road, Morwell, to be 30 September 2009.*

Council has complied with Section 163(1A) of the *Local Government Act 1989*, (the Act) by giving Notice of Intention to declare a Special Charge Scheme and publishing a public notice in the Latrobe Valley Express on 27 August 2009.

The owners who will be liable to contribute to the Scheme were notified in writing and invited to make submissions in accordance with the provisions of Section 163A of the Act.

Two submissions were received and are discussed in Section 3 of this report.

5. **ISSUES**

Property owners have participated in meetings and have been kept informed of Council's decisions throughout the Stage 1 consultation process in accordance with Council's Contributory Scheme Policy 09 POL-2.

A total of nine privately owned properties are liable to be included in a Special Charge Scheme. The nine properties are owned by five separate parties. Three of the five property owners were strongly supportive of the proposal and two owners were strongly opposed. Taking into account multiple property ownership, the equivalent of 7 out of nine property owners are in favour of the proposed design standard as well as contributing a fixed sum of \$5,000 per title.

It has been deemed that the property owners with direct access to Godridge Road, will receive special benefit from the sealing work in the form of an improved road surface and property access. It is therefore considered to be appropriate for Council to proceed with a Special Charge Scheme.

There were two submissions received in relation to the proposed Special Charge Scheme. Both submissions were heard by a Committee of Council on 12 October 2009. Copies of both submissions are included as attachments to this report.

The following issues were raised by the owner of Lot 1, PS 533421.

- 1. At the first meeting Bilfinger Berger Services state that they do not use the road and wish not to be included in the Scheme. This was accepted by Council. Then why now has the road been extended into their yard and upgraded?*

Response

It appears that the owner has extended the unsealed road to their gateway to provide access to Godridge Road without permission from Council.

Lot 1 LP 117348 does not have legal access to Godridge Road. The owner previously advised that they do not use Godridge Road and will not require access to Godridge Road in the future.

This issue will be addressed by direct negotiation with the owner to cease using the road. An alternative would be to extend the road reserve and prepare a new Scheme to include the owner of Lot 1, LP 117348. This approach is not recommended as it would take a considerable period of time and the project would not be delivered this financial year.

- 2. We rarely use our rear gate onto Godridge Road. Vehicles enter from the 58 Madden Street entrance and exit via the same entrance. This is the Business registered address and not Godridge Road. We mentioned this fact but were not excluded from the Scheme. As an alternative it would be more cost effective to remove the rear gate and install fencing which was also stated at the earlier meetings.*

Response

It was considered that Lot 1 PS 533421 (58 Maddern Street) has legal access to Godridge Road and therefore should be included in the Scheme. Whether the owner chooses to use the road or not is a commercial decision. During earlier considerations it was deemed reasonable that properties with direct legal access to Godridge Road should be included in the Special Charge Scheme and pay an equal share.

3. *Why does the proposed road only shows three entrances to only businesses between Godridge Road and Madden Street?*

Response

These are the three properties along the south side of Godridge Road that have been deemed to receive special benefit and therefore should be included in the Scheme. It was considered that the three businesses would continue to use their entrances off Godridge and provision has been made on the proposed construction plan to extend the asphalt surfacing to the property boundary of each lot to facilitate the turning movement of the trucks.

4. *If redevelopment is proposed for the north side of Godridge Road- it does not appear to be stated on drawing R510657/01.*

Response

There are currently no planning permit applications for the properties on the north side of Godridge Road.

5. *It is not a requirement to have roads, drainage and sewerage in place before the development of homes within town?*

Response

Current day Local Government planning schemes will usually require all road and other infrastructure to be provided by the developer. Many years ago when this development took place, it was not uncommon for Councils to approve developments without requesting roads, for example, to be sealed.

6. *Are owners of residents in Catherine Street also included in the Charge Scheme as it was stated in the first meetings that they would also benefit by the road being sealed due to the dust factor. It was initially stated that these owners were also part of this committee.*

Response

Some Catherine Street residents will benefit from Godridge Road being sealed due to a reduction in dust emissions. This matter was raised at the earlier meetings with Godridge Road property owners and there was a general consensus that residents in Catherine Street should not be included in the Special Charge Scheme. It would be very difficult to justify and calculate what their contribution would be and it would be almost impossible to reasonably determine how many properties would actually benefit from the reduction in the dust emission.

7. *The issue of the 500 metre residential building exclusion zone from the industrial businesses has never been addressed to our knowledge and this was also stated by the representatives from Bilfinger Berger during the first meeting.*

Response

This is a planning issue and one that cannot be reasonably addressed by the proposed Special Charge Scheme. The Scheme is based on a certain number of properties that have been deemed to receive Special Benefit under Section 163 of the Local Government Act, 1989.

8. *The entrance and frontage to 58 Madden Street was not included in the Madden Street upgrade. We approached the Council Project Officer at the time the work was being done, he gave approval to do the cross over and seal the frontage but this cost was paid for by ourselves.*

Response

It is usual practice for property owners to pay for the driveway crossing if they were not previously constructed.

Another issue that was raised by the property owner of Lot 1 PS 533421 at the submissions hearing concerned the issue of the relative road frontage widths. It was generally agreed at the earlier consultation meetings that a reasonable and uncomplicated apportionment method would be to charge a set amount per property title – regardless of frontage widths.

The second submission by the owners of Lot 7 LP 140015 confirmed their support for the Special Charge Scheme to proceed.

Council may consider varying the apportionment for Lot 1 PS 533421 however this may result in other property owners requesting a similar reduction in their apportionment of costs which in turn may delay the implementation of the proposed Scheme. A similar approach of charging fixed amounts per title, regardless of widths of road frontage has previously been undertaken with the sealing of roadways in rural areas.

This now concludes the Stage 2 Consultation Process required under the Contributory Scheme Policy 09 POL - 2 and provides the opportunity for Council to declare the proposed Special Charge Scheme.

Under the provisions of the Local Government Act, 1989 property owners have the right to make an application to the Victorian Civil and Administrative Tribunal if they disagree with their cost apportionment or any other aspect of the proposed Special Charge Scheme.

6. FINANCIAL AND RESOURCES IMPLICATIONS

Funding for this project was not included in the 2008-09 budget. This prevented the Special Charge Scheme to be progressed at that time.

The estimated cost to seal Godridge Road is \$100,000. Council has allocated an amount of \$101,000 in the 2009-10 Capital Works Budget which includes the total owner contribution of \$45,000.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Meetings with property owners in July and October 2006 followed up with written correspondence.

Details of Community Consultation / Results of Engagement

Property owners meetings were held on 27 July 2006 and 17 October 2006. This was followed up by written communication including an opportunity to express written opinions on all aspects of the proposal.

A copy of the concept plan was on display at Council Service Centres for a period of two weeks during this time as required by the Policy's initial consultative process. No public comment was received during this two week period.

A public notice was placed in the LV Express on 27 August 2009

A copy of the proposed Special Charge Scheme Declaration was on display at each of the Service Centres.

All persons liable to pay the special charge were advised in writing in accordance with the resolution adopted by Council at the Ordinary Meeting held on 17 August 2009. As discussed earlier in this report, two submissions were received.

During the community consultation process all property owners were provided the opportunity to express their views in relation to the proposed Special Charge Scheme and a majority of owners have indicated their willingness to enter into a Special Charge Scheme and contribute \$5,000 per property title towards the cost of the proposed works.

8. OPTIONS

The following options are available for Council's consideration:

1. Adopt the proposed Special Charge Scheme without modification.
2. Modify and adopt the proposed Special Charge Scheme.
3. Abandon the proposed Special Charge Scheme.

9. CONCLUSION

Council has complied with the statutory requirements of the *Local Government Act 1989* for the preparation of the proposed Special Charge Scheme for the construction of a sealed roadway in Godridge Road, Morwell.

Having considered the submissions lodged it is recommended that the Special Charge Scheme be declared without modification to the proposed declaration that was adopted by Council on 19 August 2009.

10. RECOMMENDATION

1. That Council hereby declares a Special Charge Scheme under s.163(3) of the *Local Government Act 1989* on the basis of the following criteria:

- The wards, groups uses or areas for which the special charge is declared:

The Special Charge Scheme is declared for the properties within the area of land in Godridge Road, Morwell contained between the western boundaries of Lot 2 LP140015 and Lot 1 PS53342 and Catherine Street, Morwell.

- The land in relation to which the special charge is declared:

L 2 LP140015 Godridge Road, Morwell	L 3 LP140015 Godridge Road, Morwell
L 4 LP140015 Godridge Road, Morwell	L 5 LP140015 Godridge Road, Morwell
L 6 LP140015 Godridge Road, Morwell	L 7 LP140015 Godridge Road, Morwell
L 1 PS533421 Godridge Road, Morwell	L 2 PS533421 Godridge Road, Morwell
L 1 LP60866 Godridge Road, Morwell	

- The manner in which the special charge will be assessed and levied:

Allotments included in the above table will be liable for one apportionment unit valued at \$5,000. The total amount to be recovered from the proposed Scheme is \$45,000.

- Description of the function to be performed:

The construction of a sealed road pavement including ancillary earthworks in Godridge Road between the existing sealed pavement, in Catherine Street and the western boundary of Lot 1 PS533421 and Lot 2 LP140015.

- The period for which the Special Charge remains in force:

Payment will be requested following completion of sealing works and the Scheme will remain in force until all costs of the Scheme have been determined.

- How the money raised is to be used:

The income received from contributing owners will be used to defray costs incurred by Latrobe City Council in the works to seal Godridge Road, Morwell.

2. That all property owners in Godridge Road, Morwell be notified in writing of the Declaration set out in Recommendation No. 1 above.

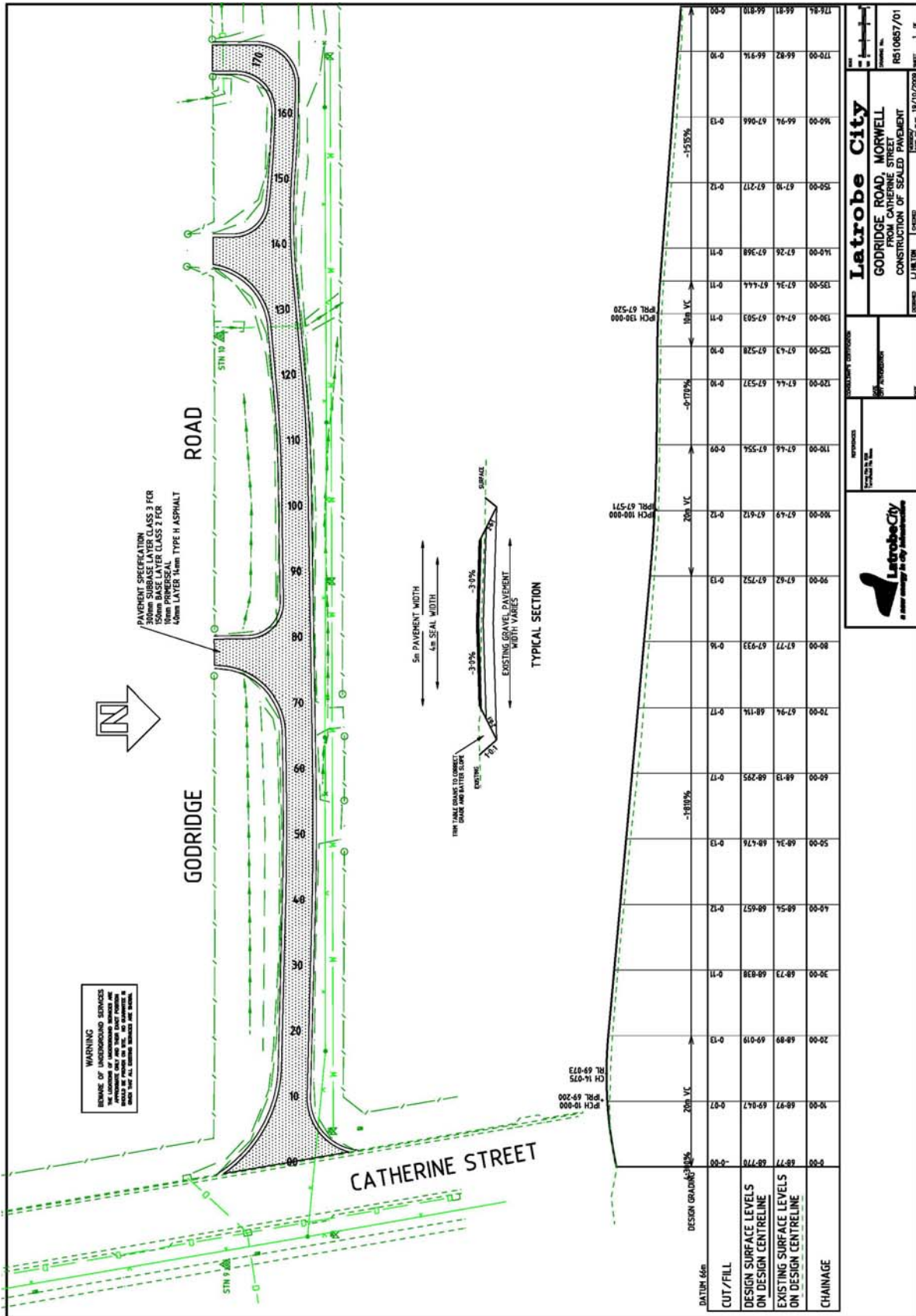
Moved: Cr Lougheed

Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT



Latrobe City
 GODRIDGE ROAD, MORWELL
 FROM CATHERINE STREET
 CONSTRUCTION OF SEALED PAVEMENT

PROJECT NO: RS10087/01
 DATE: 11/12/2008
 SHEET: 1 OF 1

DESIGNED BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

LatrobeCity
 a new energy in city infrastructure

ATTN: BRIAN FITZGERALD.

9.9.2009.

STAGE 2 - CONTRIBUTORY SCHEME POLICY. (SUBMISSION)

RE: GODRIDGE ROAD.

AS REQUIRED WITHIN TERMS OF POLICY, WE REAFFIRM OUR SUPPORT FOR THE SEALING OF GODRIDGE RD. MORWELL.

ALSO, OUR INTENTION TO CONTRIBUTE TO THE OVERALL COST OF THIS PROJECT (\$5,000.00) REMAINS RESOLUTE.

AS COUNCIL WOULD BE AWARE, THE PROBLEMS ASSOCIATED WITH DUST FROM THIS UNSEALED ROAD HAS CAUSED MAJOR DISTRESS TO ALL WHO RESIDE CLOSE BY. THIS AREA IS HEAVILY POPULATED AND HAS THE POTENTIAL FOR FUTURE DEVELOPMENT.

THE DECISION TO SEAL GODRIDGE ROAD IS LONG OVERDUE AND HAS BEEN GREATLY APPRECIATED BY AFFECTED RESIDENTS.

WE LOOK FORWARD TO THE NEXT PHASE OF POLICY DECISION AND EAGERLY AWAIT THE WORK COMMENCING THAT WILL IRRADICATE THIS PROBLEM.

YOURS FAITHFULLY,

Carol Flint.
Brian Flint.

41 CATHERINE ST
MORWELL 3840.

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

R & R Machining & Engineering Pty Ltd

ABN: 20 094 854 501

Phone: 03-5133 9245

Fax: 03-5133 9307

WORKSHOP ADDRESS: 58 Madden Street Morwell, 3840 Vic

POSTAL ADDRESS: P.O. Box 707, Morwell 3840 Vic

18th September 2009

Your Ref/DW320370
RAB

Latrobe City
P O Box 264
MORWELL Vic 3840

Attention: Mr. Brian Fitzgerald

Dear Sir,

RE: SPECIAL CHARGE SCHEME - GODRIDGE ROAD, MORWELL

In reply to your notification for the date set of the meeting on the 30th September, 2009 at 5:00pm I wish to inform you that myself & husband Ron Kemna (Owners of R & R Machining & Engineering Pty Ltd) will be attending as well as Frank Morgan (Workshop Supervisor).

