



LATROBE CITY COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING

HELD IN THE
NAMBUR WARIGA MEETING ROOM,
CORPORATE HEADQUARTERS, MORWELL
AT 7:00 PM ON 21 DECEMBER 2009

PRESENT:

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

INDEX

OPENING PRAYER	4
APOLOGIES FOR ABSENCE	4
DECLARATION OF INTERESTS	4
ADOPTION OF MINUTES	4
PUBLIC QUESTION TIME	
<hr/>	
NOTICES OF MOTION	
NIL	
<hr/>	
ITEMS REFERRED BY THE COUNCIL	
7.1 PROPOSED ROAD DISCONTINUANCE - CORSER ROAD, MORWELL	9
<hr/>	
CORRESPONDENCE	
NIL	
<hr/>	
PRESENTATION OF PETITIONS	
10.1 PETITION TO SEAL TAYLORS ROAD, KOORNALLA	18
10.2 PETITION FOR UPGRADED AND ADDITIONAL PARKING FOR NEWMAN PARK TRARALGON	23
<hr/>	
CHIEF EXECUTIVE OFFICER	
11.1.1 INSTRUMENT OF DELEGATION - DELEGATION TO THE ACTING CHIEF EXECUTIVE OFFICER	29
<hr/>	
ECONOMIC SUSTAINABILITY	
NIL	
<hr/>	
BUILT AND NATURAL ENVIRONMENT SUSTAINABILITY	
11.3.1 PLANNING PERMIT APPLICATION 2009/121 - CONSTRUCTION OF TWO DWELLINGS ON A LOT AND TWO LOT SUBDIVISION, 9 HUNTINGFIELD CLOSE, TRARALGON	42
11.3.2 PLANNING PERMIT APPLICATION 2009/310 - CONSTRUCTION OF THREE DWELLINGS ON A LOT AND THREE LOT SUBDIVISION, 36 ST GEORGES ROAD, TRARALGON	64
11.3.3 PLANNING PERMIT APPLICATION 2009/322 - CONSTRUCTION OF THREE DWELLINGS ON A LOT - 139 GORDON STREET, TRARALGON	89
11.3.4 PLANNING PERMIT APPLICATION 2009/419 - CONSTRUCTION OF THREE DWELLINGS ON A LOT AND THREE LOT SUBDIVISION - 10 GREYTHORN ROAD, TRARALGON	111
11.3.5 NOMINATION OF NO.21 DREDGER FOR INCLUSION ON THE VICTORIAN HERITAGE REGISTER	134

RECREATIONAL AND CULTURAL LIVEABILITY

11.4.1	CRINIGAN BUSHLAND RESERVE 2009/10 SUMMER SEASON FIRE PREPARATION - PROPOSED ALTERNATIVE ACTION	141
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COMMUNITY LIVEABILITY

NIL

GOVERNANCE

11.6.1	PROCUREMENT POLICY CONSULTATION	149
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ORGANISATIONAL EXCELLENCE

NIL

URGENT BUSINESS

NIL

MEETING CLOSED TO THE PUBLIC

13.1	MEETING CLOSED TO THE PUBLIC	151
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TEA BREAK

ITEMS CLOSED TO THE PUBLIC

15.1	ADOPTION OF MINUTES	157
15.2	CONFIDENTIAL ITEMS	158
15.3	ITT 12647 CONSTRUCTION OF THE CALLIGNEE COMMUNITY CENTRE	160
15.4	ITT 12702 PROVISION OF RECRUITMENT AND SELECTION SERVICES	167
15.5	ITT 12732 CIVIL WORKS AT TED SUMMERTON RESERVE, MOE	174
15.6	ITT 12741 ALTERATIONS AND ADDITIONS TO CRINIGAN ROAD SOUTH SPORTS PAVILION	180
15.7	ITT 12743 CONSTRUCTION OF A SYNTHETIC HOCKEY FACILITY AT MONASH UNIVERSITY, CHURCHILL	185
15.8	MAV PROCUREMENT TC4322 TELECOMMUNICATIONS TENDER	200
15.9	2009/10 CHIEF EXECUTIVE OFFICER PERFORMANCE PLAN	206

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 Fitzgerald declared a Conflicting Personal Interest under section 79B of the *Local Government Act* 1989 in Item 11.3.2 Planning Permit Application 2009/310 – Construction of Three Dwellings on a Lot and Three Lot Subdivision, 36 St Georges Road, Traralgon and indicated that he would be seeking the consent of Council to be exempted from voting on the matter.

Cr Fitzgerald declared a Conflict of Interest in the motion to allow Cr Fitzgerald to abstain from voting on Item 11.3.2 Planning Permit Application 2009/310 – Construction of Three Dwellings on a Lot and Three Lot Subdivision, 36 St Georges Road, Traralgon due to a Conflicting Personal Interest.

4. Adoption of Minutes

Moved: Cr Lougheed

Seconded: Cr Gibson

That Council adopts the Minutes of the Special Council Meeting held on 7 December 2009 (SM 308), relating to those items discussed in open Council.

CARRIED UNANIMOUSLY

Moved: Cr Lougheed

Seconded: Cr Price

That Council adopts the Minutes of the Ordinary Council Meeting held on 7 December 2009 (CM 309), relating to those items discussed in open Council.

CARRIED UNANIMOUSLY

PUBLIC QUESTION TIME

**5.1 ANSWERS TO PREVIOUS QUESTION TAKEN ON NOTICE AT THE
ORDINARY COUNCIL MEETING HELD ON 7 DECEMBER 2009**

5.6 FUNDING TO COMMUNITY RADIO – GIPPSLAND FM

Mr Merv Geddes asked the follow question:

Question

What is the amount of funding p.a. and what are the funding conditions?

Answer

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

16 December 2009

Dear Mr Geddes

**PUBLIC QUESTION TIME
ORDINARY COUNCIL MEETING ON 7 DECEMBER 2009**

In reference to your question detailed at the Council Meeting on 7 December 2009 regarding funding to Gippsland FM community radio, I am pleased to provide the following information.

Latrobe City Council has provided 2008-2009 sponsorship funding to Gippsland FM Community Radio in the amount of \$3400 including GST.

This sponsorship funding entitles Latrobe City Council to:

- Media exposure for Latrobe City Council on the Saturday Morning Program 10am to 10.30am.
- Two announcements per day on Latrobe City Council business and services.
- Two announcements per day on Latrobe City Council events.

If you require further information please contact Sara Rhodes-Ward on (03) 5128 5421 or via email sarah@latrobe.vic.gov.au.

Yours sincerely

PAUL BUCKLEY
Chief Executive Officer

Suspension of Standing Orders

Moved: Cr White
Seconded: Cr Gibson

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

CARRIED UNANIMOUSLY

Standing Orders were suspended at 7.03 pm

Councillor Fitzgerald left the Council Chamber at 7.04 pm due to a Conflicting Personal Interest

Ms Louise Wyntjes, addressed Council in relation to Item 11.3.2 Planning Permit Application 2009/310 – Construction of Three Dwellings on a Lot and Three Lot Subdivision, 36 St Georges Road, Traralgon.

Mr Maurice Millstein, addressed Council in relation to Item 11.3.1 Planning permit Application 2009/121 – Construction of Two Dwellings on a Lot and Two Lot Subdivision, 9 Huntingfield Close, Traralgon and Item 11.3.2 Planning Permit Application 2009/310 – Construction of Three Dwellings on a Lot and Three Lot Subdivision, 36 St Georges Road, Traralgon.

Cr Fitzgerald returned to the Council Chamber at 7.20 pm.

Mr Duncan Orr, addressed Council in relation to Item 11.3.5 – Nomination of No.21 Dredger for Inclusion on the Victorian Heritage Register.

The Mayor thanked the members of the public for addressing Council and for their submissions.

Resumption of Standing Orders

Moved: Cr White
Seconded: Cr Lougheed

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 7.28 pm.

ITEMS REFERRED BY THE COUNCIL

7.1 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 formally discontinue part of Corser Road, Morwell, to allow the land to be sold to the owners of 192-208 Princes Drive 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.

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.

This request was considered at the Ordinary Council Meeting held on 2 November 2009 and Council resolved the following:

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.*

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 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

5. ISSUES

This proposal was referred to VicRoads as the responsible authority for Princes Drive and Gippsland Water, as there are water and sewerage assets located within and adjoining the road reserve which may require protection, for comment.

Whilst a formal submission has not been received from VicRoads in response to Council's correspondence inviting comment on the proposal, advice has been received verbally indicating that there are no issues with the proposed discontinuance of this section of Corser Road.

Gippsland Water have advised that there is a rising sewer main within the road reserve and conditional approval to the proposed discontinuance has been given subject to confirmation from the property owner that the land will only be utilised as a car park.

Gippsland Water also require plans of the proposal, detailing construction methods of the car park, to be forwarded for consideration and a Section 173 Agreement is to be entered into stating that the land will only be used as car park and no structures will be constructed on the land.

As part of the road reserve is fenced into the neighbouring property at 172-190 Princes Drive the owner of this property was contacted to ascertain if they were interested in acquiring this section of the road reserve. In a subsequent discussion with the property owner it was indicated that he may be interested in acquiring this section in the future depending on the value of the land.

The applicant submitted an application to amend planning permit 2009/2 on 16 October 2009 which seeks an addition to the title boundary, being the section of Corser Road to be discontinued, and amendment to plans. This application, 2009/2/A, is currently being assessed and it has been referred separately to VicRoads as part of this process. The requirements stipulated by Gippsland Water will be considered with the planning application.

6. FINANCIAL AND RESOURCES IMPLICATIONS

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

All survey and legal costs incurred as a result of the transfer and consolidation of the land will be borne by the purchasers.

Should Council proceed with the discontinuance and sale by private treaty an independent valuation will be obtained from a registered valuer to determine the sale price of the land pursuant to Section 189 of the *Local Government Act 1989*.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

- Public notices placed in the Latrobe Valley Express on Monday, 9 and Thursday, 12 November 2009.
- Letters sent to VicRoads, Gippsland Water and the owners of 172-190 and 210-224 Princes Drive, Morwell.

Details of Community Consultation / Results of Engagement:

In response to the public notices and correspondence three telephone enquiries were received regarding the proposal however no formal submissions have been received.

8. OPTIONS

Council has the following options:

1. Discontinue the section of Corser Road, Morwell, and sell the land to the adjoining property owners by private treaty, or
2. Not continue with this process and retain the road for public traffic which would require no further action.

9. CONCLUSION

As the discontinuance of this section of Corser Road would not have a negative impact on access in the area and will assist the proposed redevelopment of 192-208 Princes Drive it may be reasonable for Council to form the opinion that the section of road is no longer required for public traffic and can be discontinued and sold.

10. RECOMMENDATION

- 1. That Council, having given public notice of its intention to discontinue part of Corser Road, Morwell, in accordance with Section 223 of the Local Government Act 1989, forms the opinion that the road is not reasonably required for public use and resolves to discontinue the road subject to any right, power or interest held by Gippsland Water in respect to any sewers, drains or pipes under its control and sell the land to the adjoining property owners by private treaty.**
- 2. That a notice be placed in the Victoria Government Gazette formally discontinuing part of Corser Road, Morwell.**
- 3. That Council authorises the Chief Executive Officer or his nominee to negotiate the sale price for the discontinued section of Corser Road, Morwell, in accordance with the Sale of Council Owned Property Policy and sign a Contract of Sale to sell the land by private treaty.**
- 4. That Council authorises the Chief Executive Officer to sign and seal the Transfer of Land document when prepared to transfer the discontinued section of Corser Road to the owners of 192-208 Princes Drive, Morwell.**

Moved: Cr Middlemiss

Seconded: Cr Lougheed

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

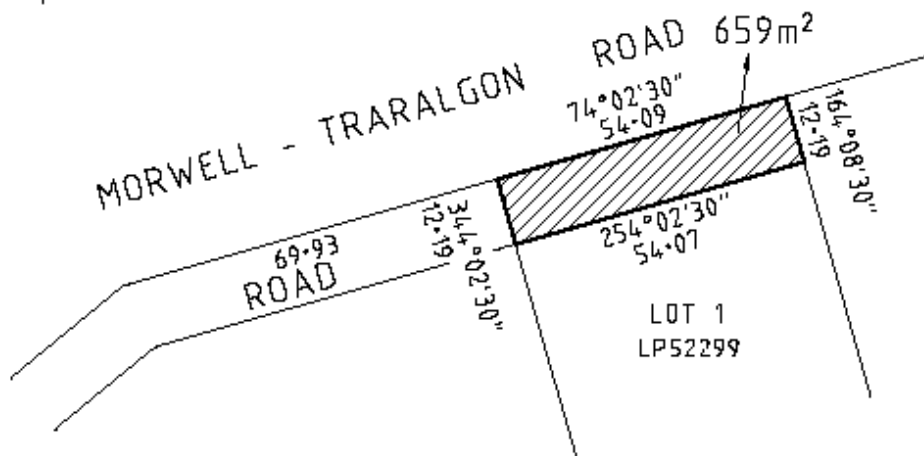
ATTACHMENT



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
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REF. No. 0900962

4 December 2009

Att: Peter Schulz
Property & Statute Officer
Latrobe City Council
P.O. Box 264
MORWELL VIC 3840

Dear Peter

PROPOSED DISCONTINUANCE OF CORSER ROAD MORWELL

YOUR REFERENCE: R510758/00
LOCATION: Corser Road Morwell

We refer to your letter dated 4 November 2009 and advise that Gippsland Water has a 100mm AC Rising Sewer Main and a 150mm VC Sewer Main which will now be located within the Road Reserve.

Gippsland Water will not object to the discontinuance provided the following information is provided:

- Confirmation from the developer that the Road Closure is to be utilised as a carpark. Plans of the proposal are to be provided outlining details of the construction method. ie asphalt, concrete etc.

Upon approval of the carpark from Gippsland Water a 173 Agreement is to be entered into stating that the carpark must remain and no other structures will be constructed within this Road Reserve.

If the use of the land changes a Planning Application must be submitted to Gippsland Water.

For further details regarding our requirements please contact Jenny on 5177 4751 at our Traralgon office.

Yours faithfully,

Jenny Davidson
LAND DEVELOPMENT TEAM

.

PRESENTATION OF PETITIONS

10.1 PETITION TO SEAL TAYLORS ROAD, KOORNALLA

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

1. PURPOSE

The purpose of this report is to present Council with a petition requesting Taylors Road, Koornalla to be sealed between Traralgon Creek Road and Browns Road.