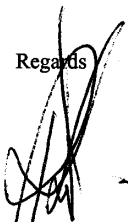
Discussion Points of interest to us are as follows:

- At the first meeting Bilfinger Berger Services stated that they do not use the road and wish not to be included in the Scheme. This was accepted by Council. Then why now has the road been extended into their yard and up graded?
- We rarely use our rear gate onto Godridge Road. Vehicles enter from the 58 Madden Street entrance and exit via the same entrance. This is the Business registered address and not Godridge Road. We mentioned this fact but were not excluded from the scheme. As an alternative it would be more cost effective to remove the rear gate and install fencing which was also stated at the earlier meetings.
- Why does the proposed road only shows three entrances to only businesses between Godridge Road and Madden Street?
- If development is proposed for the north side of Godridge Road – it does not appear to be stated on drawing R5 10657/01.
- Is it not a requirement to have roads, drainage and sewerage in place before the development of homes within town?
- Are owners of residents in Catherine Street also included in the Charge Scheme as it was stated in the first meetings that they would also benefit by the road being sealed due to the dust factor. It was initially stated that these owners were also part of this committee.
- The issue of the 500 meter residential building exclusion zone from the industrial businesses has never been addressed to our knowledge and this was also stated by the representatives from Bilfinger Berger during the first meeting.

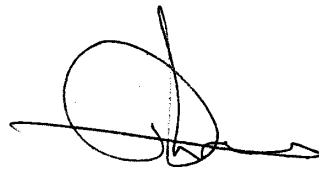
The entrance and frontage to 58 Madden Street was not included in the Madden Street upgrade. We approached the Council Project Officer at the time the work was being done, he gave approval to do the cross over and seal the frontage but this cost was paid for by ourselves.

In closing we state that we are still opposed to being included in the Scheme as it is of no benefit to us or our business.

Regards



Bernadette Kemna



Ron Kemna

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

7.2 **2009 VICTORIAN BUSHFIRES ROYAL COMMISSION INTERIM REPORT - LATROBE CITY COUNCIL RESPONSE**

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present Council with a response to recommendations of 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 fires experienced in parts of Victoria in late January and early February 2009; the response to these fires; and opportunities to prevent a reoccurrence of the devastation experienced.

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 recommendations contained in the Commission's interim report have been grouped into categories:

- Warnings
- Information
- Stay or Go
- Risk and Refuge
- Emergency Management
- Commonwealth Response

The Commission requested that parties including the Commonwealth, State, and Local Governments submit Implementation Plans in regards to the recommendations in the interim report by 30 September 2009. In their response to the Commission (attached), the State Government has indicated support for all 51 recommendations in the interim report and that it is being guided by emergency service agencies to determine what steps can practically be taken ahead of the next bushfire season.

The Commonwealth Government has indicated support for the five recommendations that specifically relate to its interests and responsibilities (attached). The Commission requested that the Municipal Association of Victoria (MAV) prepare and submit a coordinated municipal council response (attached) to three recommendations that require specific consideration by municipal councils. A summary of this response will be detailed in the Issues section of this report.

The Commission is required to deliver a final report by 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 Interim Report.*

Due to the Municipal Association of Victoria (MAV) coordinated response not being available at the time, Council resolved at the Ordinary Council Meeting held on 19 October 2009:

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 Royal Interim Report.

5. **ISSUES**

The *2009 Victorian Bushfire Royal Interim Report* contained three recommendations that require specific consideration by municipal councils. The MAV has prepared and submitted to the Commission the overall municipal response to these recommendations. The recommendations, the MAV response and Latrobe City Council response are as follows:

Recommendation 6.4

Municipal councils review their Municipal Emergency Management Plans (MEMP) to ensure there is appropriate provision for relocation during bushfires, in particular, to indicate the location and arrangements associated with designated emergency relief centres.

MAV Response

The MAV has accepted this recommendation and is working actively to clarify the requirements of the proposed Emergency Relief Centre (ERC) guidelines in consultation with the Victoria Police and other relevant agencies. The MAV has recommended to Councils that once the guidelines are delivered that Municipal Emergency Management Plans are updated if required to clarify that the decision to open relief centres rests with the Municipal Emergency Coordinator, who is a member of the Victoria Police.

Latrobe City Council Response

As required by the *Emergency Management Act 1986*, Council's Municipal Emergency Management Plan was updated in October 2008 and adopted by Council at the Ordinary Council Meeting on 2 November 2008. The plan was audited by the State Emergency Service in November 2008 and was assessed as "complying fully or more than adequately with the Guidelines". The plan is subject to on-going review and improvement following any emergency event being experienced and the learnings arising from such an event and/or new recommendations/protocols delivered by relevant agencies and authorities.

The relief centres identified within the MEMP's relief subplan have been reviewed and the following venues were identified and adopted at the Municipal Emergency Management Committee meeting on 13 October 2009 as appropriate for relocation during bushfires:

- Moe Town Hall
- Kernot Hall (Morwell)
- Traralgon Performing Arts Centre

These venues have been selected as they are centrally located, have capacity to temporarily accommodate a large number of people and are under the direct control of Latrobe City Council. It is not the intention to utilise these centres for overnight sleeping as accommodation is readily available from local accommodation providers. For example, during the Delburn Fire Complex there were approximately 608 families registered at relief centres but only a requirement to find accommodation for 70 people.

When the ERC guidelines are released the allocation of relocation centres will again be reviewed.

Recommendation 8.2

The Municipal Association of Victoria report to the Commission on the progress of amendments to Municipal Emergency Management Plans by those municipal councils trialling the Victorian Fire Risk Register (VFRR).

MAV Response

The MAV has accepted this recommendation and is consulting with participating Councils and will monitor the staged implementation of the VFRR (details of the program follow below).

Latrobe City Council Response

Latrobe City Council is participating in a VFRR pilot project in conjunction with other Gippsland Councils and the CFA. To date Latrobe City Council has found the process to be positive and will continue to participate. The VFRR is a systematic process that identifies assets at risk from wildfire, assesses the level of risk to assets and provides a range of treatments to mitigate the risk. Treatments may include activities such as fuel reduction, community education programs and safety audits.

The output process is twofold. A series of large output maps are produced displaying assets at risk and risk mitigation treatments, supported by a short document which provides the context, the community participation strategy, a summary of the assessment process and a textual record of all assets and treatments.

Recommendation 8.7

Municipal councils record the location of designated community fire refuges and neighbourhood safer places in Municipal Fire Prevention Plans and Municipal Emergency Management Plans, and inform residents and visitors about their use and location.

MAV response

The MAV has accepted this recommendation and advises:

- Councils to ensure any identified refuges meet the standards or are removed from plans;
- That the development of neighbourhood safer places (NSP) and council's participation in assisting in identifying potential safer places will rely on the finalisation of guidelines by the CFA; and
- That any NSP or refuges identified in the future be incorporated into the relevant plans and promoted/signed as required.

Latrobe City Council Response

As a result of CFA guidance on the document *Fire Refuges in Victoria: Policy and Practice 2005*, all fire refuges were removed from Council's MFPP at that time. The main issues regarding refuges are the liability for identifying and preparing a refuge and the requirements for signage of these sites. These issues have been raised by the Municipal Association of Victoria to the State Government but as yet there are no resolutions to note.

The neighbourhood safer places criteria are yet to be finalised with the CFA being the responsible agency. Latrobe City Council will work in cooperation with the CFA over the next year, to assist in identifying and establish safer places where possible. In the interim period the Latrobe City Council's recommendation to residents and visitors will be for residents to leave well in advance of a fire event and be guided by the CFA's advice as contained on page 5 of the booklet "Leaving Early, Prepare and Act Early to Survive" (attached).

If and when refuges/safer places are identified in Latrobe City these will be added to the relevant plans and residents and visitors will be informed through a variety of means.

The relocation centres identified in response to Recommendation 6.4 will not serve as safer places on days of extreme or catastrophic fire danger. The purpose of these centres is to provide emergency relief when an actual fire event threatens and a request to open such a centre is received by the Victoria Police's Municipal Emergency Response Coordinator.

Additional Fire Prevention Activities

In addition to considering the recommendations in the Interim Report, fire prevention activities as required by the *Country Fire Authority Act 1958* and defined in the Latrobe City Council Municipal Fire Prevention Plan 2008 have continued. These include:

- From 2 November 2009 the Municipal Fire Prevention Officer (MFPO) and three assistant MFPO's will commence inspections on properties within the municipality. Where fire prevention standards are not met, Notices to Comply will be issued giving property owners 14 days to rectify the hazards. After 14 days, a second inspection takes place, and if residents have not complied, clearing of the property is arranged at the property owner's cost and a fine for failure to comply is issued.

- The annual road side slashing program will commence on 2 November 2009 in accordance with the MFPP. Conditions will be monitored after the completion of the initial slash to determine if any additional slashing needs to be undertaken.
- Planning for several roadside burns has been undertaken in accordance with the MFPP. Depending on weather and volunteer availability these roadsides may be burned by the CFA prior to the declared fire season. If not, the CFA will schedule the burns after the fire season.
- Fire Access roads as identified in the Municipal Fire Prevention Plan are being checked and maintained as required.
- The no charge green waste weekend was brought forward to 17-18 October 2009 to coincide with the State Government's Fire Action Week to encourage clean up of properties prior to the fire season.
- Articles and advertisements have been placed in local newspapers on fire prevention and the prohibition on burning off in urban areas. Additional articles will be produced prior to and throughout the declared fire season.
- Fire prevention will feature on one of Latrobe City Council's regular guest spots on Gippsland FM in November 2009.
- The November 2009 Link will contain articles and information pertaining to fire prevention.
- Latrobe City Council will promote CFA community fireguard and fire ready activities when scheduled and the CFA self-assessment tool (available on www.cfa.vic.gov.au) that residents can use to assess the defendability of their homes.
- As per the annual program identified in the MFPP, fire warning signs will be erected for the duration of the declared fire season in 16 locations throughout the City.
- A Municipal Fire Prevention Committee meeting was held on 16 September 2009 with local CFA brigades, authorities, and agencies in attendance. The Committee next meets in December 2009.
- Latrobe City Council participated in a fire prevention display in Stockland Plaza Traralgon on 15 August 2009 in conjunction with the DSE and the CFA.
- A emergency preparedness self-assessment questionnaire sent by the Department of Education and Early Childhood Development has been completed for Latrobe City Council's preschools and childcare centres and a review of this assessment has been scheduled with Latrobe City Council's Municipal Fire Prevention Officer. As per recommendation 8.13 of the 2009 Victorian Bushfire Royal Commission Interim Report the Department of Education and Early

Childhood Development DEECD) will be reviewing the adequacy of bushfire fire protection measures in children's services facilities including kindergartens, child care centres, preschools and early learning centres. When additional information becomes available from the DEECD this will be reviewed and incorporated into emergency/operation plans as required.

- Following recommendation 5.3 of the 2009 Victorian Bushfire Royal Commission Interim Report, the State Government will be ensuring that a single, multi-agency portal for bushfire information will be established that uploads information simultaneously to both CFA and DSE websites. Once the portal is made available a link will be established on the Latrobe City Council website.

6. FINANCIAL AND RESOURCES IMPLICATIONS

To date there have been minimal costs incurred in relation to the response to the 2009 Victorian Bushfire Royal Commission Interim Report, these being mainly officer time spent reviewing the recommendations, the State Government and Municipal Association of Victoria's responses and the implications on the MEMP.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

The response to relevant recommendations in the 2009 Victorian Bushfire Royal Commission Interim Report has been considered by Council officers with guidance/information gathered from the Municipal Association of Victoria, the State Government, Department of Human Services and Country Fire Authority as appropriate.

Details of Community Consultation / Results of Engagement:

Results have been detailed in the Issues section of this report.

8. OPTIONS

Council has the following options:

1. To note Latrobe City Council's response to recommendations 6.4, 8.2 and 8.7 of the 2009 Royal Commission Interim Report relevant to Local Government; or

2. To seek further information on Latrobe City Council's response to the recommendations 6.4, 8.2 and 8.7 of the 2009 Royal Commission Interim Report relevant to local government.

9. **CONCLUSION**

The 2009 Royal Commission Interim Report focussed on recommendations that could be implemented before the 2010 fire season. At present only three of the 51 recommendations made in the interim report required direct response by the local government sector.

As requested by the Commission, the Municipal Association of Victoria (MAV) has submitted an implementation plan to the Commission detailing acceptance of and response to the three recommendations that specifically require municipal involvement, these being:

- Recommendation 6.4: Reviewing Municipal Emergency Management Plans to ensure adequate provision for relocation during bushfires;
- Recommendation 8.2: Reviewing the implementation of the Victorian Fire Risk Register program; and
- Recommendation 8.7: Reviewing the inclusion of refuges or neighbourhood safer places within the Municipal Fire Prevention Plan.

These recommendations may be considered reasonable and responses have been prepared by Council officers. The most noteworthy change for Latrobe City Council arising from the recommendations is that relief/relocation centres identified within the MEMP's relief subplan have been reviewed and the Moe Town Hall, Kernot Hall and the Traralgon Performing Arts Centre being have been identified as appropriate venues for the 2009/2010 fire season.

It is expected that the Commission will examine the role of municipalities in fire prevention/response/recovery in hearing blocks scheduled for early 2010 and that more specific recommendations will be made in the Commission's final report. Until the final report is available Latrobe City Council will continue with fire prevention activities as per the Municipal Fire Prevention Plan and in cooperation with the relevant agencies and authorities.

10. RECOMMENDATION

That Council notes Latrobe City Council's response to the 2009 Victorian Bushfire Royal Commission Interim Report's recommendations 6.4, 8.2 and 8.7, these being:

- **Recommendation 6.4**
Municipal councils review their Municipal Emergency Management Plans (MEMP) to ensure there is appropriate provision for relocation during bushfires, in particular, to indicate the location and arrangements associated with designated emergency relief centres;

i.e. The Latrobe City Council Municipal Emergency Management Plan identifies Moe Town Hall, Kernot Hall and Traralgon Performing Arts Centre as appropriate for relocation during bushfires.
- **Recommendation 8.2**
The Municipal Association of Victoria report to the Commission on the progress of amendments to Municipal Emergency Management Plans by those municipal councils trialling the Victorian Fire Risk Register (VFRR);

i.e. Latrobe City Council will continue to participate in the VFRR pilot project in conjunction with other Gippsland Councils and the CFA. Updates to the Municipal Emergency Management Plan will follow as required.
- **Recommendation 8.7**
Municipal councils record the location of designated community fire refuges and neighbourhood safer places in Municipal Fire Prevention Plans and Municipal Emergency Management Plans, and inform residents and visitors about their use and location.

i.e. If, and when, fire refuges and safer places are identified in Latrobe City these will be added to the relevant plans and residents and visitors will be informed through a variety of means.

Moved: Cr Vermeulen
Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

.

7.3 **TIMBER CARTAGE ROUTES AT JUMBUK AND YINNAR SOUTH**

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

1. PURPOSE

The purpose of this report is to present further information to Council in relation to proposed Timber Cartage routes on Jumbuk Road and to seek additional time for consultation with stakeholders regarding the conditions of use for Jumbuk Road.

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**

At the Ordinary Council Meeting of 19 October 2009, when the Timber Cartage Routes at Jumbuk and Yinnar South was considered, Council resolved the following:

1. *That Council accepts in principle the need to permit timber traffic to travel on the Jumbuk Road/Junction Road route when the accepted road works 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 road works 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 road works 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 Healy's Road, as adopted at the Ordinary Council Meeting held on 1 October 2007, until such time as the accepted road works identified in the Road Safety Audit are completed.*

6. *That when the accepted road works identified in the Road Safety Audit are completed on Jumbuk Road from Junction Road to Healy's 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 Healy's 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" road works 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.*

Following the Ordinary Council Meeting of 19 October 2009 a funding submission was submitted to VicRoads to the Better Roads Victoria Program for road works on Jumbuk Road as detailed in the Jumbuk Road, Middle Creek Road, Upper Middle Creek Road, Road Safety Audit Final Report in accordance with item 2 of the above resolution. The submission was for funding amounts as shown in the table set out below.

	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

Further to the advice included in the report to Council on 19 October 2009 that a funding application has been lodged for Upper Middle Creek Road improvements VicRoads have now advised that Latrobe City Council's application for funding from the Better Roads Victoria Program for Upper Middle Creek Road has been successful for the 2009/2010 financial year. An amount of \$157,400 has been approved to carry out the widening of five isolated bends and to seal the first kilometre of Upper Middle Creek from Middle Creek Road. Latrobe City Council's contribution to these works this year will be \$66,500.00.

An application for funding for Middle Creek Road was not submitted as this road did not meet the criteria for this program.

5. **ISSUES**

The Jumbuk Road/Junction Road Safety Action Group, Yinnar South Citizens Association and HVP Plantations do not have an agreed position on the recommendations presented at the Ordinary Council Meeting of 19 October 2009. Further consultation regarding conditions with each group may achieve an agreed outcome, however this is not certain.

The funding submission to the Better Roads Victoria Program for works on Jumbuk Road has been submitted to VicRoads; however VicRoads are waiting for the conditions to be clarified. There is a risk that VicRoads will not consider the application if Council have not made a firm decision on the conditions in the near future.

There is no mechanism to defer an application under this program, it will need to be resubmitted next year and go through a competitive process vying with other Gippsland Council projects.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

There will be cost to Council for the completion of road safety improvement works as detailed in the report to Council of 19 October 2009.

7. **INTERNAL / EXTERNAL CONSULTATION**

Engagement Method Used:

Following the Ordinary Council Meeting of 19 October 2009, a meeting was arranged to allow spokespersons from the Jumbuk Road/Junction Road Safety Action Group, the Yinnar South Citizens Association and HVP Plantations to make individual presentations to available councillors.

Details of Community Consultation / Results of Engagement:

Each of the groups raised different points as follows:

- The Jumbuk Road/Junction Road Safety Action Group opposed logging trucks using Jumbuk Road in any direction, under any circumstance and would not consider any options without more information from Latrobe City Council.
- The Yinnar South Citizens Association, requested that the ameliorative road works as identified in the Road Safety Audit be completed before timber cartage is allowed on the Middle Creek Road, Upper Middle Creek Road route.
- HVP Plantations stated their need to log this plantation and their preference is to use two way traffic on Jumbuk Road following ameliorative road works as identified in the Road Safety Audit with the majority of funding sourced from the Better Roads Victoria Program.

8. **OPTIONS**

Point 14 of the resolution from the Ordinary Council meeting of 19 October 2009 stated:

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.

Council has the following options:

1. Defer consideration of conditions on the cartage routes at Jumbuk and Yinnar South to allow further consultation with stakeholders in regards to the conditions presented at the Ordinary Council Meeting of 19 October 2009.
2. Consider the conditions on the cartage routes at Jumbuk and Yinnar South as originally recommended at the Ordinary Council Meeting of 19 October 2009.

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.

A funding application to the Better Roads Victoria Rural Local Timber Roads Program has been submitted which if successful will cover the majority of the ameliorative costs of upgrading Jumbuk Road. If the submission is not confirmed, which would include confirmation of the conditions applicable to the proposed cartage routes, VicRoads may not consider the application.

10. RECOMMENDATION

That Council defers final consideration of the conditions applicable to the proposed cartage routes at Jumbuk and Yinnar South to enable the final details of the conditions to be determined.

Moved: Cr Vermeulen

Seconded: Cr Lougheed

1. **That Council defers final consideration of the conditions applicable to the proposed cartage routes at Jumbuk and Yinnar South to enable the final details of the conditions to be determined.**
2. **That a meeting of stakeholders be called and details be determined within 7 days.**
3. **That Council considers this matter at the Ordinary Council Meeting to be held on 16 November 2009.**

For the Motion

Councillors White, Middlemiss, Vermeulen, Price and Loughheed

Against the Motion

Councillors Gibson, Kam, Fitzgerald and O'Callaghan

The Mayor confirmed that the Recommendation had been CARRIED

.

CHIEF EXECUTIVE OFFICER

11.1.1 **S5A. INSTRUMENT OF SUB-DELEGATION - DELEGATION TO
THE ACTING CHIEF EXECUTIVE OFFICER**

AUTHOR: Chief Executive Officer
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to seek Council's approval to appoint Mr Michael Edgar as the Acting Chief Executive Officer for the period from Monday, 16 November 2009 to Sunday, 22 November 2009 inclusive.

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.

Strategic Objectives – 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.

Legislation

The Council is required, pursuant to the *Local Government Act* 1989, to appoint a Chief Executive Officer. Section 94 of the *Local Government Act* 1989 enables the Council to appoint an acting Chief Executive Officer for a period of less than 12 months.

4. **BACKGROUND**

Due to the temporary absence of the Chief Executive Officer, Mr Paul Buckley, between the period Monday, 16 November 2009 to Sunday, 22 November 2009 inclusive, Council is asked to approve the appointment of an Acting Chief Executive Officer.

To allow the Council to undertake its usual powers, duties or functions it is necessary for Council to approve the appointment.

The Council, by resolution on the 4 September 2006, delegated:

There be delegated to the person holding the position, acting in or performing the duties of Chief Executive Officer the powers, duties and functions set out in the attached Instrument of Delegation to the Chief Executive Officer, subject to the conditions and limitations specified in that Instrument.

5. **ISSUES**

The Instrument of Delegation, resolution and appointment is prepared pursuant to section 98 of the *Local Government Act* 1989 which states:

98. Delegations

- (1) A Council may by instrument of delegation delegate to a member of its staff and power, duty or function of a Council under this Act or any other Act other than:
 - (a) this power of delegation;
 - (b) the power to declare a rate or charge;
 - (c) the power to borrow money except as provided in section 149;
 - (d) the power to approve any expenditure not contained in a budget approved by the Council;
 - (e) any power, duty or function of the Council under section 223; and
 - (f) any prescribed power.
- (2) The Chief Executive Officer may by instrument of delegation, delegate to the member of the Council staff any power, duty or function of his or her office other than this power of delegation unless sub-section (3) applies.
- (3) The instrument of delegation to the Chief Executive Officer may empower the Chief Executive Officer to delegate a power of the Council other than the power of delegation to a member of the Council staff.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

There is no effect to budget allocations.

7. **INTERNAL / EXTERNAL CONSULTATION**

Engagement Method Used:

The proposed arrangements have been discussed at Executive Team level.

Details of Community Consultation / Results of Engagement:

Not applicable.

8. **OPTIONS**

The appointment of an Acting Chief Executive Officer is required to enable the day-to-day operation of the organisation to proceed during the absence of the Chief Executive Officer, Mr Paul Buckley.

9. **CONCLUSION**

This is a procedural report and the delegation of functions, duties and powers to Mr Michael Edgar (during the period Monday, 16 November 2009 to Sunday, 22 November 2009 inclusive) is required to cover the period of absence of the Chief Executive Officer, Mr Paul Buckley.

A copy of the Instrument of Sub-Delegation to the Acting Chief Executive Officer to be signed on 3 November 2009 from Mr Paul Buckley to Mr Michael Edgar is attached.

10. **RECOMMENDATION**

That Council approves the appointment of Mr Michael Edgar as Acting Chief Executive Officer during the period Monday, 16 November 2009 to Sunday, 22 November 2009 inclusive, and authorises the delegation of Chief Executive Officer powers, functions and duties in accordance with the Instrument of Delegation dated 4 September 2006.

Moved: Cr Lougheed

Seconded: Cr O'Callaghan

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

Maddocks Delegations and Authorisations

S5A. Instrument of Sub-Delegation by the Chief Executive Officer

Latrobe City Council

Instrument of Sub-Delegation

to

The Acting Chief Executive Officer

[09 DEL-2]



LATROBE CITY COUNCIL

APPOINTMENT OF ACTING CHIEF EXECUTIVE OFFICER AND INSTRUMENT OF DELEGATION PURSUANT TO SECTION 98(2) OF THE LOCAL GOVERNMENT ACT 1989

I **PAUL BUCKLEY**, Chief Executive Officer of the Latrobe City Council **HEREBY APPOINT MICHAEL EDGAR**, General Manager Community Liveability as Acting Chief Executive Officer and, pursuant to and in the exercise of the power conferred by section 98(2) of the *Local Government Act 1989* (the Act), I **HEREBY DELEGATE TO MICHAEL EDGAR**, General Manager Community Liveability, all those powers duties or functions of my office as provided for by legislation and the Instrument of Delegation dated 5 September 2006.

AND HEREBY DECLARE THAT:

1. Such appointment and delegation shall have force and effect from 16 November 2009, and shall remain in force until 22 November 2009 inclusive, or such time as I shall determine either to vary or revoke the delegation.
2. The powers duties and functions so specified shall be exercised and performed in accordance with:
 - (a) any policies of the Council that may be adopted from time to time;
 - (b) this Instrument of Sub-Delegation and subject to any conditions and limitations specified herein.

.....
CHIEF EXECUTIVE OFFICER – PAUL BUCKLEY

.....
GENERAL MANAGER COMMUNITY LIVEABILITY – MICHAEL EDGAR

DATE:

SCHEDULE

The power to:

1. determine any issue;
2. take any action; or
3. do any act or thing

arising out of or connected with any duty imposed, or function or power conferred on Council by or under any Act.

Conditions and Limitations

The delegate must not determine the issue, take the action or do the act or thing

4. if the issue, action, act or thing is an issue, action, act or thing which involves:
 - 4.1 awarding a contract for goods and services exceeding the value of \$150,000, (GST inclusive) or awarding a contract for construction works exceeding the value of \$200,000 (GST inclusive);
 - 4.2 making a local law under Part 5 of the Act;
 - 4.3 approval of the Council Plan under s.125 of the Act;
 - 4.4 adoption of the Strategic Resource Plan under s.126 of the Act;
 - 4.5 preparation or adoption of the Budget or a Revised Budget under Part 6 of the Act;
 - 4.6 adoption of the Auditor's report, Annual Financial Statements, Standard Statements and Performance Statement under Part 6 of the Act;
 - 4.7 noting Declarations of Impartiality by Valuers pursuant to section 13DH(2) of the Valuation of Land Act 1960;
 - 4.8 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
 - 4.9 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
 - 4.10 appointment of councillor or community delegates or representatives to external organisations; or
 - 4.11 the return of the general valuation and any supplementary valuations;

5. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
6. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a:
 - 6.1 policy; or
 - 6.2 strategyadopted by Council; or
7. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act or otherwise; or
8. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

ECONOMIC SUSTAINABILITY

11.2.1 LATROBE REGIONAL AIRPORT SEPTEMBER 2009 REPORT

AUTHOR: General Manager Economic Sustainability
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to provide Council with information on the operations of the Latrobe Regional Airport for the quarter ended 30 September 2009

2. DECLARATION OF INTERESTS

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

3. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2009-2013, in that it provides information on the activities of the Latrobe Regional Airport which achieve the following objectives.

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 environment in which to do business.

Community Outcome - Economic Sustainability

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

Strategic Action

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

Council Plan 2009-2013

Continue implementation of the Latrobe Regional Airport Masterplan and continue leasing allotments at the Latrobe Regional Airport.

Strategy/Plans

This report is consistent with Council's adopted Economic Development Strategy (2007). This strategy outlines the key economic development actions that will be undertaken to underpin economic development, build business and community relationships, increase public and private sector investment and increase employment levels.

Legislative Framework

The Latrobe Regional Airport is wholly owned by the Latrobe City Council and operates under the management of the Latrobe Regional Airport Board. Under Section 4 (b) of the Deed of Delegation from Latrobe City Council, to the Latrobe Regional Airport Board, a progress report is to be provided to Council quarterly and annually.

4. BACKGROUND

The report provides information in relation to the performance of the Latrobe Regional Airport against plans and targets identified in the budget, the business plan and the Latrobe Regional Airport Masterplan.

5. ISSUES

The significant activities undertaken during the September 2009 quarter are outlined below.

Aerodrome Manual and Emergency Plan Update

A review of the Aerodrome Manual has been undertaken and the document upgraded to reflect the current operational status of the airport. This document sets out the operating procedures applicable to an airport.

A review and update has also been undertaken of the Airport Emergency Plan, which sets out procedures to be initiated in the event of an emergency ranging from aircraft accident to terrorist threat.

Front Entry Treatment

The front entry of the Latrobe Regional Airport is scheduled to be upgraded this financial year and to date a set of concept drawings have been completed and these are currently with the Board for comment. The Airport Community Committee has had input into the project and has had the opportunity of reviewing the concept plans.

Airport Safeguard Green Paper

The Commonwealth Department of Infrastructure, Transport, Regional Development and Local Government produced a discussion paper emanating from the Governments' Green Paper "Flight Path to the Future" to focus on Safeguards for Airports and the Communities around them. A detailed submission has been forwarded to the Department for consideration.

Investment Enquiries

During the September quarter the Latrobe Regional Airport received four enquiries from firms seeking information on locating at the Airport. These enquiries were responded to and advice from firms is pending.

Following on from the adoption of the Airport Master Plan in June 2009, a marketing plan is to be produced in 2009/10 to highlight the advantages to the aviation sector of locating at the Latrobe Regional Airport. A marketing plan brief is currently being developed which will be available for response by potential consultants before the end of 2009.

6. FINANCIAL AND RESOURCES IMPLICATIONS

The Airport is operating within its 2009/10 budget allocation of \$466,000 as detailed in the finance report attached.

7. INTERNAL / EXTERNAL CONSULTATION

Nil

8. OPTIONS

Council has the following options:

1. Accept the Latrobe Regional Airport Board quarterly report update;
2. Reject the Latrobe Regional Airport Board quarterly report update; or
3. Seek further clarification in respect to the Latrobe Regional Airport Board quarterly report update.

9. CONCLUSION

The Airport continues to be operated in a secure and safe manner, in accordance with CASA guidelines and regulations and all scheduled operations are on target and within the adopted budget.

10. RECOMMENDATION

That Council notes the report on Airport Operations for the quarter ended 30 September 2009.

Moved: Cr Middlemiss

Seconded: Cr Lougheed

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT**Monthly Operating Report****LATROBE REGIONAL AIRPORT Division****Month: September 2009 Preliminary Results**

Comment on Year to Date Result	
A minor overall year to date favourable variance of \$12.8K is mainly due to airport lease income raised earlier than was anticipated in the Adopted Budget, together with expenditure that will be incurred later than originally anticipated.	
Comment of Full Year Forecast	
At this stage there is no anticipated variance to the Adopted Budget.	

	Year to Date			Full Year Forecast		
	Actual	Adopted Budget	Variance (Fav)/Unfav	Forecast	Adopted Budget	Variance (Fav)/Unfav
Net Results by Cost Centre						
Latrobe Regional Airport Management	33,065	35,733	(2,668)	120,200	120,200	0
Latrobe Regional Airport - LANDSIDE	(77,663)	(70,241)	(7,422)	(226,900)	(226,900)	0
Latrobe Regional Airport - AIRSIDE	740	2,905	(2,165)	17,300	17,300	0
Latrobe Regional Airport - General Mainte	20,080	20,620	(540)	89,400	89,400	0
Net Result	(23,778)	(10,983)	(12,795)	0	0	0
Net Results by Account Group						
Income:						
Other	(535)	(1,334)	799	(61,500)	(61,500)	0
Residence	(3,500)	(3,249)	(251)	(13,000)	(13,000)	0
Terminal Building	0	(216)	216	(860)	(860)	0
Commercial	(77,692)	(78,627)	935	(314,510)	(314,510)	0
Trading / Light Commercial	(24,299)	(20,503)	(3,796)	(29,290)	(29,290)	0
Recreational / Non-Trading	(17,763)	(13,886)	(3,877)	(26,490)	(26,490)	0
Community Group/Service	(150)	(51)	(99)	(200)	(200)	0
Farm / Agistment	0	0	0	(19,550)	(19,550)	0
Total Income	(123,939)	(117,866)	(6,073)	(465,400)	(465,400)	0
Expenditure:						
Salaries Wages & Oncosts	38,569	38,037	532	161,200	161,200	0
Other Employee Costs	2,182	3,216	(1,034)	14,700	14,700	0
Materials & Contracts	14,335	20,555	(6,220)	109,200	109,200	0
Internal Charge Costs	45,075	45,075	0	180,300	180,300	0
Total Expenditure	100,161	106,883	(6,722)	465,400	465,400	0
Net Result - Recurrent	(23,778)	(10,983)	(12,795)	0	0	0

BUILT AND NATURAL ENVIRONMENT SUSTAINABILITY

**11.3.1 PLANNING PERMIT APPLICATION 2009/072 - USE OF THE
LAND AS A HOTEL, ASSOCIATED BUILDINGS AND WORKS
AND ON PREMISES AND PACKAGED LIQUOR LICENSE -
BALFOUR PLACE, CHURCHILL**

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2009/072 for the use of the land as a Hotel, associated buildings and works and on premises and packaged liquor license at Lot 1 on Plan of Subdivision 095410, more commonly known as Balfour Place, 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

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

Latrobe 2021 and Council Plan 2009-2013

Strategic Objective – Sustainability

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

Community Outcome – Built Environment Sustainability

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

Strategic Action – Infrastructure Development

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

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

Legislation

The provisions of the *Planning and Environment Act 1987* (the Act) and the Latrobe Planning Scheme (the Scheme) apply to this application. This report is consistent with the Act and the Scheme.