2. DECLARATION OF INTERESTS

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

3. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2009-2013

Strategic Objective – Sustainability

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

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

Community Outcome – Built Environment Sustainability

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

Strategic Action – Infrastructure Development

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

Policy – Contributory Scheme Policy 09 POL-2

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

Policy – Sealing of Rural Unsealed Roads Policy 09 POL-3

This policy provides guidance to Council and Council officers to manage, evaluate and prioritise requests to seal unsealed roads in rural areas.

Local Law No. 1

Clause 63 of Local Law No.1 sets out the process with regards to petitions.

4. BACKGROUND

Taylor's Road, Koornalla is a rural road servicing a number of rural residential properties and the timber harvesting industry. The constructed unsealed section of Taylor's Road runs between Traralgon Creek Road and Browns Road and the section south of Browns Road is a timber haulage route that is not maintained by Council and has not been constructed.

The petition relates to the section of Taylor's Road between Traralgon Creek Road and Browns Road.

5. ISSUES

A petition signed by 17 people representing 10 property owners in Koornalla was received on 1 December 2009 requesting Council seal a 1 km section of Taylor's Road. A copy of the petition is included as an attachment to this report.

The petitioners have raised a number of issues including the condition of the road, the effect of dust from the road, the amount of through traffic, log trucks and funding responsibility for sealing the road.

The petition will need to be considered in accordance with the Sealing of Unsealed Rural Roads Policy No. 09 POL-3.

A recent informal meeting with the head petitioner and another resident indicated that there may be support from some of the residents to contribute to the cost of the sealing of Taylor's Road.

A recent subdivision in this area has resulted in a cash contribution from the developer for sealing a section of the road adjacent to the subdivision.

Should Council agree to let the petition lay on the table, a further detailed report will be presented to Council on 22 February 2010.

6. FINANCIAL AND RESOURCES IMPLICATIONS

Financial and resource issues will be addressed in a further report to be presented to Council.

7. INTERNAL / EXTERNAL CONSULTATION

The issue of sealing Taylors Road has been mentioned during recent community fire recovery meetings at Koornalla.

A Council officer met with two Koornalla residents on 2 December 2009 to discuss aspects of Council's Sealing of Unsealed Rural Roads Policy No. 09- POL-3.

8. OPTIONS

Council may deal with this issue at this meeting, however it is usual practice for the petition to lay on the table for a period of time and to consider a more detailed report at a later meeting date.

9. CONCLUSION

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

It is recommended that the petition lay on the table until the 22 February 2010 Ordinary Council Meeting.

10. RECOMMENDATION

- 1. That Council agrees to lay the petition requesting the sealing of Taylors Road, Koornalla on the table until the Ordinary Council Meeting to be held on 22 February 2010.**
- 2. That the head petitioner be advised of Council's decision in relation to the petition requesting the sealing of Taylors Road, Koornalla.**

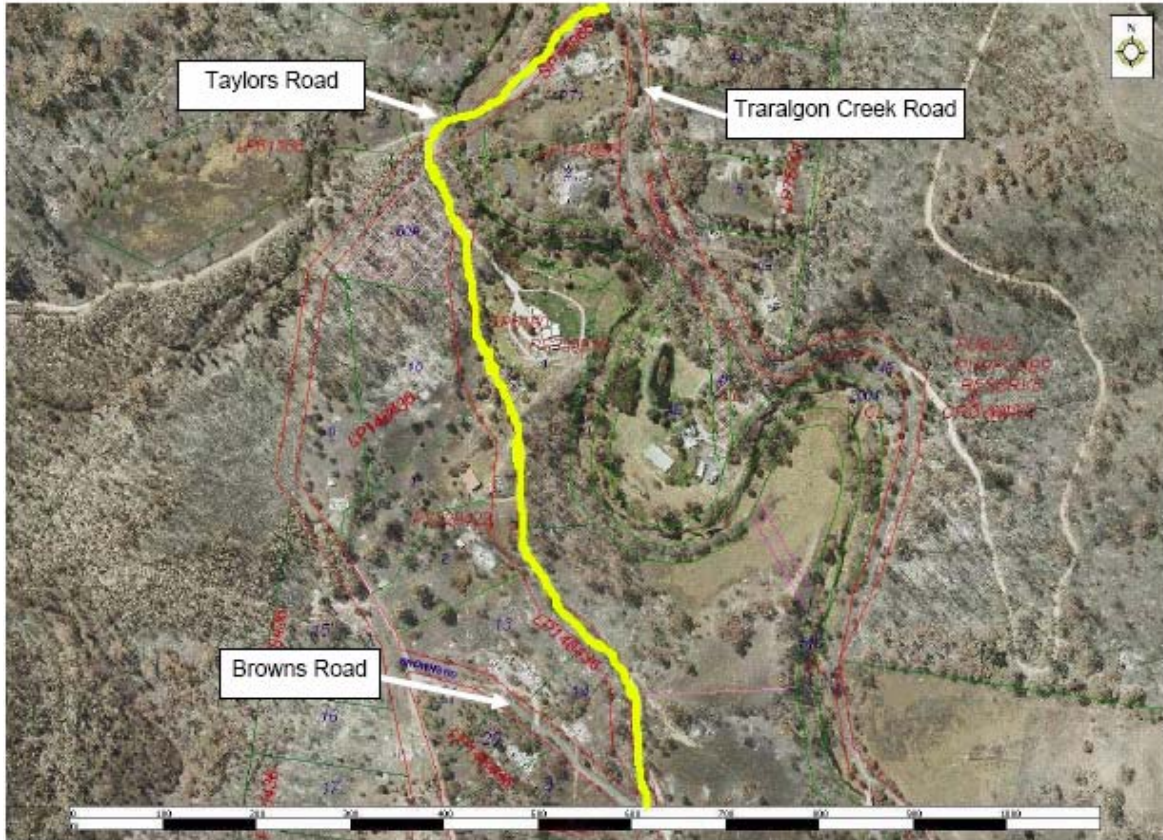
Moved: Cr Gibson
Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

Petition received to seal Taylors Road



10.2 **PETITION FOR UPGRADED AND ADDITIONAL PARKING FOR
NEWMAN PARK TRARALGON**

AUTHOR: General Manager Recreational and Cultural Liveability
(ATTACHMENT - YES)

1. PURPOSE

The purpose of this report is to present Council with a petition received requesting improvements to the current parking facilities in Couchs Lane for Newman Park Traralgon.

This report recommends that the petition lay on the table until the 9 March 2010 Ordinary Council Meeting.

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 Community Outcome

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

Strategic Action

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

Newman Park Development Plan

The request contained within the petition is consistent with the Newman Park Development Plan, which was adopted by Council on 15 March 2004.

Local Law No. 1

Clause 63 of Local Law No.1 sets out the process with regards to petitions.

4. **BACKGROUND**

A petition was received from Gippsland Model Engineering Society requesting that the car parking facilities at Newman Park Traralgon along Couchs Lane be improved and additional spaces provided.

This petition was received on 1 December 2009 and contains 463 names.

5. **ISSUES**

The petition outlines that the road and car park in Couchs Lane is not sealed and that the area becomes wet and boggy in the wetter months. It is also pointed out that there is no dedicated bus parking facilities which also causes traffic problems on the busy days.

The picture below shows Newman Park and Couchs Lane.



At the Ordinary Council Meeting held on 15 March 2004, Council approved a long term development plan for Newman Park. Within this plan, the sealing of the Couch's Lane car park was identified as an action to be pursued in the future.

It is now the intention of Latrobe City officers, to engage the Newman Park Development Plan Committee in respect to their current support of this project and priority level.

An assessment will be carried out by Council officers and a more detailed report provided to Council on 9 March 2010.

6. FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications in respect to Council considering this report. However as part of the detailed investigation process it will be necessary to provide cost estimates for any proposed works for consideration by Council.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

No consultation has been carried out at this stage.

Details of Community Consultation / Results of Engagement:

It is intended that the Newman Park Development Plan Steering Committee will be engaged to discuss this proposal. This Committee meets on a quarterly basis and last met in November. It is intended that a meeting of this Committee will be convened in February 2010.

8. OPTIONS

Council has the following options in regards to this matter;

1. That the petition lay on the table until the Ordinary Council Meeting to be on 9 March 2010.
2. That the matter be referred directly to the 2010/11 Capital works program for consideration.

9. CONCLUSION

It is common practice for petitions to lay on the table as per Clause 63 of Council's Local Law No.1.

It is recommended that the petition lay on the table until the Ordinary Council Meeting to be held on 9 March 2010.

10. RECOMMENDATION

- 1. That Council agrees to lay the petition requesting for the car parking facilities at Newman Park Traralgon to be upgraded, on the table until the Ordinary Council Meeting to be held on 9 March 2010.**
- 2. That the head petitioner be advised of Council's decision in relation to the petition requesting for the car parking facilities at Newman Park Traralgon to be upgraded.**

Moved: Cr Fitzgerald

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

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CHIEF EXECUTIVE OFFICER

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

AUTHOR: Chief Executive Officer
(ATTACHMENT - YES)

1. PURPOSE

This is a procedural report recommending that Council approves the appointment of Mr Grantley Switzer to act in the position of Chief Executive Officer for the period from Monday, 4 January 2010 to Sunday, 17 January 2010 inclusive and the appointment of Ms Carol Jeffs to act in the position of Chief Executive Officer for the period from Friday, 19 February 2010 to Sunday, 28 February 2010 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, 4 January 2010 to Sunday, 17 January 2010 inclusive and between the period Friday, 19 February 2010 and Sunday, 28 February 2010, 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 16 November 2009, delegated "*to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule*" of the Instrument of Delegation.

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 report ensures the delegation of functions, duties and powers to Mr Grantley Switzer (during the period Monday, 4 January 2010 to Sunday, 17 January 2010 inclusive) and to Ms Carol Jeffs (during the period Friday, 19 February 2010 to Sunday, 28 February 2010 inclusive) during the period of absence of the Chief Executive Officer, Mr Paul Buckley.

A copy of the Instrument of Delegation and Authorisation to be signed on 22 December 2009 from Mr Paul Buckley to Mr Grantley Switzer is attached (Attachment A).

A copy of the Instrument of Delegation and Authorisation to be signed on 22 December 2009 from Mr Paul Buckley to Ms Carol Jeffs attached (Attachment B).

10. RECOMMENDATION

- 1. That Council approves the appointment of Acting Chief Executive Officer to Mr Grantley Switzer during the period Monday, 4 January 2010 to Sunday, 17 January 2010 inclusive, and authorises the delegation of Chief Executive Officer powers, functions and duties in accordance with the Instrument of Delegation dated 17 November 2009.**
- 2. That Council approves the appointment of Acting Chief Executive Officer to Ms Carol Jeffs during the period Friday, 19 February 2010 to Sunday, 28 February 2010 inclusive, and authorises the delegation of Chief Executive Officer powers, functions and duties in accordance with the Instrument of Delegation dated 17 November 2009.**

Moved: Cr White
Seconded: Cr Lougheed

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT A

Maddocks Delegations and Authorisations

S5A. Instrument of Delegation to Chief Executive Officer

Latrobe City Council

Instrument of Sub-Delegation

to

The Acting Chief Executive Officer

[10 DEL-1]

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 GRANTLEY SWITZER**, General Manager Recreational and Cultural 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 GRANTLEY SWITZER**, General Manager Recreational and Cultural Liveability, all those powers duties or functions of my office as provided for by legislation and the Instrument of Delegation dated 17 November 2009.

AND HEREBY DECLARE THAT:

1. Such appointment and delegation shall have force and effect from 4 January 2010, and shall remain in force until 17 January 2010 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 RECREATIONAL AND CULTURAL LIVEABILITY –
GRANTLEY SWITZER

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.

ATTACHMENT B

Maddocks Delegations and Authorisations

S5A. Instrument of Delegation to Chief Executive Officer

Latrobe City Council

Instrument of Sub-Delegation

to

The Acting Chief Executive Officer

[10 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 CAROL JEFFS**, General Manager Governance 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 CAROL JEFFS**, General Manager Governance, all those powers duties or functions of my office as provided for by legislation and the Instrument of Delegation dated 17 November 2009.

AND HEREBY DECLARE THAT:

1. Such appointment and delegation shall have force and effect from 19 February 2010, and shall remain in force until 28 February 2010 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 GOVERNANCE – CAROL JEFFS

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.
- .

BUILT AND NATURAL ENVIRONMENT SUSTAINABILITY

**11.3.1 PLANNING PERMIT APPLICATION 2009/121 - CONSTRUCTION
OF TWO DWELLINGS ON A LOT AND TWO LOT SUBDIVISION,
9 HUNTINGFIELD CLOSE, TRARALGON**

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2009/121 for the construction of two dwellings on a lot and a two lot subdivision, at Lot 287 on Plan of Subdivision 545555M, more commonly known as 9 Huntingfield Close, Traralgon.

2. DECLARATION OF INTERESTS

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

3. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2009-2013

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

Strategic Action – Built Environment Objective

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

Strategic Action – Community Capacity Building

Ensure the Latrobe Valley supports social and family life by promoting rights and respecting diversity.

This report is consistent with the *Planning and Environment Act* 1987 and the Latrobe Planning Scheme.

4. BACKGROUND

4.1 SUMMARY

Land: Lot 287 on Plan of Subdivision 545555M, more commonly known as 9 Huntingfield Close, Traralgon.
Proponent: M & R Milstein Builders
Zoning: Residential 1 Zone
Overlay: There are no overlays that affect this property.

A Planning Permit is required for the construction of two or more dwellings on a lot and the two lot subdivision of land, in accordance with Clauses 32.01-2 and 32.01-4 of the Latrobe Planning Scheme.

4.2 PROPOSAL

The application is for the construction of two dwellings on the subject land, and the corresponding subdivision of the site into two lots. Each of the dwellings will contain three bedrooms and a double garage, with an additional two car parking spaces in front of each of the garages. Each of the dwellings contains north facing private open space that is accessible from the living areas, and a covered outdoor area. Each of the dwellings will be single storey and has adequate provisions for mail boxes and the storage of waste at the site.

The dwellings will be constructed of a range of materials, including Colorbond cladding, face brickwork, and include a pitched roof constructed of Colorbond sheeting.

Each of the proposed lots to be created are 483 square metres in total site area, and are 42 metres along the northern and southern boundaries and 11.5 metres along the east and western boundaries.

There are no common areas proposed within the application, and each dwelling has independent access and separate vehicle crossovers.

Subject Land:

The subject land is located approximately 1.1 kilometres from the Traralgon central activity district and is approximately 790 metres outside the Traralgon Transit Cities boundary. The subject land is rectangular in shape and is predominantly flat, and measures a total of 966 square metres in total site area. The northern and southern boundaries measure 42 metres in length, and the eastern and western boundaries measure 23 metres. The site abuts Huntingfield Close along the eastern site boundary, where a concrete pedestrian footpath exists. A 3 metre wide easement encumbers the western boundary of the site, in favour of Gippsland Water.