4. BACKGROUND

4.1 SUMMARY

Land:	Balfour Place, Churchill, known as Lot 1 on Plan of Subdivision 095410
Proponent:	Thirty Sixth Penny Pty Ltd C/- Andrew McDonald Minster Constructions P/L
Zoning:	Business 1 Zone
Overlay	No overlays affect the subject land; however, it is partially within the proposed Heritage Overlay

A Planning Permit is required:

- To establish a Section 2 use (hotel) in the Business 1 Zone in accordance with Clause 34.01-1 of the Scheme;
- To construct a building or construct or carry out works in the Business 1 Zone in accordance with Clause 34.01-4 of the Scheme; and
- To use land to sell or consume liquor if a license is required under the *Liquor Control Reform Act 1998* in accordance with Clause 52.27 of the Scheme.

4.2 PROPOSAL

It is proposed to use the subject site as a Hotel, to carry out associated buildings, works and to operate with an on premises and packaged liquor licence.

A hotel previously operated on site. This use ceased over two years ago. It is proposed to re-establish this use and to make minor extensions to the main hotel building and to update the external appearance of the buildings.

The hotel will comprise of a bistro incorporating a children's playroom and adjoining outdoor deck, a multi purpose function room, a public lounge bar incorporating a betting agency and adjoining outdoor deck, a drive through bottle shop, six motel rooms and an onsite manager's residence.

It is proposed that the renovated hotel will have a liquor licence that allows the sale of liquor for on site consumption and the sale of packaged liquor for off site consumption.

The proposed works include a resurfaced car park which will provide 116 car parking spaces, new landscaping and rendering of external walls of the buildings. The car parking proposed meets the requirements of Clause 22.03 'Car Parking Policy' of the Scheme. Therefore, the applicant does not require a waiver of any car parking requirements.

The detached structure located to the south west of the subject site was previously used as a drive through bottle shop. This structure is to be utilised for storage purposes as part of this proposal as opposed to a drive through bottle shop. However, a single lane drive through bottle shop is proposed to be attached to the main Hotel building.

No advertising signage is proposed as part of this application as designs are yet to be finalised. Any future signage on site may be subject to further planning approval.

The proposed operating hours of the hotel and the proposed liquor licence hours are as follows:

- Monday to Wednesday – 7.00am to 1.00am the following day.
- Thursday to Saturday – 7.00am to 3.00am the following day.
- Sunday – 10.00am to 1.00am the following day.
- ANZAC Day (Sunday – Wednesday) – 12.00pm to 1.00am the following day.

- ANZAC Day (Thursday – Saturday) – 12.00pm to 3.00am the following day.
- Good Friday – 10.00am to 3.00am the following day.

The proposed operating hours for the drive through bottle shop are as follows:

- Monday to Sunday (every day) – 10.00am to 11.00pm.

Subject Land:

The subject land is irregular in shape with a total area of 1.32 hectares. The land is undulating to the east and contains cultivated gardens and planted vegetation.

The western (front) boundary abuts Monash Way and is 152.92 metres long. The eastern (rear) boundary extends approximately 110 metres. The northern and southern (side) boundaries measure 109.50 metres and 135.57 metres respectively.

The subject site currently contains three vacated buildings that are run-down and have been vandalised. The site is currently surrounded by a temporary cyclone fence.

No easements are located on the subject site.

A restrictive covenant, with dealing number F579429 is registered on certificate of title. Please refer to Attachment 3 for further detail of this covenant.

Surrounding Land Use:

North: Road – sealed with kerb and channel (Balfour Place) and a supermarket on a lot of approximately 3,245m².

South: Vacant land on a lot of approximately 37,630m².

East: Road – sealed with kerb and channel (Philip Parade) and vacant land on a lot of approximately 82,320m².

West: Road – sealed with kerb and channel (Monash Way) and a plantation reserve on a lot of approximately 10,680m².

4.3 HISTORY OF APPLICATION

An application was received by Latrobe City Council (Council) on 17 March 2009 for the use of the land as a Hotel, associated buildings and works, on premises liquor license and removal of restrictive covenant.

A further information request was sent to the permit applicant on 9 April 2009. Part of the further information requested was received on 30 April 2009.

A second further information request asking for the remainder of the information required was sent to the permit applicant on 15 May 2009. On 10 June 2009 the applicant submitted the information required and amended the planning permit application to delete the proposal to remove the restrictive covenant that is registered on the certificate of title. This amendment was made following the applicant receiving confirmation from the covenanter that the proposal does not contravene the restrictive covenant as the Department of Housing (the covenanter) have agreed to the proposal.

The application was advertised on 18 June 2009 to adjoining and adjacent landowners and occupiers pursuant to Section 52(1)(a) of the Act and three A3 signs were displayed on the boundaries of the subject land that had road frontage pursuant to Section 52(1)(d) of the Act.

Following the advertising of the application, seven submissions were made in the form of objections.

A planning mediation meeting was held on 30 July 2009. Following this meeting, a copy of the minutes and draft planning permit conditions were sent to all objectors and meeting attendees for their consideration on 18 September 2009. Please refer to Attachment 7 for details of the minutes and draft planning permit conditions.

The submitters decided that they did not wish to withdraw their objections. Consensus was not reached between the parties, which would have allowed the matter to be determined by officer delegation, therefore requiring a decision by Council.

4.4 LATROBE PLANNING SCHEME

State Planning Policy Framework

The relevant State Planning Policy Framework (SPPF) Clauses include:

Clause 15.05 'Noise abatement' contains the following 'Objective':

- *'To assist the control of noise effects on sensitive land uses'.*

Clause 17.01 'Activity centres' contains the following 'Objective':

- *'To encourage the concentration of major retail, commercial, administrative, entertainment and cultural developments into activity centres (including strip shopping centres) which provide a variety of land uses and are highly accessible to the community'.*

Clause 17.02 'Business' contains the following 'Objective':

- *'To encourage developments which meet community's needs for retail, entertainment, office and other commercial services and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities'.*

Clause 18.02 'Car parking and public transport access to development' contains the following 'Objective':

- *'To ensure access is provided to developments in accordance with forecast demand taking advantage of all available modes of transport and to minimise impact on existing transport networks and the amenity of surrounding areas'.*

Clause 18.09 'Water supply, sewerage and drainage' contains the following objective:

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

Clause 19.03 'Design and built form' contains the following 'Objective':

- *'To achieve high quality urban design and architecture that reflects the particular characteristics, aspirations and cultural identity of the community, enhances livability, diversity, amenity and safety of the public realm and promotes attractiveness of towns and cities within broader strategic contexts'.*

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

The relevant Municipal Strategic Statement (MSS) Clauses include:

Clause 21.01 (Municipal Profile):

Under 'Urban settlement and form' (Clause 21.03-3) it is recognised that:

- *'The three main urban settlements of Moe, Morwell and Traralgon are located along a linear spine of the main transport corridor formed by the Princes Freeway and the Melbourne railway line'.*

Clause 21.02 (Key Influences):

No specific sub-clauses of Clause 21.02 are considered to be relevant to this proposal.

Clause 21.03 (Vision – Strategic Framework):

The Latrobe Strategy Plan (Clause 21.03-3) has been prepared under the MSS and sets out a number of strategies for 'Urban and rural settlement', one of which is to:

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

Clause 21.04 (Objectives/Strategies/Implementation):

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

- *'To have regard to the local structure plans which identify the development opportunities in well serviced locations within and around the existing towns and seek to avoid the pressure for inefficient and expensive to service inter town development'; and*

- *'Encourage consolidation of urban settlement within the urban zoned boundaries'.*

Clause 21.04-3 has an 'Identification, assessment and protection' objective (Element 1) to continually improve the knowledge base with regard to heritage values and assets. Strategies to implement this include:

- *'Undertake an assessment of the significance of the heritage assets by undertaking a La Trobe Heritage Study'; and*
- *'Identify places, artefacts and items of heritage, archaeological and cultural significance and consider mechanisms for their conservation, including appropriate controls on adjoining land uses'.*

Local Planning Policy (Clause 22)

The relevant Local Planning Policy relating to this application is:

Clause 22.03 (Car Parking Policy):

The proposal meets the car parking requirements specified under Clause 22.03 of the Scheme. Therefore, the applicant does not require a waiver of any car parking requirements.

Zoning

The subject site is zoned 'Business 1'. Pursuant to Clause 34.01-1 and 34.01-4 of the Scheme, a planning permit is required to use the land for a Hotel and carry out associated buildings and works. The proposal must also meet the requirements of Clause 65 (Decision Guidelines). The 'Purpose' of the Business 1 Zone is:

- *'To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies'; and*
- *'To encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses'.*

Overlay

No overlays affect the subject land. However, internal officer comments were sought from Council's Strategic Land Use Planning Team as part of the subject site is affected by the proposed Heritage Overlay. Please refer to Attachment 4 for further details regarding the heritage significance of the subject site.

Particular Provisions

Clause 52.07 Loading and Unloading of Vehicles:
The 'Purpose' of Clause 52.07 'Loading and unloading of vehicles' is:

- *'To set aside land for loading and unloading commercial vehicles to prevent loss of amenity and adverse effect on traffic flow and road safety'.*

Clause 52.27 Licensed Premises:
The 'Purpose' of Clause 52.27 'Licensed premises' is:

- *'To ensure that licensed premises are situated in appropriate locations'; and*
- *'To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered'.*

Decision Guidelines (Clause 65):

The Responsible Authority must decide whether the proposal will produce acceptable outcomes in terms of the 'Decision Guidelines' of Clause 65. In accordance with Clause 65.01 of the Scheme, the Responsible Authority must consider, as appropriate:

- *'The matters set out in Section 60 of the Act';*
- *'The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies';*
- *'The purpose of the zone, overlay or other provision';*
- *'Any matter required to be considered in the zone, overlay or other provision';*
- *'The orderly planning of the area';*
- *'The effect on the amenity of the area';*
- *'The proximity of the land to any public land';*
- *'Factors likely to cause or contribute to land degradation, salinity or reduce water quality';*

- *'Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site';*
- *'The extent and character of native vegetation and the likelihood of its destruction';*
- *'Whether native vegetation is to be or can be protected, planted or allowed to regenerate'; and*
- *'The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard'.*

Incorporated Documents (Clause 81):

No Incorporated Documents apply to this application.

Relevant Proposed Planning Scheme Amendments:

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

5. ISSUES

Strategic direction of the State and Local Planning Policy Frameworks:

It is considered that the application complies with the State and Local Planning Policy Frameworks.

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

It is considered that the application complies with the 'Purpose' and 'Decision Guidelines' of the Business 1 Zone as the zone seeks to encourage the intensive development of business centres for retailing and other complementary commercial, entertainment and community uses.

The 'Purpose' of Clause 52.07 'Loading and Unloading of Vehicles':

It is considered that the application complies with the 'Purpose' of Clause 52.07 'Loading and Unloading of Vehicles' and the loading and unloading bay provided meets the dimension requirements specified under this clause.

The 'Purpose' and 'Decision Guidelines' of Clause 52.27 'Licensed Premises':

It is considered that the application complies with the 'Purpose' and 'Decision Guidelines' of Clause 52.27 'Licensed Premises'.

Clause 65 (Decision Guidelines):

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

The application received seven submissions in the form of objections, two of which were petitions. The issues raised were:

1. The proposed hours of operation are too extensive and broad, particularly being open from 7.00am to 3.00am the following morning on some days.

Comment:

The proposed hours of operation are considered to be consistent and relatively standard considering the proposed use of the land as a Hotel. The proposed hours are also to be assessed and approved by the Liquor Licensing Commission.

2. The proposal will increase the traffic and the number of drunk drivers on the roads.

Comment:

The occurrence of drink driving offences is to be policed by law enforcement officers. The occurrence of drink driving is not identified by the *Planning and Environment Act 1987* as a valid planning objection and cannot be considered as part of this application.

3. There will be an increase in the number of cars parking in the streets to avoid drink driving.

Comment:

As mentioned previously, the occurrence of drink driving is not identified by the *Planning and Environment Act 1987* as a valid planning objection and cannot be considered as part of this application. The car parking provided on site is adequate to accommodate the vehicles of patrons to the hotel and meets the car parking provision requirements specified under Clause 22.03 of the Scheme. Therefore, no on-street car parking should be required by hotel attendees.

- Noise from vehicles will increase as there is no barrier between Monash Way and the residential area.

Comment:

Monash Way is a major road that accommodates large amounts of traffic on a daily basis. Considering this, it is concluded that the addition of a hotel in the area will not significantly increase the percentage of daily traffic and any subsequent noise in the area.

- Drunk and unruly behaviour, including vandalism, would increase and adversely impact on the residents' amenity.

Comment:

The occurrence of unruly behaviour, including vandalism, is to be policed by law enforcement officers and is not identified by the *Planning and Environment Act 1987* as a valid planning objection and cannot be considered as part of this application. Any subsequent planning permit will be appropriately conditioned to protect and avoid impacts on the amenity of local residents.

- Dispersal of patrons after closing needs to be enforced.

Comment:

The dispersal of patrons is to be managed by the operator of the hotel and is to be in accordance with a Management Plan that is to be submitted to the Responsible Authority as a condition of permit. Any issues related to loitering patrons are to be referred to Victoria Police. This application was referred to Victorian Police, Gippsland Headquarters who had no objection to the granting of a planning permit.

- The noise created by the hotel, particularly amplified music and patrons going to and from the hotel, will adversely impact on the residents' amenity.

Comment:

The applicant has agreed to provide double glazing on windows and to insulate the hotel structure. The operator of the hotel will also be required to comply with the State Environment Protection Policy (Control of Music Noise from Public Premises) No N-2 and a Management Plan that is to be submitted as a condition of permit. Other appropriate conditions will be placed on any subsequent planning permit to minimise noise impacts on the local area.

8. There is no provision for pedestrian access for residents west of Monash Way to the hotel. Suitable footpaths and traffic lights on Monash Way should be installed.

Comment:

Monash Way is owned and managed by VicRoads. A pedestrian crossing on Monash Way is provided approximately 230 metres north of the subject site and a pedestrian underpass is provided approximately 130 metres north of the subject site. Pedestrian access is also provided within the shopping precinct to the north of site and a pram crossing is provided from this precinct to the subject site across Balfour Place.

9. There is no provision for pedestrian access for residents' east of the subject site and lighting in the area is poor.

Comment:

The land to the east of the subject site is one large vacant allotment in the Business 5 Zone. No application has been made to subdivide or develop this land for residential purposes at this point in time.

10. The Churchill Town Centre Plan and Churchill Structure Plan proposed various recommendations and treatments for the Churchill town centre. None of these treatments included the area proposed in this application for a hotel.

Comment:

Proposed landscape treatments for the Churchill Town Centre do not apply to this privately owned site.

11. Council previously deemed the site to be unsuitable for a shopping centre. Should it be any different than a hotel?

Comment:

The proposal does not seek to establish a retail use on the subject site. A hotel is a separately defined use by the Scheme. Considering the provisions of the Scheme and the Act, it is considered that the subject site is suitable for the establishment of a hotel use, considering that this is how the site was utilised in the past for some period of time.

12. The lack of a 24 hour police station means that the proposed hours of operation will be impossible to police effectively. And past experiences indicate a slower response time when the police station is not manned. Random police patrols of surrounding streets will be required.

Comment:

The frequency of police patrols and the hours of operation of the Churchill police station is to be decided upon by Victoria Police and relevant government agencies. A 24 hour police station is located in Morwell which is located within a 10 minute drive of the subject site. The application was referred to Victoria Police who gave consent to the proposal.

6. FINANCIAL AND RESOURCES IMPLICATIONS

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

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Notification:

The application was advertised pursuant to Section 52(1)(a) and Section 52(1)(d) of the Act. Notices were sent to all adjoining and adjacent landowners and occupiers and three A3 notices were displayed on the boundaries of the site with road frontage for 14 days.

External:

The application was referred to the Office of Housing pursuant to Section 55 of the Act. The Office of Housing gave consent to the granting of a planning permit without requesting any conditions.

Notice of the application was given to the Victorian Police, Gippsland Headquarters under Section 52(1)(d) of the Act. The Victorian Police gave consent to the granting of a planning permit without requesting any conditions.

Internal:

Internal officer comments were sought from Council's Project Services Team, Strategic Land Use Planning Team, Health Services Team, Community Development Team and Place Manager, Churchill Town Centre Plan.

Council's Project Services Team gave consent to the granting of a planning permit, subject to appropriate conditions.

Council's Strategic Land Use Planning Team gave consent to the granting of a planning permit, subject to an appropriate condition.

Council's Health Services Team gave consent to the granting of a planning permit, subject to appropriate conditions.

Council's Community Development Team gave consent to the granting of a planning permit without requesting any conditions.

Council's Place Manager, Churchill Town Centre Plan gave consent to the granting of a planning permit without requesting any conditions.

Details of Community Consultation following Notification:

Following the advertising of the application, seven submissions in the form of objections were received.

A planning mediation meeting was held on 30 July 2009 to allow the permit applicant and objectors to meet and discuss the application and relevant issues.

All attendees were sent a copy of the minutes of the meeting and a copy of some draft planning permit conditions to consider. The objectors resolved to continue with their objections as the draft permit conditions did not alleviate their concerns with the proposal.

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

8. OPTIONS

Council has the following options in regard to this application:

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

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

9. CONCLUSION

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Business 1 Zone;
- Consistent with the 'Purpose' of the Clause 52.0 'Loading and Unloading of Vehicles';
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Clause 52.27 'Licensed Premises';
- Consistent with Clause 65 (Decision Guidelines); and
- The objection(s) received has been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered and relevant permit conditions addressing some of these issues will be required. The objections do not form planning grounds on which the application should be refused.

10. RECOMMENDATION

That Council DECIDES to issue a Notice of Decision to grant a permit, for the use of the land as a hotel, associated buildings and works and on premises and packaged liquor license at Lot 1 on Plan of Subdivision 095410, more commonly known as Balfour Place, Churchill, with the following conditions:

1. Prior to the commencement of buildings and works, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and four copies must be provided. The plans must show:

- a) the 'Existing Bottle Shop' to be nominated as a 'Store' on the proposed site plan; and
- b) existing and proposed elevation plans of the 'Store'.
2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Prior to the commencement of the use permitted by this permit, a Management Plan must be submitted to and approved by the Responsible Authority. The Management Plan will set out the measures to be implemented by the manager to assist in the orderly management of the hotel and limit any detrimental impacts of the use on the amenity of the area. The Management Plan must include, but is not limited to:
 - a) the designation of an on-site manager during operating hours;
 - b) the management of music noise;
 - c) the management of noisy and other anti-social behaviour;
 - d) the management of patrons in outdoor areas;
 - e) dispersal of patrons leaving the venue;
 - f) the training of staff in relation to the management of patron behaviour and the requirements of the Management Plan;
 - g) communication with the Responsible Authority, Victoria Police and neighbours;
 - h) the management and recording of complaints;
 - i) security arrangements including the deployment of security personnel and the installation and use of security equipment; and
 - j) staffing and other measures to ensure the orderly departure and arrival of patrons, especially any large groups departing at closing time.
4. Except with the written consent of the Responsible Authority, the hotel use may operate only between the hours of:
 - Monday to Wednesday – 7.00am to 1.00am the following day.
 - Thursday to Saturday – 7.00am to 3.00am the following day.
 - Sunday – 10.00am to 1.00am the following day.
 - ANZAC Day (Sunday to Wednesday) – 12.00pm to 1.00am the following day.
 - ANZAC Day (Thursday to Saturday) – 12.00pm to 3.00am the following day.
 - Good Friday – 10.00am to 3.00am the following day.

- Drive through bottle shop – Monday to Sunday – 10.00am to 11.00pm.
5. Except with the prior written consent of the Responsible Authority, the consumption on the licensed premises permitted by this permit must operate only between the following times:
 - Monday to Wednesday – 7.00am to 1.00am the following day.
 - Thursday to Saturday – 7.00am to 3.00am the following day.
 - Sunday – 10.00am to 1.00am the following day.
 - ANZAC Day (Sunday to Wednesday) – 12.00pm to 1.00am the following day.
 - ANZAC Day (Thursday to Saturday) – 12.00pm to 3.00am the following day.
 - Good Friday – 10.00am to 3.00am the following day.
 6. At all times during the operation of the use, there must be present on the premises a person over the age of 18 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as ‘the manager’). The manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victoria Police and/or of Liquor Licensing Victoria authorised under section 129 of the *Liquor Control Reform Act 1998*; and/or to take action on his/her behalf in accordance with a direction by such officer.
 7. All external windows of the hotel must be double glazed and buildings must be insulated to the satisfaction of the Responsible Authority.
 8. The use must not detrimentally affect the amenity of the neighbourhood, including through the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials; and
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
 9. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or for a similar purpose.

10. The operator of the permit and the manager must take all necessary steps to ensure that no unreasonable noise or other disturbances emanates from the premises which may cause a nuisance to adjoining occupiers or detriment to the amenity of the neighbourhood, to the satisfaction of the Responsible Authority.
11. The operator of the permit must comply with the State Environment Protection Policy (Control of Music Noise from Public Premises) No N-2.
12. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded, drained and screened from public view to the satisfaction of the Responsible Authority.
13. Prior to the commencement of the use permitted by this permit, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
 - c) details of surface finishes of pathways and driveways;
 - d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - e) landscaping and planting within all open areas of the site; and
 - f) a minimum of 10 new canopy trees (minimum two metres tall when planted) within grassed areas of the site.All species selected must be to the satisfaction of the Responsible Authority.
14. Prior to the use commencing or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

15. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
16. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
17. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Strategic Land Use Planning Condition:

18. The trees and monument identified by the Latrobe Heritage Study 2008 to the north west of the site must not be disturbed.

Health Condition:

19. Prior to the commencement of the use, the applicant/owner must submit a Food Act Plan Application to the Responsible Authority. Once this plan has been approved, an application for registration of the plan pursuant to the provisions of the Food Act 1984 must be made.

Engineering Conditions:

20. Prior to the commencement of buildings and works, a drainage discharge design plan with computations must be submitted to and approved by the Responsible Authority. The design plan must be prepared in accordance with the requirements of Latrobe City Council's Design Guidelines for infrastructure development and must provide for the following:
 - a) how the land will be drained for the 1 in 10 year ARI storm event; and
 - b) underground pipe drains to convey stormwater to the legal point of discharge.

When approved, the plans will be endorsed and will then form part of the permit.

21. Prior to the commencement of the use no fewer than 116 car parking spaces must be provided on the land for the use and development including a minimum of two (2) car parking spaces that must be provided for the exclusive use of disabled persons. The car spaces must be provided as close as practicable to a suitable entrance of the building and must be clearly marked with a sign to indicate that the spaces must only be utilised by disabled persons. The minimum dimensions of the car spaces must be 3.2 metres wide by 4.9 metres long.

22. Prior to the commencement of the use, a traffic and parking management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan. The plan must include:
 - a) the location of all areas to be used for staff and patron parking;
 - b) the number and location of all on-site and off-site security staff;
 - c) the means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on-site and off-site;
 - d) measures to discourage patron car parking in inappropriate locations;
 - e) measures to preclude staff parking in designated patron car parking areas;
 - f) staffing and other measures to ensure the orderly departure and arrival of patrons especially any large groups departing at closing time; and
 - g) servicing of the drainage and maintenance of car parking areas.
23. Employer and employee vehicles must be parked in designated car spaces at all times while the remainder of available car spaces must be set aside for customer/client parking. Vehicles under the control of the operator or the operator's staff must not be parked on the Council service road to the west of the development or on Balfour Place.
24. The loading and unloading of goods from vehicles must only be carried out on the land subject to this permit.
25. Before the commencement of construction works start associated with the provision of car parking and access, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking' and AS2890.1 must be submitted to and approved by the Responsible Authority. The plans must be prepared in accordance with the requirements of Latrobe City Council's Design Guidelines for infrastructure development.
26. Prior to the commencement of the use, the area(s) set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:

- a) constructed;
 - b) surfaced with an all-weather seal coat to the satisfaction of the Responsible Authority to prevent dust;
 - c) drained in accordance with an approved drainage plan;
 - d) line-marked to indicate each car space and all access lanes;
 - e) properly illuminated with lighting designed to AS 1158 - 11A standard, baffled (if necessary) and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land;
 - f) measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing;
 - g) provision of traffic control signage and or structures as required;
 - h) provision of signage directing drivers to the area(s) set aside for car parking. Such signs are to be located and maintained to the satisfaction of the Responsible Authority. This sign must not exceed 0.3 square metres; and
 - i) the areas set aside for car parking must be constructed, and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
27. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
28. The facilities approved by this permit shall be constructed and maintained to accord with all relevant legislation (Federal or State), Australian Standards, or any other design requirements relating to access or other issues affecting people with disabilities to the satisfaction to the Responsible Authority.
29. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority.
30. Environmental amenity must be controlled during construction, including the control of dust, and measures preventing silt and litter entering the drainage system.
31. All the construction works on the roads affected by these works must be undertaken in accordance with AS1742.3.

32. Prior to the commencement of buildings and works, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Responsible Authority's assets/public infrastructure caused as a result of the development or use permitted by this permit.
33. Construction works on the land must be carried out in a manner that does not result in damage to existing Council assets and does not cause detriment to adjoining owners and occupiers.

Expiry of Permit:

34. This permit will expire if one of the following circumstances applies:
- a) The development and use are not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

- Note 1. The applicant must ensure that all relevant Permits have been approved prior to commencement.

Moved: Cr White

Seconded: Cr Vermeulen

That Council DECIDES to issue a Notice of Decision to grant a permit, for the use of the land as a hotel, associated buildings and works and on premises and packaged liquor license at Lot 1 on Plan of Subdivision 095410, more commonly known as Balfour Place, Churchill, with the following conditions:

1. **Prior to the commencement of buildings and works, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and four copies must be provided. The plans must show:**
 - a) **the 'Existing Bottle Shop' to be nominated as a 'Store' on the proposed site plan; and**
 - b) **existing and proposed elevation plans of the 'Store'.**

- 2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 3. Prior to the commencement of the use permitted by this permit, a Management Plan must be submitted to and approved by the Responsible Authority. The Management Plan will set out the measures to be implemented by the manager to assist in the orderly management of the hotel and limit any detrimental impacts of the use on the amenity of the area. The Management Plan must include, but is not limited to:**
 - a) the designation of an on-site manager during operating hours;**
 - b) the management of music noise;**
 - c) the management of noisy and other anti-social behaviour;**
 - d) the management of patrons in outdoor areas;**
 - e) dispersal of patrons leaving the venue;**
 - f) the training of staff in relation to the management of patron behaviour and the requirements of the Management Plan;**
 - g) communication with the Responsible Authority, Victoria Police and neighbours;**
 - h) the management and recording of complaints;**
 - i) security arrangements including the deployment of security personnel and the installation and use of security equipment; and**
 - j) staffing and other measures to ensure the orderly departure and arrival of patrons, especially any large groups departing at closing time.**
- 4. Except with the written consent of the Responsible Authority, the hotel use may operate only between the hours of:**
 - Monday to Wednesday – 7.00am to 1.00am the following day.**
 - Thursday to Saturday – 7.00am to 1.30am the following day.**
 - Sunday – 10.00am to 1.00am the following day.**
 - ANZAC Day (Sunday to Wednesday) – 12.00pm to 1.00am the following day.**
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- 5. Except with the prior written consent of the Responsible Authority, the consumption on the licensed premises permitted by this permit must operate only between the following times:**
 - Monday to Wednesday – 7.00am to 1.00am the following day.**
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 - ANZAC Day (Sunday to Wednesday) – 12.00pm to 1.00am the following day.**
 - ANZAC Day (Thursday to Saturday) – 12.00pm to 1.30am the following day.**
 - Good Friday – 10.00am to 1.30am the following day.**

6. At all times during the operation of the use, there must be present on the premises a person over the age of 18 years who is responsible for ensuring that the activities on the premises and the conduct of persons attending the premises do not have a detrimental impact on the amenity of the locality to the satisfaction of the Responsible Authority (referred to in this permit as 'the manager').
The manager must be authorised by the operator under this permit to make statements at any time on his/her behalf to any officer of the Responsible Authority and of the Victoria Police and/or of Liquor Licensing Victoria authorised under section 129 of the *Liquor Control Reform Act* 1998; and/or to take action on his/her behalf in accordance with a direction by such officer.
7. All external windows of the hotel must be double glazed and buildings must be insulated to the satisfaction of the Responsible Authority.
8. The use must not detrimentally affect the amenity of the neighbourhood, including through the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) appearance of any building, works or materials; and
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.
9. No external sound amplification equipment or loudspeakers are to be used for the purpose of announcement, broadcast, playing of music or for a similar purpose.
10. The operator of the permit and the manager must take all necessary steps to ensure that no unreasonable noise or other disturbances emanates from the premises which may cause a nuisance to adjoining occupiers or detriment to the amenity of the neighbourhood, to the satisfaction of the Responsible Authority.
11. The operator of the permit must comply with the State Environment Protection Policy (Control of Music Noise from Public Premises) No N-2.
12. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded, drained and screened from public view to the satisfaction of the Responsible Authority.
13. Prior to the commencement of the use permitted by this permit, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
 - a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - b) buildings and trees (including botanical names) on neighbouring properties within three metres of the boundary;
 - c) details of surface finishes of pathways and driveways;
 - d) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;

- e) landscaping and planting within all open areas of the site; and
- f) a minimum of 10 new canopy trees (minimum two metres tall when planted) within grassed areas of the site.

All species selected must be to the satisfaction of the Responsible Authority.

- 14. Prior to the use commencing or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
- 15. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
- 16. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
- 17. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Strategic Land Use Planning Condition:

- 18. The trees and monument identified by the Latrobe Heritage Study 2008 to the north west of the site must not be disturbed.

Health Condition:

- 19. Prior to the commencement of the use, the applicant/owner must submit a Food Act Plan Application to the Responsible Authority. Once this plan has been approved, an application for registration of the plan pursuant to the provisions of the Food Act 1984 must be made.

Engineering Conditions:

- 20. Prior to the commencement of buildings and works, a drainage discharge design plan with computations must be submitted to and approved by the Responsible Authority. The design plan must be prepared in accordance with the requirements of Latrobe City Council's Design Guidelines for infrastructure development and must provide for the following:
 - a) how the land will be drained for the 1 in 10 year ARI storm event; and
 - b) underground pipe drains to convey stormwater to the legal point of discharge.

When approved, the plans will be endorsed and will then form part of the permit.

- 21. Prior to the commencement of the use no fewer than 116 car parking spaces must be provided on the land for the use and development including a minimum of two (2) car parking spaces that must be provided for the exclusive use of disabled persons. The car spaces must be provided as close as practicable to a suitable entrance of the building and must be clearly marked with a sign to indicate that the spaces must only be utilised by disabled persons. The minimum dimensions of the car spaces must be 3.2 metres wide by 4.9 metres long.

22. Prior to the commencement of the use, a traffic and parking management plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. Traffic and parking operations on and adjacent to the site must conform to this endorsed plan. The plan must include:
- a) the location of all areas to be used for staff and patron parking;
 - b) the number and location of all on-site and off-site security staff;
 - c) the means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on-site and off-site;
 - d) measures to discourage patron car parking in inappropriate locations;
 - e) measures to preclude staff parking in designated patron car parking areas;
 - f) staffing and other measures to ensure the orderly departure and arrival of patrons especially any large groups departing at closing time; and
 - g) servicing of the drainage and maintenance of car parking areas.
23. Employer and employee vehicles must be parked in designated car spaces at all times while the remainder of available car spaces must be set aside for customer/client parking. Vehicles under the control of the operator or the operator's staff must not be parked on the Council service road to the west of the development or on Balfour Place.
24. The loading and unloading of goods from vehicles must only be carried out on the land subject to this permit.
25. Before the commencement of construction works start associated with the provision of car parking and access, detailed layout plans demonstrating compliance with AustRoads Publication 'Guide to Traffic Engineering Practice : Part 11 Parking' and AS2890.1 must be submitted to and approved by the Responsible Authority. The plans must be prepared in accordance with the requirements of Latrobe City Council's Design Guidelines for infrastructure development.
26. Prior to the commencement of the use, the area(s) set aside for parking of vehicles and access lanes as shown on the endorsed plans must be:
- a) constructed;
 - b) surfaced with an all-weather seal coat to the satisfaction of the Responsible Authority to prevent dust;
 - c) drained in accordance with an approved drainage plan;
 - d) line-marked to indicate each car space and all access lanes;
 - e) properly illuminated with lighting designed to AS 1158 - 11A standard, baffled (if necessary) and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land;
 - f) measures taken to prevent damage to fences or landscaped areas of adjoining properties and to prevent direct vehicle access to an adjoining road other than by a vehicle crossing;
 - g) provision of traffic control signage and or structures as required;

- h) provision of signage directing drivers to the area(s) set aside for car parking. Such signs are to be located and maintained to the satisfaction of the Responsible Authority. This sign must not exceed 0.3 square metres; and
 - i) the areas set aside for car parking must be constructed, and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
- 27. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
- 28. The facilities approved by this permit shall be constructed and maintained to accord with all relevant legislation (Federal or State), Australian Standards, or any other design requirements relating to access or other issues affecting people with disabilities to the satisfaction to the Responsible Authority.
- 29. All disused or redundant vehicle crossings must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority.
- 30. Environmental amenity must be controlled during construction, including the control of dust, and measures preventing silt and litter entering the drainage system.
- 31. All the construction works on the roads affected by these works must be undertaken in accordance with AS1742.3.
- 32. Prior to the commencement of buildings and works, the owner or developer must submit to the Responsible Authority a written report and photos of any prior damage to public infrastructure. Listed in the report must be the condition of kerb & channel, footpath, seal, street lights, signs and other public infrastructure fronting the property and abutting at least two properties either side of the development. Unless identified with the written report, any damage to infrastructure post construction will be attributed to the development. The owner or developer of the subject land must pay for any damage caused to the Responsible Authority's assets/public infrastructure caused as a result of the development or use permitted by this permit.
- 33. Construction works on the land must be carried out in a manner that does not result in damage to existing Council assets and does not cause detriment to adjoining owners and occupiers.