Surrounding Land Use:

- North: The lot directly to the north, known as 10 Huntingfield Close, contains a single dwelling on a lot of approximately 873 square metres in total site area.
- South: The lot directly to the south, known as 8 Huntingfield Close, contains a single dwelling on a lot of approximately 999 square metres in total site area.
- East: To the east of the site, on the opposite side of Huntingfield Close, are two lots of approximately 500 square metres each containing a single dwelling.
- West: The lots to the west of the subject land, accessed from Stockdale Road, each contain an existing single dwelling. The land at 62 Stockdale Road is approximately 1125 square metres, and 64 Stockdale Road comprises 1064 square metres in total site area. The subject land shares a common boundary with both of these properties.

4.3 HISTORY OF APPLICATION

The application was received on 17 April 2009. A request was made for additional information to accompany the proposal, and a completed application was submitted on 20 July 2009.

On 14 August 2009, Council Officers required the applicant to notify adjoining property owners and occupiers of the proposal, and display a sign on the site.

Three submissions in the form of objections were received between 3 and 7 September 2009.

A completed Statutory Declaration form was received on 7 September 2009 advising that the notification process had been completed in accordance with the directions of Council.

A planning mediation meeting occurred on 4 November 2009, and was attended by two of the three objectors and the applicant. Revised plans showing additional room for the parking of vehicles within the front setback were subsequently provided to address the concerns raised, and the objectors who attended the mediation meeting withdrew their objections.

The remaining objector has verbally confirmed that they wish to proceed with their objection, therefore the matter cannot be determined by officer delegation, and a decision is required by Council.

4.4 **LATROBE PLANNING SCHEME**

State Planning Policy Framework

Clause 11.03 (Principles of Land Use and Development Planning):

Clause 11.03 states that "Society has various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure. Planning aims to meet these by addressing aspects of economic, environmental and social well-being affected by land use and development."

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

Clause 14.01 (Planning for Urban Settlement):

Clause 14.01 states the objectives to “ensure a sufficient supply of land is available for residential, commercial, industrial, recreation, institutional and other public uses”, and also “to facilitate the orderly development of urban areas”.

Clause 14.01-2 further states that “In planning for urban growth, planning authorities should encourage consolidation of existing urban areas while respecting neighbourhood character. Planning authorities should encourage higher density and mixed use development near public transport routes.”

Clause 16.02 (Medium Density Housing):

The objective of this clause is stated as being to:

“Encourage the development of well-designed medium-density housing which:

- *Respects the neighbourhood character.*
- *Improves housing choice.*
- *Makes better use of existing infrastructure.*
- *Improves energy efficiency of housing.”*

Clause 19.03 (Design and Built Form):

The objective of this clause is stated as being to “achieve high quality urban design and architecture that:

- *Reflects the particular characteristics, aspirations and cultural identity of the community;*
- *Enhances liveability, diversity, amenity and safety of the public realm;*
- *Promotes the attractiveness of towns and cities within broader strategic contexts.”*

Local Planning Policy Framework **Municipal Strategic Statement (Clause 21)**

Clause 21.01 (Municipal Profile):

Clause 21.01-7 states that “the diversity in housing types available in the municipality contributes to the lifestyle choices provided and the overall attractiveness of the municipality as a place to live and invest”.

This clause further states that *“there should be a growing need for affordable and easily maintained housing with good accessibility to facilities and services for older people and, therefore, greater diversity in the medium density type dwelling stock.”*

Clause 21.02 (Key Influences):

Clause 21.02-2 states that *“Social and economic trends should increase the need for a more diverse housing stock in urban areas, with an increasing need for well designed medium density accommodation.”*

For example, the Office of Housing, Department of Human Services prepared the La Trobe Valley Stock Management Strategy for the period of 1994 to 1999. It recognises that the provision of housing stock needs to change considerably from ‘family’ stock to more accurately reflect demand from older persons, singles and youth to match demographic trends.

Recognition of the need for more affordable housing also leads to the need for a more diverse housing stock in the urban areas, such as, medium density accommodation.”

Clause 21.03 (Vision – Strategic Framework):

Clause 21.03-2 states various strategies identified in the *Latrobe Strategy Plan* to become:

- *“A unique and prosperous municipality benefiting from its central location in the diverse environment of Gippsland offering a wide range of attractive lifestyle choices in the many towns, smaller villages and rural parts of the municipality;*
- *A community which is proud of its heritage and is strong, resilient, creative, entrepreneurial, adaptable and caring with an optimistic future and strong focus on ‘quality of life’ issues.*
- *A cohesive municipality which:*
 - *Provides the opportunity for rich and varied lifestyles;*
 - *Satisfies the community’s needs for employment, housing, social interaction, shopping, education, health, entertainment, recreation, leisure and culture; and*
 - *Provides the means to access these opportunities conveniently by private and public transport.”*

Clause 21.04 (Objectives/Strategies/Implementation):

Clause 21.04-4 states that *“the priorities in all the main urban settlements should be on realising opportunities for infill development, diversity of housing types, upgrading of areas of public housing and generally improving the residential amenity of the municipality while maximising the use of capital and resources invested in existing infrastructure, business and community facilities.”*

Element 2 (Housing Choice) of this clause states the objective to:

- *“To encourage a wider variety of housing types, especially smaller and more compact housing, to meet the changing needs of the community.”*

Two of the strategies listed to assist the achievement of this are:

- *“Encourage diversity of dwelling type to provide greater choice and affordability;*
- *Publicise examples of best practice in modern housing design and development, particularly for medium density housing, to inform the community of new housing options and encourage innovation in housing development across the municipality.”*

Local Planning Policy (Clause 22)

Clause 22.03 (Car Parking Policy):

This clause applies to the use and development of all land within Latrobe. The basis for this policy relies on the knowledge that *“Land uses should generally cater for on-site provision of car parking. However, where circumstances arise for facilities to be provided off-site, car parking requirements are often waived and/or covered by cash-in-lieu contribution, orderly and proper provision of car parking is guided by this policy.”*

Clause 22.06 (Urban Residential Land Supply):

This policy relates to all urban residential zoned land in the main towns within Latrobe. The objectives of this policy include:

- *“To ensure that the design layout, height and appearance of new development, including landscaping, contributes to the improvement of the character, presentation, amenity and visual quality of towns;*
- *To increase the choice and availability of housing for a broad range of ages and lifestyles; and*
- *To encourage consolidation within the defined urban boundaries.”*

Zoning

The subject site is zoned ‘Residential 1’. Pursuant to Clause 32.01-4 of the Scheme, a planning permit is required to construct two or more dwellings on a lot. The proposal must also meet the requirements of the decision guidelines of Clause 32.01-4 and Clause 65 (Decision Guidelines). The ‘purpose’ of the Residential 1 Zone is:

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

The decision guidelines of Clause 32.01-4 are:

- *“The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and the local planning policies; and*
- *The objectives, standards and decision guidelines of Clause 55.”*

Overlay

There are no overlays that affect this property.

Particular Provisions

Clause 55 Two or More Dwellings on a Lot:

This clause applies to any application to construct two or more dwellings on a lot.