Expiry of Permit:

- 34. This permit will expire if one of the following circumstances applies:
 - a) The development and use are not started within two years of the date of this permit.
 - b) The development is not completed within four years of the date of this permit.

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

- Note 1. The applicant must ensure that all relevant Permits have been approved prior to commencement.

CARRIED UNANIMOUSLY

ATTACHMENTS

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11.3.2 PROPOSAL TO ACQUIRE AND DEVELOP A PARK IN WALKER PARADE, CHURCHILL

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

1. PURPOSE

The purpose of this report is to seek Council's consideration of a proposal from the Plan Our Park Action Committee to acquire and develop community amenity space in Walker Parade, 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

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

Latrobe 2021 and Council Plan 2009-2013

Strategic Objective – Liveability

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

Community Outcome – Recreational Liveability

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

Strategic Action

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

Policy – Public Open Space Policy 09 POL-3

In planning, maintaining and developing public open space the Council will:

- Provide public open space that demonstrates reasonable and responsible levels of safety, accessibility and availability for general public use in appropriate locations.
- Provide a comprehensive public open space system to serve the present and anticipated needs of residents and visitors to the municipality.
- Provide a proactive and strategic response to planning and management of public open space in line with the principles of the 'Healthy by Design' guidelines.
- Provide and advocate for the development of the highest quality of public open space within the resources available (both capital and recurrent maintenance), at each level, taking into account the purpose/s for which the asset has been planned or developed.
- Maximise usage of public open space in an effort to optimise community investment and to efficiently maintain our assets.
- Provide protection for and integration of flood plains and major watercourses with other public open space venues and facilities.
- Ensure the conservation of important areas of native flora and fauna, sites or features (including trees, landscape, buildings or structures) that are of environmental, historical, cultural or scenic significance.
- Consider the implications of Native Title in the planning of public open space usage.
- Promote an appreciation of outdoor recreation and the value of parklands.
- Involve the community in planning, management and the usage of public open space.

Public Open Space Plan May 2007

The plan established key principles for the provision of public open space at the regional, district and local levels across the municipality.

Playground Strategy June 2006

The strategy established the key principles for the provision of playgrounds at the regional, district and local levels across the municipality.

4. BACKGROUND

The Department of Human Services (DHS) own an undeveloped 1.4 hectare parcel of residential zoned land in Walker Parade, Churchill. The land is maintained by Council and is being utilised as public open space. The following image in Figure 1 shows the linkages provided through the property, the playground site and the connection to the open space along Monash Way.



Figure 1 – DHS land Walker Parade Churchill

The Churchill Town Centre Plan (July 2007) included reference to an “east-west link” from Monash University through the commercial precinct, connecting to McDonald Way. Figure 2 illustrates the proposed new link road was identified as running through the DHS property.



Figure 2: Detail from Churchill Town Centre Plan (2007)

At the Ordinary Council Meeting held on 6 April 2009, Council considered community opposition to the creation of the link road. Following community consultation, 65 submissions opposing the new west link road were considered, including a petition with 322 signatures. No submissions were received in support of the proposal.

At this meeting Council resolved:

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

The C62 Planning Panel report was received by Council on 24 July 2009. The report concluded that:

As Council no longer supports the need for the road west of Monash Way and there appears to be significant community opposition to the proposed road we accept the western side of the link road (west of Monash Way) should be deleted from the amendment prior to adoption.

Following the removal of the link road from the Churchill Town Centre Plan, residents who opposed the development of the link road have sought to secure the land as public open space. The Plan Our Park Action Committee has requested (submission attached) that Latrobe City Council acquire the property from DHS and develop the land as community amenity space.

In the proposal the Plan Our Park Action Committee identify the following items as desirable improvements for the proposed park:

- Trimming and shaping current trees;
- Additional native tree plantings;
- Park benches;
- Electrical power outlet;
- Drinking water supply;
- Picnic tables;
- Shelter, BBQ and rubbish bins;
- Public toilet.

5. **ISSUES**

The submission from the Plan Our Park Action Committee identifying their vision for the development of community amenity space presents a number of issues for consideration, including:

- Public open space provision;
- Playground provision;
- Development of the Churchill town centre; and
- Existing ownership of the land by DHS.

The Latrobe City Public Open Space Plan (May 2007) established the following provision and distribution levels for public open space in residential areas:

- Local - The majority of houses in residential areas should have access to a minimum of 0.5 hectares of public open space within a 500 metre radius.

- District - The majority of houses in residential areas should have access to district level public open space within a 3 km radius.
- Regional - Each town with a population of over 5,000 should have regional level public open space within the township boundaries.

When comparing these provision levels with the distribution of open space within Churchill the following observations can be made:

- Within 500 metres of the proposed Walker Parade Park there are smaller areas of local open space provided in White Parade and along the length of Monash Way.
- Within 500 metres of the proposed Walker Parade Park there are two major areas of local level open space, Watson Park (2.8 hectares) and Walkley Park (7.6 hectares); and
- The proposed Walker Parade Park is within one kilometre of the district level open spaces provided at Gaskin Park, Glendonald Park and Mathison Park.

The current supply of public open space provided within Churchill is adequate both in proximity to Walker Parade and across the township. Therefore based on the provision levels of Public Open Space Plan (May 2007) there is little justification to acquire the DHS land for use as open space.

The Latrobe City Playground Strategy (June 2006) established as a key principle that local level playgrounds have a catchment area of approximately 500 metres. The strategy reviewed each playground site and identified if the site would remain as a playground site until 2021. The Walker Parade playground equipment was identified as not to be replaced once it reached the end of its useful lifespan, estimated as being between 2015 - 2021. The playground sites within the larger Walker and Watson Parks were considered to be more accessible to the surrounding residents and are identified as long term playground sites.

Since 2007 Latrobe City Council has provided significant commitment towards reinvigorating the Churchill Town Centre through the development of the Churchill Town Centre Plan. The implementation of this plan, in conjunction with private development, will result in a significant upgrade to the commercial precinct. A key feature of the redeveloped precinct is creating community space and a link from the commercial centre through to the University.

The proposed Walker Parade site is currently maintained and utilised as public open space providing an important link from the residential areas on the western side of Monash Way to the town centre and adjacent open space. The Plan Our Park Action Committee has requested that DHS hand over the land to the community, through Council, to permanently reserve the land as public open space.

Contact with DHS has indicated they are willing to consider a land swap for equivalent developable land or that Council may wish to express an interest to purchase the site. While there are no immediate plans for residential development on the site, gifting of the land to the community is not considered an option by DHS. Therefore to acquire the site Council will need to either allocate significant expenditure (Latrobe City Council's property valuer estimates the vacant land to be worth approximately \$350,000) to purchase the land or identify alternative parcels of land suitable for exchange. In addition to the purchase cost of the land and ongoing maintenance costs, the proposed development of the facilities and amenities identified in the Plan Our Park Action Committee proposal is estimated to require funding of up to \$200,000.

6. FINANCIAL AND RESOURCES IMPLICATIONS

Supporting the Plan Our Park Action Committees request to acquire and develop the DHS land in Walker Parade in Churchill will require funding of approximately \$550,000 and the allocation of internal resources to plan and supervise the development of the reserve.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Not applicable

Details of Community Consultation / Results of Engagement:

Significant consultation was conducted with the community during the development of the Churchill Town Centre Plan.

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

8. OPTIONS

Council has the following options:

1. Support the submission from the Plan Our Park Action Committee to acquire the Walker Parade land; or
2. Decline to support the submission from the Plan Our Park Action Committee to acquire the Walker Parade land.

9. CONCLUSION

The proposed acquisition and development of the DHS owned land in Walker Parade Churchill lacks the strategic policy support from the adopted Latrobe City Public Open Space Plan and Playground Strategy.

Council has demonstrated a commitment towards the development of Churchill through the Town Centre Plan. The implementation of this plan will create significant changes in the way the community uses and accesses the commercial centre of the town.

The implementation of the Churchill Town Centre Plan is Council's short to medium term priority. The proposed acquisition and development of public open space in Walker Parade, Churchill, should not be considered a priority pending the completion and evaluation of all elements of the Town Centre Plan.

10. RECOMMENDATION

That based on the key principles of both the Latrobe City Council Public Open Space Plan May 2007 and Playground Strategy June 2006, the Plan Our Park Action Committee be advised that Latrobe City Council will not pursue opportunities to acquire and develop the land in Walker Parade, Churchill.

Moved: Cr White

Seconded: Cr Vermeulen

That Council formally seek the views of the Churchill and District Community Association in respect of this proposal.

CARRIED UNANIMOUSLY

ATTACHMENT

PLAN OUR PARK ACTION COMMITTEE

Friday, 19 June 2009

Mr Paul Buckley
CEO
Latrobe City Council
PO Box 264
Morwell 3840

Latrobe City	
28 AUG 2009	
Doc No:	
Action Officer	
Discosa Code	
Comments	HC to Cr White

Re: Initial Proposal for Walker Parade Park, Churchill

Dear Mr Buckley

This proposal is submitted by the Plan Our Park Action Committee of Churchill. During the "Save Our Park" campaign, we believe there was a groundswell of support in the Churchill community for our proposal to develop a central park and gardens on the Walker Parade site.


Our long term goal is to have the park substantially in place in time for the commemoration of Churchill's 50th anniversary.


We have based this initial submission on the Council's Public Open Space Policies. Our aim at this stage is to seek support and encouragement from the Council. It is intended to involve the community in the planning process and this will probably change some of our priorities and suggested facilities. We plan to conduct an extensive community survey to determine what facilities the community would like in the park. A copy of the proposed survey is attached.

There has been some preliminary discussion with Mr Ian Murphy and Cr Darrell White. We would like to know who we should make contact with on this matter.

We have made a request to the Department of Human Services, asking that the land be handed over to the community, through the Council, for the purpose of establishing a park. It is our understanding that the DHS has been in contact with the Council on this matter and we ask that serious effort be made by the Council to gain ownership of the area.

Yours faithfully


Ronald Bunn
8 Williams Ave
Churchill 3842


Bruce Stephenson
19 Walker Parade
Churchill 3842

Walker Parade
Park Initial Proposal



PLAN OUR PARK ACTION COMMITTEE

POPAC

31/07/09

CHURCHILL

POPAC was formed after we detected a groundswell of community support for our proposal to develop a Central Park and Gardens in Churchill. We have based our proposal on the Council's Public Open Space Policy. (See Appendix 1)

To ensure public open space is connected to the community the Council states it will provide opportunities for the community to be involved in the development and maintenance of public open space..



OUR ACTION PLAN



ROLE AND SITE OF PROPOSED PARK



OUR VISION OF THE PARK

As members of POPAC we support this proposal

SIGNATURES

B Stephenson, 19 Walker Parade Churchill

B. Stephenson *B. Stephenson*
R Bunn, 8 Williams Ave Churchill

R Hill, 21-23 Walker Parade Churchill

R Hill *R Hill*
Stuart Collins

J Bonnici, 27 Walker Parade Churchill

J Bonnici
L Morrison, 91 Walker Parade Churchill

L Morrison
C Beggs, 23 Walker Parade Churchill

C Beggs

G Cain, 3 O'Hara Crt Churchill

G Cain
J Spethurst, 89 Walker Parade Churchill

.....
S Nestor, 14 Catterick St Churchill

PLAN OUR PARK ACTION COMMITTEE

Contact persons

Bruce Stephenson
19 Walker Parade
Churchill 3842

Ronald Bunn
8 Williams Ave
Churchill 3842

Ph 5122 1335

Ph 5122 1493

brunani@primus.com.au

ronandfayc@vic.austliis.com.au

ACTION PLAN FOR DEVELOPMENT OF WALKER PARADE PARK

1. DEFINING THE ROLE AND THE SITE OF PROPOSED PARK.

- 1.1 Identifying a clearly defined role for the proposed park
- 1.2 Reasons for choosing this particular site.
- 1.3 Our plan to achieve the defined role.

2. VISION FOR PROPOSED PARK

- 2.1 Details of the proposed park.
- 2.2 Desirable facilities.
- 2.3 Series of developmental stages

3. FUNDING OF DEVELOPMENT.

- 3.0 Possible sources of funding.

4. IDENTIFYING THE OBSTACLES

- 4.0 List of likely obstacles and actions to remove obstacles

5. INITIAL PROPOSAL

- 5.0 Present to Latrobe City Council and the DHS.

(Items still to be addressed)

6. PARK FACILITIES

- 6.1 Community survey.
- 6.2 Forums for community input.
- 6.3 Determination of facilities needed for each of the agreed functions.

7. SITE PLAN

- 7.0 Drawing up of a detailed site and landscape plans

8. FINAL SUBMISSION

- 8.0 Present to Council in accordance with the Latrobe City Public Open Space Plan.

LONG TERM GOAL

To have the park and gardens substantially in place in time to commemorate Churchill's 50th Anniversary.

PLAN OUR PARK ACTION COMMITTEE

1. DEFINING THE ROLE AND THE SITE OF THE PROPOSED PARK

1.1 Identifying a clearly defined role for the proposed park.

Community Amenity Space which would:-

- 1.11 Improve the image that Churchill presents by providing an attractive central feature to help balance the concrete and asphalt shopping centre and aid in developing a sense of civic pride.
- 1.12 Provide the link between the residential and the commercial areas, encouraging more locals to walk or cycle to the shopping centre.
- 1.13 Present students with a safe passage to and from school.
- 1.14 Become an area for civic gatherings and events.
- 1.15 Add to the quality of life for Churchill residents with a community amenity providing additional recreational opportunities.

1.2 Reasons for choosing this particular site.

Walker Parade open space is:-

- 1.21 Perfectly located in centre of town and adjacent to shopping centre.
- 1.22 Undeveloped after 40 years, it has no other proposed development and it has long been considered to be a park by the community.
- 1.23 Suitable in size and topography.
- 1.24 A better site for a park and gardens than any other undeveloped open space in Churchill.
- 1.25 Already attracting some passive recreation with very few facilities.
- 1.26 The site used for the combined schools Christmas Pageant.
- 1.27 Likely to encourage patronage of the shopping centre as a result of community activities in the park.
- 1.28 An important link as a major pathway to schools, the town centre and beyond.

1.3 Our plan to achieve the defined role.

This will involve:-

- 1.31 Setting up a steering group consisting of local citizens
- 1.32 Involving community by seeking strong support and input.
- 1.33 Conducting a community survey. *(See attached sheet)*
- 1.34 Liaising with CDCA and seeking support of groups like Lions and Rotary.
- 1.35 Seeking advice from the Centenary Rose Garden Committee and The Mathieson Park group.
- 1.36 Determining functions and facilities and clearly defining use of Park.
- 1.37 Presenting our vision of the park and gardens.
- 1.38 Determining priorities for development.
- 1.39 Producing site and landscape plans.
- 1.310 Identifying the obstacles and seeking to overcome these.
- 1.311 Seeking funding for construction.
- 1.312 Becoming involved in future management of park.
- 1.313 Naming of the park.
- 1.314 Presenting Latrobe City Council and DHS with our detailed final submission.

PLAN OUR PARK ACTION COMMITTEE

2. VISION FOR PROPOSED PARK

2.1 Details of the proposed park

Community amenity space whose functions and uses would include the following:-

2.11 Improving the image Churchill presents. *Achieve by developing an attractive feature park in the centre of the town, as a source of civic pride and to help make Churchill a more attractive place to live and to visit.*

2.12 Linking the residential and the commercial areas. *Achieve by developing a park that will encourage people to walk or cycle to the commercial area.*

2.13 Providing a safe passage for students. *Achieve by presenting a safe, attractive area to pass through when going to and from school. Involve these children in the setting up of the park.*

2.14 Developing community amenity areas.

2.14.1 Site for Community Events. *Achieve by providing suitable open space, a weatherproof power outlet, a source of drinking water, receptacles for rubbish, possibly a rotunda or small sound shell and a public toilet.*

2.14.2 Location for Civil Wedding Ceremonies. *Achieve by providing a wedding arbour and a suitable garden background for photos.*

2.15 Adding to the quality of life for Churchill residents.

2.15.1. Passive Recreation. *Achieve by providing, picnic tables, park benches, pergola, and a barbeque. Make the area attractive with gardens, lawns, a special feature like a fountain or memorial, shady trees, other trees, including some deciduous trees.*

2.15.2 Informal Activity Area. *Achieve by providing open area for playing games, flying a kite, chasing your kids or walking your dog. A small exercising station could be provided.*

2.15.3 Children's Recreation. *Achieve by maintaining and expanding the existing playground.*

2.15.4 Improving Safety and Well Being. *Achieve by provision of appropriate lighting, and adding a safety fence around the playground.*

2.15.5 Attracting native fauna. *Achieve by planting some appropriate trees along the buffer zone and in the park.*

PLAN OUR PARK ACTION COMMITTEE

2.2 Desirable Facilities

Selecting those items that are considered the most desirable.

- Trimming up and shaping current trees.
- Planting the basic trees. (*Native*)
- Providing park benches.
- Setting up an outlet for electrical power.
- Source of water for drinking
- Adding picnic tables
- Setting up pergola, BBQ and rubbish bins.
- Public toilet.

2.3 Series of developmental stages

2.31 First stage Time frame (Short term)

- Make basic planting of large shady trees.
- Provide some park benches.
- Trim and shape existing trees.
- Set up an outlet for electrical power.

2.32 Second stage Time frame (Intermediate)

- Begin a program of progressive tree planting.
- Set out and plant basic gardens.
- Provide a pergola, picnic tables, a BBQ and rubbish bins.
- Include source of water for drinking

2.33 Third stage Time frame (Long term)

- Add some appropriate lighting.
- Enlarge the playground.
- Construct a public toilet.
- Planting of lawns and gardens.
- Provision for watering.
- Setting up signage.
- Completing remaining items

3. FUNDING OF THE DEVELOPMENT

3.0 Investigate possible sources of funding

- Council support.
- State and federal grants.
- Business donations.
- Public appeals.

4. IDENTIFYING THE OBSTACLES

The major obstacles are as follows.

4.1 The land is currently owned by the Department of Human Services and it is presently zoned "Residential". *Urge DHS to hand land to community through Latrobe City Council. Ask the Council to seek ownership of the land and rezone it to PPRZ.*

4.2 Latrobe City Council considers Churchill has an excess of open space.
Demonstrate to Council a clearly identified use and the purpose for having a park here. Argue that this piece of land is unique in its size, availability and location, and is more suited to a community park and gardens than any other undeveloped open space around the town. For over 40 years the community have considered it to be parkland.

4.3 The children's playground is listed for removal after 2015. *Gain community support for its expansion and retention because this is the best sited and most used playground in Churchill. It should become an adventure playground for children.*

5. INITIAL PROPOSAL

5.0 Present to Latrobe City Council and the DHS

APPENDIX 1

LATROBE CITY COUNCIL'S PUBLIC OPEN SPACE POLICIES
(We have based our proposal on these policies.)

Published documents from the Council relating to Walker Parade park state:

- Churchill has an abundant supply of "local" open space and therefore it is not necessary to meet minimum requirements for the provision of open space in residential areas.
- Any open space role that would be carried out by the area should therefore be specific and defined.
- If the area is to play a future role in Churchill's open space, a future vision and a plan for the area should have a more clearly defined role and a plan to achieve that role.

The key principals relating to provision of open space identified in Latrobe City's *Public Open Space Plan* and relevant to the area are:-

1. *Latrobe City is committed to providing a variety of high quality public open space facilities including active sports grounds, walking and bicycle paths, playgrounds, bush reserves, lake sides, BBQ / picnic areas, streetscapes, informal activity areas, and amenity space.*
2. *Provision in residential areas*
Local – the majority of houses in residential areas should have access to a minimum of 0.5 hectares of public open space within a 500 metre radius ...
District – The majority of houses in residential areas should have access to district level open space within a 3 km radius.
Regional – Each town with a population over 5000 should have regional level public open space within the township boundaries.
3. *All community accessible public open space should have a clearly identified use either as active or passive recreation, community amenity space or nature conservation.*
4. *Community accessible public open space should be managed by the most appropriate governing body ...*

To ensure public open space is connected to the community:-

The council will provide opportunities for the community to be involved in the development and maintenance of public open space. One of the key strengths of the current open space network is the major role volunteers play in the development and maintenance of these areas. The contribution made by these organisations is supported via significant finance and other assistance provide by the council.

The Latrobe City "Playground Strategy" identifies the playground in Walker Parade as listed for removal 2015-21

PLAN OUR PARK ACTION COMMITTEE

APPENDIX 2

PROGRESS TO PRESENT TIME

1. FORMATION OF STEERING GROUP
The Save Our Park group has agreed to evolve to form the Plan Our Park Action Committee. (POPAC). Monthly meetings are taking place.
2. SIGNALING OUR INTENTIONS
In our submissions to Latrobe City Council detailing our objection to the link roads proposal, we clearly outlined our vision of a central park and gardens and our intention to pursue this objective. We asked that the Walker Parade open space be permanently reserved for this purpose but have had no response.
3. DEMONSTRATING OUR VISION
Photographs showing the park area as it is at present, and how it could be, were produced. These were published in the Churchill News. *(See attached photo)*
4. COMMUNITY SUPPORT.
We presented our idea during the "Save Our Park" campaign and we believe we detected a groundswell of public support for the proposal.
5. REQUEST TO DEPARTMENT OF HUMAN SERVICES
DHS own the land. With the help of Russell Northe, we asked the DHS if they would be prepared to hand the land over to the Churchill community, through the Latrobe City Council, for the purpose of a park. An official visited Churchill to observe the park and hear our ideas. He undertook to investigate what could be done. Recently we have had two contacts with the DHS on the progress of our request.

Attachment 1

PROPOSED WALKER PARADE PARK AND GARDENS
PUBLIC OPINION SURVEY BY PLAN OUR PARK ACTION COMMITTEE

To achieve our vision we must have strong community support. WILL YOU HELP US by completing and returning this survey? YOUR PARTICIPATION IS VITAL. **CLOSING DATE FOR RETURNS IS -??-** .

Survey collection boxes will be placed in the following places –

1. _____
2. _____
3. _____

You could post or deliver to– B Stephenson, 19 Walker Parade, Churchill or R Bunn, 8 Williams Ave, Churchill

We have listed a number of facilities that could be a part of our park. Would you please indicate your opinion of the desirability of each item with a rating from 0 to 3

Show desirability, 0 (Not needed), 1 (Low), 2 (Moderate), 3 (High) by numbering the box alongside each of the listed items below.

I SUPPORT THE PROPOSED PARK AND GARDENS

List of facilities

Barbeque	
Cycle Path	
Children's Playground and Swings	
Expanded Playground and Swings	
Exercise Station	
Gardens along Paths	
Gardens of Larger Area	
Flower Gardens	
Rose Gardens	
Shrub Gardens	
Lawns of Natural Grasses	
Lawns of Drought Resistant Grasses	
Lighting in Park and along Pathways	
Path Leading Directly to Traffic Lights	
Park Benches	
Pergola	
Picnic Tables	
Public Toilet	
Open Space for Public Events or Gatherings	
Open Space Informal Activity Area	
Safety Fence Around Playground	
Trees Large and Shady	
Trees Medium and Small	
Trees Deciduous	
Rotunda or similar	
Rubbish Bins	
Vehicle Parking Area	
Water Fountain (recirculating) or other Feature Item	
Water Fountain (drinking)	
Weatherproof Power Outlet	
Wedding Arbour for Civil Ceremonies	

YOUR PREFERENCES

Your prioritised list of the items you would most like to see in our park.

1. _____
2. _____
3. _____
4. _____
5. _____

YOUR IDEAS

List any other additional items you would like in our park.

1. _____
2. _____
3. _____
4. _____
5. _____

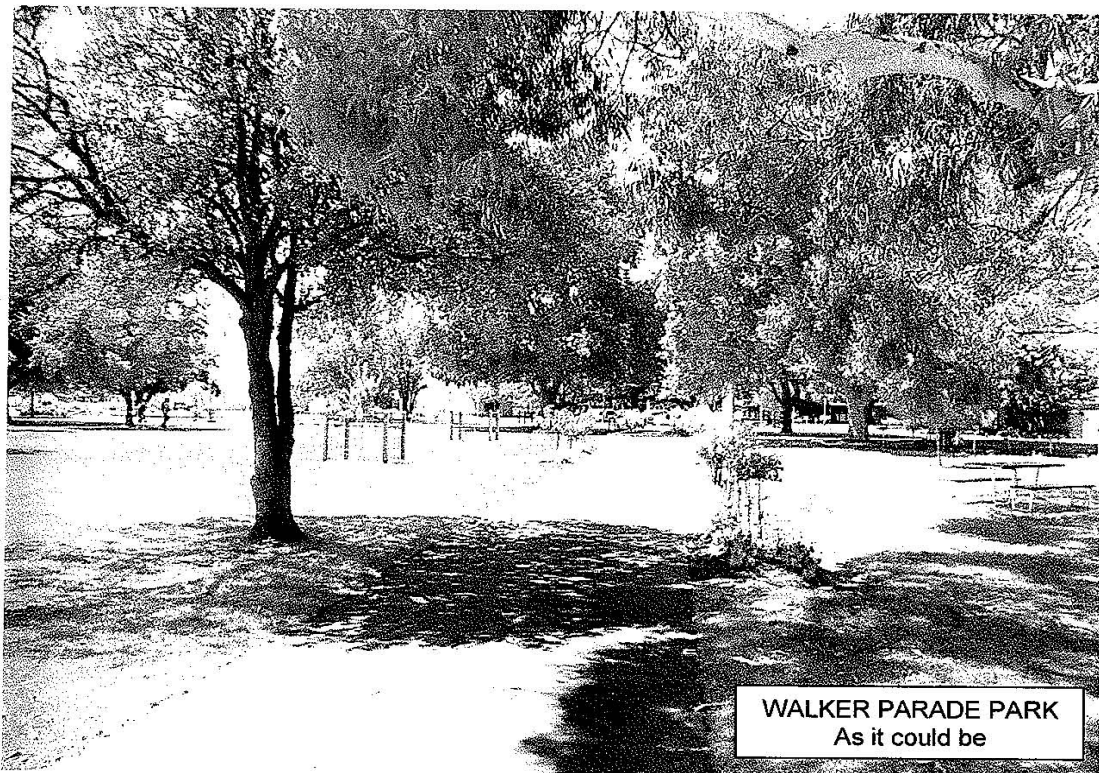
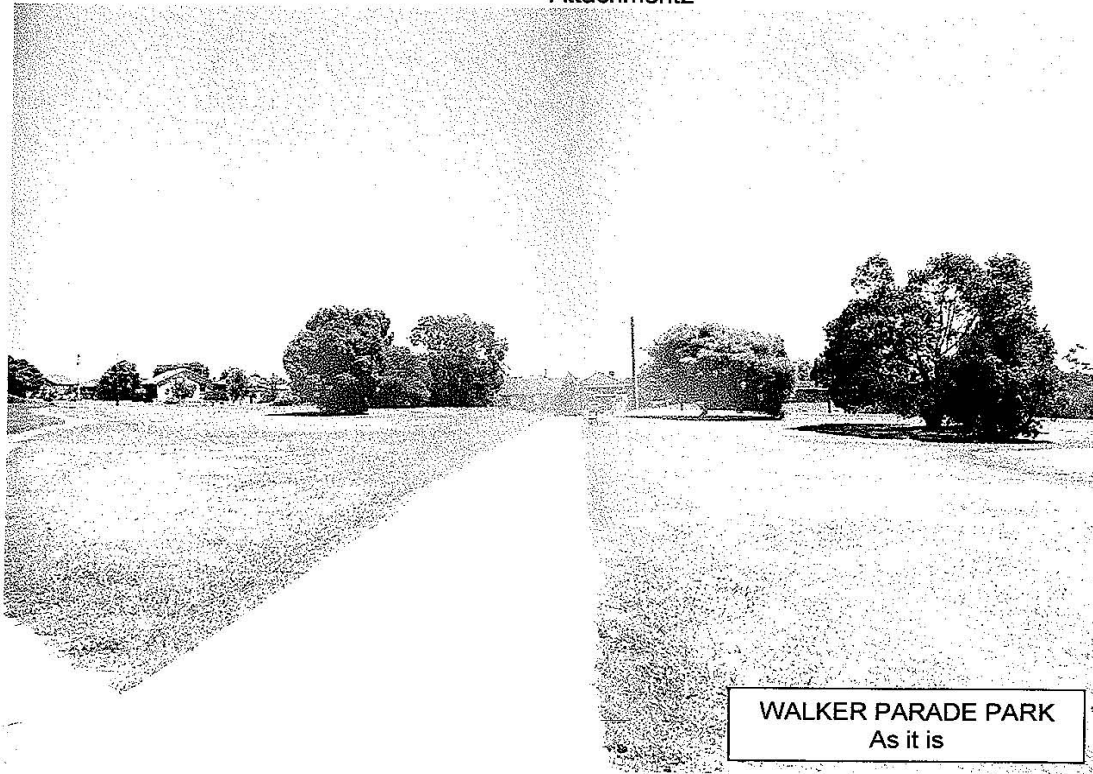
(Please attach details of other ideas or comments)

(Optional) NAME, AND ADDRESS .

.....

Ph No.

Attachment2



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. DOCUMENTS

- a) The following contract was awarded at the Ordinary Council Meeting held on 5 October 2009:

ITT NO.	DESCRIPTION	CONTRACTOR	PRICE AWARDED
12733	Resealing of municipal roads within Latrobe City	Quality Roads Sealing and Asphaltting Pty Ltd	Schedule of rates over three years

- 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
12699	Provision of consultancy services – 'Grow Your Business'	SeaEagle Consulting	Schedule of rates	30/09/2009

- c) The following contracts were signed and sealed by the Chief Executive Officer under delegation:

CONTRACT NO.	DESCRIPTION	CONTRACTOR	PRICE AWARDED	DATE SIGNED AND SEALED
12717	Supply and bulk delivery of meals on wheels	Condell Holdings Pty Ltd	Schedule of rates for two years	14/09/2009
12726	Construction of pedestrian bridge over Traralgon Creek, Traralgon	HCM Constructions Vic Pty Ltd	\$215,735 exclusive of GST	9/10/2009

- d) There were no variations approved by the Chief Executive Officer under delegation since the previous report to Council on 19 October 2009 as of 12 October 2009.

3. RECOMMENDATION

That Council notes this report on contract decisions made at the Ordinary Council Meeting held on 5 October 2009 and by the Chief Executive Officer under delegation on 14 September 2009, 30 September 2009 and 9 October 2009.

Moved: Cr Gibson

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

.

11.6.2 **60 RETREAT ROAD, TRARALGON - TRARALGON PISTOL CLUB REQUEST TO COUNCIL TO PURCHASE**

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present Council with a request by the City of Traralgon Pistol Club Inc. for Council to purchase the club's current site at 60 Retreat Road, Traralgon from VicRoads.

2. DECLARATION OF INTERESTS

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

3. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2009-2013

Strategic Objective – Liveability

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

Community Outcome – Recreational Liveability

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

Strategic Action

Assess and evaluate future recreational opportunities to address community aspirations.

4. BACKGROUND

The City of Traralgon Pistol Club Inc. has occupied their current site at 60 Retreat Road, Traralgon, since 1984. An aerial photograph of the subject site is attached to this report (attachment 1).

This land was owned and leased to the club by the former Traralgon Water Board and, following the restructure of the water authorities, Gippsland Water has become the successor authority.

The entire site is 13 hectares in size and is described as Lots 1-7 on TP 586809M and Lots 1 & 2 on TP 753478E being the land contained in Certificates of Title Volume 5875 Folio 899 and Volume 5860 Folio 826 respectively (outlined in black in attachment 1).