The 'Purpose' of Clause 55 'Two or more dwellings on a lot and residential buildings' is:

- *“To implement the State Planning Policy Framework and the Local Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
- *To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character;*
- *To encourage residential development that provides reasonable standards of amenity for existing and new residents;*
- *To encourage residential development that is responsive to the site and the neighbourhood.”*

Refer to the Clause 55 assessment that is attached to this report for further detail.

Decision Guidelines (Clause 65):

“Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- *The matters set out in Section 60 of the Act;*
 - *The relevant planning scheme; and*
 - *The objectives of planning in Victoria; and*
 - *All objections and other submissions which it has received and which have not been withdrawn; and*
 - *Any decision and comments of a referral authority which it has received; and*
 - *Any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
- *The purpose of the zone, overlay or other provision;*
- *Any matter required to be considered in the zone, overlay or other provision;*
- *The orderly planning of the area;*
- *The effect on the amenity of the area;*
- *The proximity of the land to any public land;*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*

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

Incorporated Documents (Clause 81):

There are no incorporated documents that relate specifically to the consideration of this application.

Relevant Planning Scheme Amendments:

Amendment C62 to the Scheme proposes changes to the municipal strategic statement and local planning policies. Amendment C62 is a seriously entertained planning scheme amendment pursuant to Section 60(1A)(c) of the Act.

Amendment C62 identifies the subject land as being within an existing urban area.

The proposed Clause 21.01 states that *'Under a high growth scenario population projections indicate that Latrobe City will be home to about 84,000 residents in 2023 by which time the proportion of residents over the age of 60 will significantly increase.'*

The proposed Clause 21.04-1 states that *'Council will consider planning applications and make decisions in accordance with the following vision:*

- *To promote the responsible and sustainable care of our built environment for the use and enjoyment of the people who make up the vibrant community of Latrobe Valley.*
- *To develop clear directions and strategies through consultation with the community ensuring sustainable and balanced development.'*

The proposed Clause 21.04-2 states that *‘the diversity in housing types available in the municipality contributes to the lifestyle choices provided and the overall attractiveness of the municipality as a place to live and invest. The priorities in all the main urban settlements are on realising opportunities for infill development, diversity of housing types, upgrading areas of public housing, improving residential amenity, while maximising existing infrastructure and community facilities...Given the land use constraints around the major towns there is an increasing need to reduce average residential property sizes so the remaining land is consumed at a more sustainable rate. The location of medium density housing close to activity centres in the main towns and Transit Cities should assist in strengthening and reinforcing those centres.’*

The relevant objectives within Clause 21.04-2 are:

- *‘To build upon the existing structure of the towns and settlements to create an integrated network of urban areas.*
- *To contain urban development within distinct boundaries.*
- *To encourage a wider variety of housing types, especially the smaller and more compact housing, to meet the changing needs of the community.’*

The relevant strategies within this clause are identified as being to:

- *‘Consolidate development within and around the existing towns and avoid unnecessary urban expansion and rural subdivision.*
- *Encourage diversity of dwelling type to provide greater choice and affordability.*
- *Encourage infill and renewal at a variety of dwelling densities.*

The proposed Clause 21.04-5 states that *‘a consistent landscaping treatment of private land and road reserves can also have a significant affect on the appearance and visual amenity of an area. In addition, the siting of buildings can have a critical impact on visual appearance within both urban streetscapes and rural landscapes.’*

The objective of this clause is stated as being *'to provide a visually attractive urban environment which displays a high level of civic pride and community satisfaction, and creates a positive image.'* One of the strategies within this clause that is most relevant to this application is the strategy to *'promote and support high quality urban design within the built environment.'*

The proposed Clause 21.05-2 states the objective to *'provide the flexibility for development to occur in each town to accommodate the needs of its population as well as to contribute to the municipal networked city.'* This clause further states the strategies to be implemented:

- *'Encourage well designed, infill residential development throughout the existing urban area, especially in locations close to activity centres, areas of open space and areas with good public transport accessibility.'*
- *'Encourage walkable neighbourhood centres and increased densities around Transit City areas and neighbourhood clusters.'*
- *'Retain clear boundaries between urban areas and the surrounding rural environment.'*
- *'Protect areas for future urban growth, particularly the fragmentation of rural land on the urban fringe of major towns.'*

Objective two of this clause states the aim to *'facilitate development in accordance with the specific Town Structure Plan attached to this clause.'* The strategies for implementation area identified as:

- *'Encourage consolidation of urban settlement within the urban zoned boundaries in accordance with the adopted structure plans.'*
- *'Discourage urban growth outside the urban development boundaries designated in the relevant local structure plan.'*
- *'Encourage medium density housing within the Transit City areas of the major town centres and neighbourhood clusters.'*
- *'Contain new residential subdivision within residential areas shown on the local structure plans.'*

The proposed Clause 21.08-3 states an objective to *'provide for walkable neighbourhoods, ensuring public transport, shops, public open space and mixed use community centres are close to dwellings.'* A strategy to achieve this is identified as being to *'promote active lifestyles and avoid social isolation by designing new dwellings to be close to user-friendly pedestrian and cycle paths that incorporate shade, toilet facilities, seating and directional signage where possible.'*

The proposal is supported by the new Municipal Strategic Statement that forms part of Planning Scheme Amendment C62, which Council resolved to adopt at the Ordinary Council Meeting 16 November 2009.

5. **ISSUES**

Strategic direction of the State and Local Planning Policy Frameworks:

The State and Local Planning Policy Framework provide strategic directions to provide medium density housing for the citizens of Latrobe City. The policy framework identifies the need for a variety of dwelling types and sizes to meet the changing needs of the community.

The application is considered to comply with the State and Local policies, as it proposes medium density housing and encourages a variety of dwelling types in the local area.

Strategic direction of Planning Scheme Amendment C62, the review of the Local Planning Policy Framework:

The revised Local Planning Policy Framework Council resolved to adopt at the Ordinary Council meeting on 16 November 2009 outlines a number of objectives and strategies relating to infill development and the aim to provide smaller more maintainable lots for the diverse needs of the community. The application is considered to comply with these provisions as it facilitates the medium density housing identified as being required in this framework.

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

The application is considered to comply with the purpose and decision guidelines of the Residential 1 Zone, as the application complies with the provisions of Clause 55 and is generally consistent with the State and Local Planning Policy Frameworks.

Clause 65 (Decision Guidelines):

The application is considered to comply with the Clause 65 Decision Guidelines as the application is consistent with the Scheme, the orderly planning of the area and is not considered to result in a significant affect on the amenity of the area.

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

1. Issue raised by objector: Increased traffic flow and vehicle noise within the court.

Officer Comment:

Council's Project Services team have provided conditional consent to the application and provided comment on traffic levels likely to be generated by this development. It is considered that the increased traffic levels created by the development of a single dwelling on the lot would be an average of 10 vehicle movements over a 24 hour period. Therefore, the proposed development of two dwellings would result in an additional 10 vehicle movements over a 24 hour period. It is considered that the additional vehicle movements are unlikely to result in any unacceptable impacts on the amenity of the area. The vehicle noise within the court is considered to be appropriate for a residential area.

2. Issue raised by objector: Inconsistency with an easement, and dimensions of the site on the plans provided with the application.

Officer Comment:

Planning Permit conditions will be prepared to confirm that all details of the proposal and subject site (including easements) are accurate prior to the endorsement of any plans.

3. Issue raised by objector: Availability of Parking within the area.

Officer Comment:

Each of the dwellings within the development provides adequate on site car parking, and has been considered against Standard B16 of Clause 55 of the Scheme.