The portion occupied by the City of Traralgon Pistol Club Inc. is Lots 5 & 6 on TP 586809M and part of Lot 2 on TP 753478E (outlined in white in attachment 1).

The land was acquired from Gippsland Water by VicRoads in 1996 for use in the proposed Traralgon bypass and new lease agreements were entered into by the club and VicRoads in 1999 and 2001 for the entire 13 hectare site.

In 2003 VicRoads advised the club that, should the land not be required for the proposed bypass, in accordance with state government policy it would be sold at auction rather than private treaty.

The club subsequently wrote to Council in December 2003 requesting assistance with securing the site.

5. **ISSUES**

Council wrote to VicRoads in June 2004 expressing an interest in acquiring the original two hectare site by private treaty on behalf of the club, and requested that the land be immediately withdrawn from sale by public auction pending our negotiations.

VicRoads advised that the land was not for sale at that time as it was yet to be identified as surplus to their requirements and would remain leased, with Council's expression of interest noted.

Council again contacted VicRoads in April 2005 on behalf of the club requesting an update on the status of the land and was informed that a further 12 month lease would be entered into until September 2006.

The club again contacted Council in August 2008 as they had been advised by VicRoads that the land would soon be declared surplus and sold, possibly in the 2009-10 financial year, and requested that this issue be revisited.

Council sent a further letter to VicRoads requesting confirmation of the advice provided by the club and a response was received that the land could be sold to Council if it was required for a public purpose. Any such purchase would have to be approved by the Government Land Monitor and sale price would be at market value as assessed by the Valuer-General.

VicRoads have advised that “the market value of the land would be based upon the future best land use, most likely residential development.” An indicative valuation of the land has been obtained from Council’s valuer who has suggested that the area occupied by the club would have an approximate value of \$250,000.

As the club is only seeking to secure the original two hectare site it would be necessary for Council to subdivide the property to allow VicRoads to sell the balance of the land.

VicRoads would also require the land acquired by Council to be rezoned from its current zoning of Rural Living Zone 2 to a use such as Public Purpose (Recreation).

The land is on the fringe of the proposed township boundary (in accordance with the 2008 Traralgon Structure Plan) and a majority of the 13 hectare site is identified for possible future residential development, though part of the 2 hectares occupied by the City of Traralgon Pistol Club Inc. is within the urban coal buffer. Council’s Strategic Planning Team has advised that the land is likely to be required for residential development within the next ten years and operation of a pistol club may conflict with this intended use. Attachment Two shows the alignment of the future Traralgon Bypass in relation to the site, the zoning boundaries and the Urban Coal Buffer.

These areas are shown in attachment two which also shows the alignment of the future Traralgon Bypass in relation to the site.

If Council did acquire the land a new lease agreement would be entered into with the City of Traralgon Pistol Club Inc. whereby they would be responsible for all maintenance of the property. Such a lease agreement would also contain a clause allowing for the lease to be terminated should the land be required for an alternate use. At this time any assets on the land would become the property of Council.

In the event that Council did not acquire the land it would be sold by public auction or tender with vacant possession. Although any new owner might choose to enter into a new lease agreement with the club, change of ownership to anyone other than Council could result in the relocation of the club to an alternate site.

The club has suggested that a forced relocation has the potential to end the club and estimates that to relocate and construct a new facility would cost approximately \$300,000. They have indicated that little of the current facility could be salvaged. Photographs of the existing facilities are attached to this report.

In May 2009, Council again wrote to VicRoads to ascertain if it was feasible for this land to be transferred to Council for a nominal consideration (letter attached). The club was advised by letter that this was the action being taken.

VicRoads has responded (attached) to Council confirming previous advice that all lands surplus to requirements is to be sold at market value as assessed by the Valuer-General and in accordance with Government Land Monitor approval. VicRoads has also advised that the Department of Planning and Community Development will soon be finalising a proposed "Best Use of Surplus Government Land" policy in line with initiatives in Melbourne 2030 and that no decisions will be made on the 60 Retreat Road, Traralgon site until this policy is finalised.

6. FINANCIAL AND RESOURCES IMPLICATIONS

An indicative valuation of the land has been obtained from Council's valuer who has suggested that the area occupied by the club would have an approximate value of \$250,000.

There is no current budget allocation for the acquisition of this land or relocation of the Traralgon Pistol Club to an alternative location and either would therefore need to be referred to the 2010/11 Budget.

7. INTERNAL / EXTERNAL CONSULTATION

As detailed above, all correspondence to date has been with the Traralgon Pistol Club and VicRoads. No broader community consultation has been undertaken regarding this matter.

8. OPTIONS

Council now has the following options available:

1. Pursue the acquisition of 60 Retreat Road, Traralgon, from VicRoads for a consideration to be determined by the Valuer General Victoria.
2. Take no further action in relation to this matter.

9. CONCLUSION

VicRoads has advised Council that 60 Retreat Road, Traralgon, the current site occupied by Traralgon Pistol Club Inc, will be sold at market value and that sale of the site is pending the finalisation of the Department of Planning and Community Development's "Best Use of Surplus Government Land" policy.

In consideration of the approximate value of this site, VicRoad's views on the future use of this site and surrounds (that being possible future residential development) and the potential for conflict of uses, it is proposed that Council does not further consider the purchase of this site and sends correspondence to the Traralgon Pistol Club advising of this decision.

10. RECOMMENDATION

That Council takes no further action in relation to the acquisition of 60 Retreat Road, Traralgon, from VicRoads and advises the Traralgon Pistol Club and VicRoads of this decision.

Moved: Cr Vermeulen

Seconded: Cr Lougheed

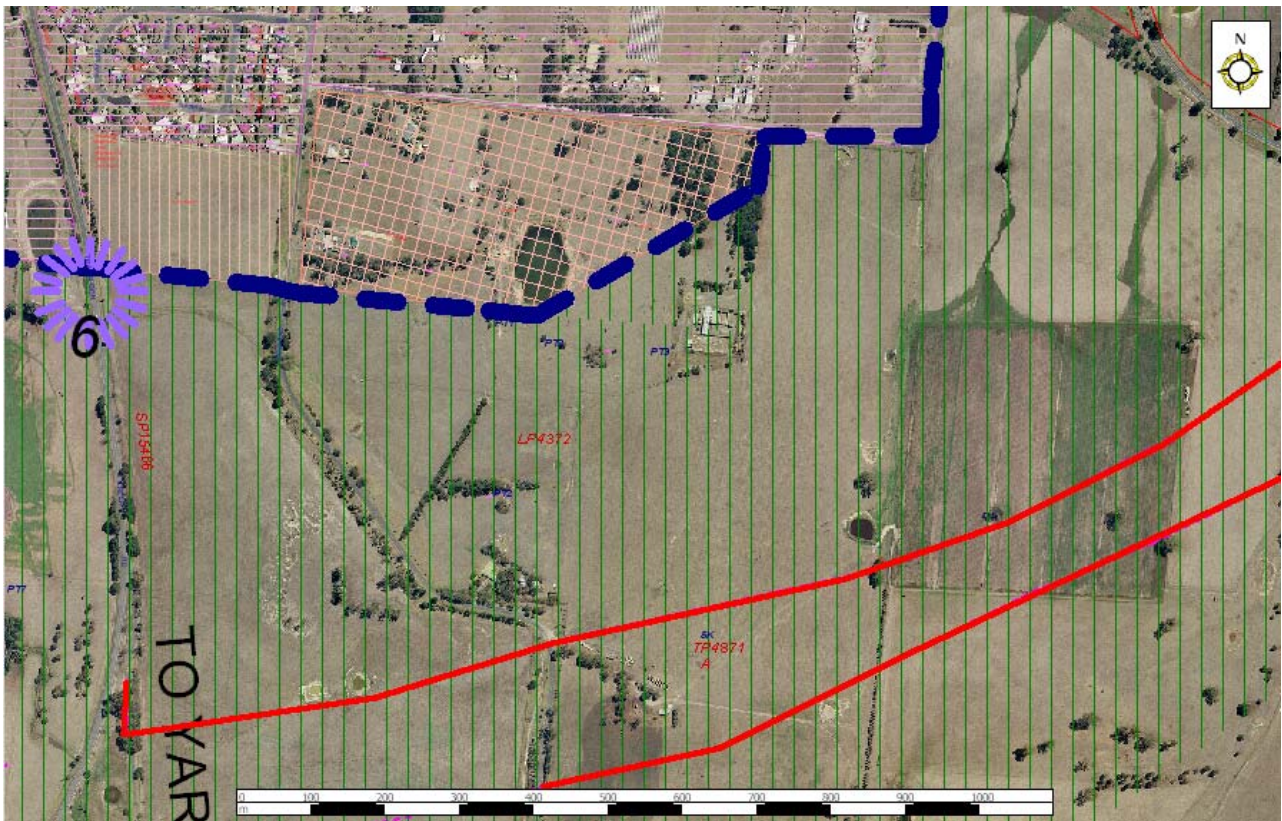
That the Recommendation be adopted.











CARRIED UNANIMOUSLY

ATTACHMENT ONE



ATTACHMENT TWO



-  91 Not Matched
-  653 ExistingUrbanAreas
-  654 ExistingResOpportunity
-  655 School
-  656 FutureResidential
-  658 ProposedPublicOpenSpace
-  659 NonUrbanLand
-  663 UrbanCoalBuffer
-  667 PossibleFutureResidential
-  668 TownshipBoundary

ATTACHMENT THREE



Entrance to City of Traralgon Pistol Club from Retreat Road



Shooting range



Clubrooms and toilet facilities



Clubrooms and toilet facilities

11.6.3 **PROPOSED ROAD DISCONTINUANCE - CORSER ROAD, MORWELL**

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to seek Council's approval to commence the statutory process to discontinue part of Corser Road, Morwell, to allow the land to be sold by private treaty.

2. DECLARATION OF INTERESTS

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

3. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2009-2013

Strategic Objective – Governance

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

Community Outcome – Legislative Compliance

By ensuring adherence to legislative requirements.

Strategic Action

Ensure compliance with the Local Government Act.

Policy – Sale of Council Owned Property Policy 09 POL-3

Policy Goals

The principle aim of this policy is to define the circumstances and factors that will be assessed by Council in respect to the sale of Council owned property. The purpose of this policy is to serve as an accountability mechanism to the community.

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

Legislation

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

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

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

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

Council must then consider any written submissions that have been received and any person who has made a submission and requested they be heard are entitled to appear before a meeting of Council.

It is proposed that Council would consider submissions at the Council Meeting to be held on Monday, 21 December 2009.

4. BACKGROUND

Council has received an application from Beveridge Williams, on behalf of J & W Nardone, to acquire the section of Corser Road that adjoins their property at 192-208 Princes Drive, Morwell.

Corser Road was originally created in 1960 on LP 52299 and is contained in Certificate of Title Volume 8129 Folio 846 which remains in the name of John Charles McGauran.

The constructed section of Corser Road, west of the subject area, is identified on Council’s Register of Public Roads as a sealed access road.

The section of the road reserve to be discontinued has an area of 659 square meters, remains unconstructed and has been fenced into the property at 192-208 Princes Drive for an indeterminate amount of time.

The owners of the 192-208 Princes Drive, Morwell, are intending to redevelop the site and have already received a planning permit for the use and development of two retail premises and creation and alteration of access to a road zone, Category 1 (2009/2) which was approved in May 2009. This application did not include this road reserve and, should the road be discontinued and transferred by private treaty, it would be consolidated with the property and the plans revised to incorporate this additional land into the proposed development.

5. ISSUES

Given that Corser Road adjoins Princes Drive it will be necessary to refer the proposed discontinuance to VicRoads as the responsible authority for comment.

As there are water supply and sewerage assets located within and adjoining the road reserve it will also be necessary to refer the proposal to Gippsland Water for consideration.

It has been identified that part of this road reserve is also fenced into the neighbouring property at 172-190 Princes Drive and the owners will be contacted to ascertain if they are interested in acquiring this section. If not, it will be necessary for the existing fence to be realigned to the correct property boundary.

Based upon an assessment of the proposal, this unconstructed section of Corser Road does not appear to be required for public traffic. It therefore may be appropriate for the road to be discontinued and transferred by private treaty to enable it to be consolidated into the adjoining property.

If this was the case it would be utilised as additional car parking and vehicular access to Princes Drive for the proposed retail development subject to planning approval being given to amend plans that have already been approved.

6. FINANCIAL AND RESOURCES IMPLICATIONS

Costs associated with this statutory process are minimal, being the cost of a public notice inviting submissions and an order published in the Victoria Government Gazette.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

- Public notices in the Latrobe Valley Express.
- Letters to adjoining property owners, Gippsland Water and VicRoads.

Details of Community Consultation / Results of Engagement:

In accordance with Section 223 of the *Local Government Act 1989* any submissions that are received regarding this matter will be referred for consideration at a future meeting of Council.

The proposed discontinuance has already been referred internally and no objections were received in response.

8. OPTIONS

Council has the following options:

1. Commence the statutory process to discontinue part of Corser Road, Morwell, by giving public notice of its intention to consider the discontinuance and seek public comment; or
2. Not to continue with this process which will require no further action.

9. CONCLUSION

The section of Corser Road, Morwell, proposed to be discontinued is unconstructed and has been fenced into 192-208 Princes Drive for an indeterminate period. The road may therefore be considered surplus to Council's road network requirements.

Based upon the information provided and an initial assessment of the proposal it is reasonable for Council to commence the statutory process to discontinue the road to enable the transfer of the land by private treaty.

10. RECOMMENDATION

1. That Council gives public notice of its intention to consider the proposed discontinuance and sale by private treaty of part of Corser Road, Morwell, pursuant to Section 206 and Schedule 10 Clause 3 of the *Local Government Act 1989*.
2. That Council considers any submissions received in relation to the discontinuance of part of Corser Road, Morwell, at the Ordinary Council Meeting to be held on 21 December 2009.

Moved: Cr Lougheed

Seconded: Cr Middlemiss

That the Recommendation be adopted.

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

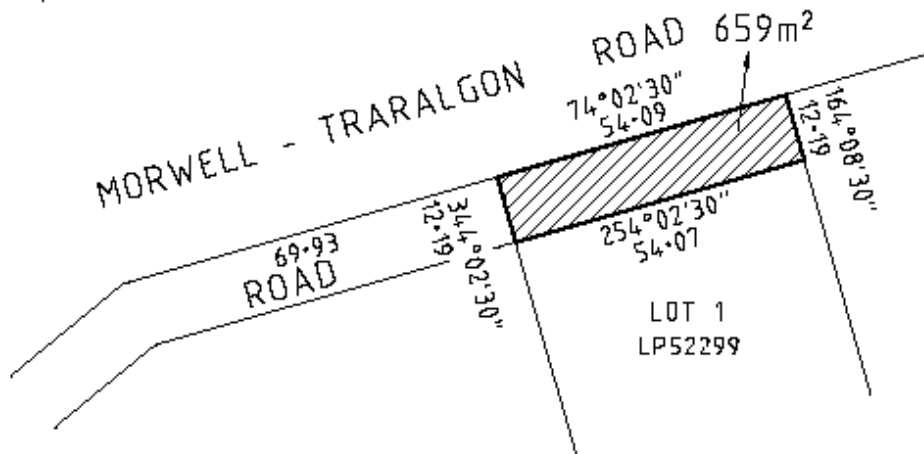
ATTACHMENT



ROAD CLOSURE DIAGRAM PARISH OF MARYVALE CROWN ALLOTMENT 64 (PART)



SCALE 1:1000
LENGTHS ARE IN METRES
(SHEET SIZE A4)



NOTE:
THE ROAD SHOWN HATCHED
IS TO BE CLOSED.



BEVERIDGE WILLIAMS & CO PTY LTD
 100/101 STATION ST, TRARALGON VIC 3440
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REF. No. 0900962

**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	(h) - OTHER
15.2	CONFIDENTIAL ITEMS	(h) - OTHER
15.3	ITT 12701 FOOTPATH MAINTENANCE PROGRAM IN HIGH, MEDIUM AND LOW RISK AREAS OF THE MUNICIPALITY	(d) - CONTRACTUAL MATTERS

Moved: Cr Middlemiss

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

Meeting Closed to the Public

The Meeting closed to the public at 9.23 pm.

14. TEA BREAK**Adjournment of Meeting**

The Mayor adjourned the Meeting at 9.23 pm for a tea break.

Resumption of Meeting

The Mayor resumed the Meeting at 9.37 pm.