In response to the objectors concerns, amended plans were provided to demonstrate a surplus of car parking on the site than the minimum required pursuant to Clause 55.

The number of car parking spaces provided on site exceeds the minimum requirements of Clause 55 by two spaces per dwelling (there are four spaces provided for each dwelling, and two spaces are required).

4. Issue raised by objector: Impact on value of properties in the area.

Officer Comment:

This is not considered a valid ground of objection unless it can be justified by a sworn professional valuation, and is usually not considered a ground for refusal when considered in VCAT hearings. As no sworn professional valuation has been submitted, this objection is outside the realms of matters to be considered by this application.

5. Issue raised by objector: Creating a precedent for further subdivision of existing lots in the area.

Officer Comment:

Planning Permits do not create a precedent for approval as each application is considered on its individual merits.

However, Planning Scheme Amendment C62, the revised Local Planning Policy Framework, provides several objectives and strategies relating to the provision of a variety of dwelling style and densities, and the support for infill development within the main towns of Latrobe. As this application proposes a medium density development within close proximity to the Traralgon primary activity centre, the further subdivision of this site is considered to be appropriate for the site and surrounds.

6. Issue raised by objector: Size of the proposed dwellings on the subject site.

Officer Comment:

The proposal has been assessed against Clause 55 of the Scheme, and is considered to meet the requirements of this clause.

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:

Pursuant to the notice requirements of Section 52(1) of the Act, the applicant was required to notify adjoining property owners and occupiers and display a sign on the site.

Notice pursuant to Section 52(1)(d) was provided to Gippsland Water, Telstra, SP AusNet Pty Ltd and the APA Group.

Gippsland Water did not object to the granting of a planning permit.

Telstra did not object to the granting of a planning permit, subject to the inclusion of appropriate conditions.

SP AusNet Pty Ltd did not object to the granting of a planning permit, subject to the inclusion of appropriate conditions.

The APA Group did not object to the granting of a planning permit.

External:

There were no referral requirements pursuant to Section 55 of the Act.

Internal:

The application was referred internally to Council's Project Services team for consideration, who provided consent to the granting of a planning permit, subject to appropriate conditions.

Details of Community Consultation following Notification:

Following the notification process, there were three submissions in the form of objections received to the application. A planning mediation meeting occurred on 4 November 2009 and was attended by the applicant and two of the three objectors. As a result of the meeting, revised plans were provided to address the concerns raised, and the objectors whom attended the mediation meeting withdrew their objections. The revised plans were amended to include additional car parking within the front setback.

No formal confirmation from the remaining objectors have been received as to whether their concerns have been addressed, therefore the matter cannot be determined by officer delegation, and a decision is required at a Council meeting.

8. OPTIONS

Council has the following options in regard to this application:

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

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

9. CONCLUSION

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Residential 1 Zone;
- Consistent with the 'Purpose' and 'Objectives' of Clause 55 (Two or more dwellings on a lot and residential buildings);
- Consistent with the relevant objectives and strategies within Planning Scheme Amendment C62, the revised Local Planning Policy Framework,
- Consistent with Clause 65 (Decision Guidelines); and

- The objections received have been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered. Whilst it is considered this type of application will introduce a density and style of housing that may have some amenity impacts for the local area, on balance, the application meets the policy direction and objectives for residential development in the interests of the broader community.

10. RECOMMENDATION

That Council DECIDES to issue a Notice of Decision to Grant a Planning Permit, for the buildings and works associated with the construction of two dwellings on a lot and two lot subdivision, at Lot 287 on Plan of Subdivision 54555M, more commonly known as 9 Huntingfield Close, Traralgon, with the following conditions:

- 1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 2. Within three months of the issue of a Certificate of Occupancy, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.**
- 3. 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.**
- 4. Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.**
- 5. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.**
- 6. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.**
- 7. The exterior colour and cladding of buildings must be of a non-reflective nature to the satisfaction of the Responsible Authority.**
- 8. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimize mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.**

9. All existing and proposed easements and sites for existing and required utility services must be set aside in favour of the relevant authority for which the easement or site is being created on the plan of subdivision submitted for certification under the Subdivision Act 1988.

Engineering Conditions:

10. Prior to the Certification of the Plan of Subdivision, a site drainage plan must be submitted to and approved by the Responsible Authority. The plan must show a drainage scheme providing for the conveying of stormwater from each allotment separately to the legal point of discharge. When approved, the plan will be endorsed and will then form part of the permit.
11. Prior to the issue of Statement of Compliance, the operator of this permit must construct a property connection for each lot to the legal point of discharge in accordance with drainage plans approved by the Responsible Authority.
12. The driveway crossover must be constructed to Council Design Guidelines – Urban Standards.
13. 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.

SPI Electricity Pty Ltd Conditions:

14. The operator of this permit must meet the requirements of SPI Electricity Pty Ltd in that, prior to the issues of Certification/Statement of Compliance, they:
 - a) Enter into an agreement with SPI Electricity Pty Ltd for the extension, upgrade or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
 - b) Provide electricity easements internal and external to the subdivision in favour of SPI Electricity Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by SPI Electricity Pty Ltd. The provision of reserves for electricity substations may also be required.

Expiry of Permit:

15. This permit will expire if one of the following circumstances applies:
 - a) The development is 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.

- c) plan of subdivision is not certified within two years of the date of this permit.
- d) The registration of the subdivision is not completed within five years of certification.

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

Note 1: Legal Points of Discharge into Council's stormwater drain can be obtained by completing a Legal Point of Discharge form, found at www.latrobe.vic.gov.au.

Note 2: Any drainage connection into Council's stormwater drains or to a kerb or channel requires the approval of the Responsible Authority prior to the works commencing. The operator of this permit must obtain a Council Stormwater Connection Permit for new connections to Council drains or to a kerb or channel and these works are to be inspected by the Responsible Authority.

Note 3: Prior to the construction, alteration or removal of any vehicle crossing a Council Vehicle Crossing Permit is to be obtained. The issue of a planning approval for development applications that includes the construction, alteration or removal of a vehicle crossing does not obviate the requirements to also obtain a Vehicle Crossing Permit prior to the commencement of the vehicle crossing works.

Note 4: Prior to the commencement of works, the Responsible Authority must be notified in writing, of any proposed building work (as defined by Council's Local Law No. 3 (2006)) at least 7 days before the building work commences, or before materials or equipment are delivered to the building site by a supplier; and unless otherwise exempted by the Responsible Authority, an Asset Protection Permit must be obtained.

Note 5: All buildings erected on this site must comply with the requirements of the Building Act 1993, the Building Regulations 2006, the Building Code of Australia 2007, Australian Standards and relevant local municipal laws.

Gippsland Water Note:

For a quotation relating to sewerage and water costs and requirements please contact Property Connections on (03) 5177 4648.

Telstra Note 1:

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

Telstra Note 2:

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

Moved: Cr White
Seconded: Cr Fitzgerald

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

**11.3.2 PLANNING PERMIT APPLICATION 2009/310 - CONSTRUCTION
OF THREE DWELLINGS ON A LOT AND THREE LOT
SUBDIVISION, 36 ST GEORGES ROAD, TRARALGON**

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2009/310 for the construction of three dwellings on a lot and a three lot subdivision, at Lot 242 Plan of Subdivision 545548J, more commonly known as 36 St Georges Road, Traralgon.

2. DECLARATION OF INTERESTS

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

3. POLICY IMPLICATIONS

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

Strategic Action – Built Environment Objective

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

Strategic Action – Community Capacity Building

Ensure the Latrobe Valley supports social and family life by promoting rights and respecting diversity.

This report is consistent with the *Planning and Environment Act* 1987 and the Latrobe Planning Scheme.

4. **BACKGROUND**

4.1 **SUMMARY**

Land: Lot 242 Plan of Subdivision 545548J, more commonly known as 36 St Georges Road, Traralgon.
Proponent: Mr L Milstein
Zoning: Residential 1 Zone
Overlay: There are no overlays that affect this property.

A Planning Permit is required pursuant to Clauses 32.01-2 and 32.01-4 of the Latrobe Planning Scheme (the Scheme), for the construction of two or more dwellings on a lot, and to subdivide land within the Residential 1 Zone.

4.2 **PROPOSAL**

The application is for the construction of three dwellings on a lot, and the corresponding subdivision of the site into three lots.

The proposed Unit 1 will comprise a single storey dwelling with two bedrooms and two car parking spaces, including one within a garage. There is private open space located to the north of the dwelling, accessible from the living area. The proposed lot to be created for this dwelling will comprise 242 square metres in total site area.

The proposed Unit 2 comprises two storeys and is located in the centre of the subject land. There is the provision for five car parking spaces for this dwelling, two of which are provided within a double garage. There are four bedrooms proposed within this dwelling. The private open space is provided to the north of this dwelling and is accessible directly from the living area, and outdoor alfresco decking. The proposed lot to be created for this dwelling will comprise 314 square metres in total site area.

The proposed Unit 3 comprises a single storey dwelling comprising two bedrooms. The living area opens directly into the private open space to the north of the dwelling. A single garage is provided with an additional car parking space located in front of the garage. The proposed lot to be created for this dwelling will comprise 242 square metres in total site area.

The dwellings will be constructed of a range of materials including face brickwork, corrugated Colorbond cladding, stack stone and rendered and painted brickwork finish. The dwellings comprise a staggered roofline constructed of zincalume cladding.

Each of the proposed dwellings provides a separate vehicle cross over, and landscaping within the front setbacks to integrate the development with the streetscape, with a canopy tree within the private open space areas at the north of each dwelling.

Provisions have been made for the location of mail boxes and the storage of waste bins so that these are easily accessible to the dwellings.

Subject Land:

The subject land is located within an existing urban area of Traralgon, located approximately 1 kilometre north west of the primary activity centre, and 728 metres outside the Traralgon Transit Cities boundary.

The site is located at the northern side of the intersection of Como Court and St Georges Road, and is currently vacant. There is an existing pedestrian footpath along the frontage to St Georges Road (southern boundary).

The subject site comprises a total site area of 800 square metres. The eastern and western site boundaries measure 40 metres in length, and are common with single dwellings on lots either side of the development.

The northern and southern property boundaries measure 20 metres in length. The southern property boundary abuts the St Georges Road and Como Court intersection, and the lot to the north contains a single dwelling fronting Notting Hill.

There is a shared drainage and sewerage easement encumbering the northern property boundary 3.5 metres wide, in favour of Council and Gippsland Water.

The subject land undulates downward the north eastern corner of the site

Surrounding Land Use:

- North: A single dwelling on a lot of approximately 912 square metres, obtaining access to Notting Hill.
- South: Medium Density Residential development on either corner of Como Court and St Georges Road. 29 St Georges Road and 12 Como Court contain single dwellings on lots of 295 and 507 square metres respectively. The lots on the adjacent corner are vacant and are approximately 372 square metres each. The lots within Como Court contain a variety of single dwellings and medium density development and vacant land.
- East: The lot directly to the east of the subject land contains a single dwelling on a lot of approximately 766 square metres.
- West: The lot directly to the west contains a single dwelling on a lot of 901 square metres.

4.3 HISTORY OF APPLICATION

The application was received on 29 July 2009 for the construction of four dwellings on the subject land and the corresponding subdivision of the site into four lots.

On 13 August 2009, Council Officers required the applicant to notify adjoining property owners and occupiers of the proposal, and display a sign on the site.

One submission in the form of an objection was received on 31 August 2009.

A completed Statutory Declaration form was received on 2 September 2009 advising that the notification process had been completed in accordance with the directions of Council.

A planning mediation meeting was scheduled to occur on 14 October 2009. The applicant and objectors were able to privately reach a compromise resulting in the withdrawal of the objection without the need for a mediation meeting. The applicant was able to address the objectors concerns by reducing the number of dwellings on the site from four dwellings to three dwellings and a three lot subdivision on the site.

Given that there were significant changes to the proposal, Council Officers required the revised plans to be advertised by again notifying the adjoining property owners and displaying a sign on the site. The applicant was notified of this requirement on 6 November 2009.

The original objection was subsequently withdrawn, and an additional objection received. Conversations between the applicant and the objector with Council Officers have determined that a compromise is unlikely to be reached at a mediation meeting. A mediation meeting was not held with the additional objector, as it was agreed that there was no foreseeable compromise able to be achieved to address the concerns raised.

As there is one current objection to the application, the matter cannot be determined by officer delegation and is required to be determined at a Council meeting.

4.4 LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 11.03 (Principles of Land Use and Development Planning):

Clause 11.03 states that "Society has various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure. Planning aims to meet these by addressing aspects of economic, environmental and social well-being affected by land use and development."

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

Clause 14.01 (Planning for Urban Settlement):

Clause 14.01 states the objectives to “ensure a sufficient supply of land is available for residential, commercial, industrial, recreation, institutional and other public uses”, and also “to facilitate the orderly development of urban areas”.

Clause 14.01-2 further states that “In planning for urban growth, planning authorities should encourage consolidation of existing urban areas while respecting neighbourhood character. Planning authorities should encourage higher density and mixed use development near public transport routes.”

Clause 16.02 (Medium Density Housing):

The objective of this clause is stated as being to:

“Encourage the development of well-designed medium-density housing which:

- *Respects the neighbourhood character.*
- *Improves housing choice.*
- *Makes better use of existing infrastructure.*
- *Improves energy efficiency of housing.”*

Clause 19.03 (Design and Built Form):

The objective of this clause is stated as being to “achieve high quality urban design and architecture that:

- *Reflects the particular characteristics, aspirations and cultural identity of the community;*
- *Enhances liveability, diversity, amenity and safety of the public realm;*
- *Promotes the attractiveness of towns and cities within broader strategic contexts.”*

Local Planning Policy Framework **Municipal Strategic Statement (Clause 21)**

Clause 21.01 (Municipal Profile):

Clause 21.01-7 states that “the diversity in housing types available in the municipality contributes to the lifestyle choices provided and the overall attractiveness of the municipality as a place to live and invest”.

This clause further states that *“there should be a growing need for affordable and easily maintained housing with good accessibility to facilities and services for older people and, therefore, greater diversity in the medium density type dwelling stock.”*

Clause 21.02 (Key Influences):

Clause 21.02-2 states that *“Social and economic trends should increase the need for a more diverse housing stock in urban areas, with an increasing need for well designed medium density accommodation.”*

For example, the Office of Housing, Department of Human Services prepared the La Trobe Valley Stock Management Strategy for the period of 1994 to 1999. It recognises that the provision of housing stock needs to change considerably from ‘family’ stock to more accurately reflect demand from older persons, singles and youth to match demographic trends.

Recognition of the need for more affordable housing also leads to the need for a more diverse housing stock in the urban areas, such as, medium density accommodation.”

Clause 21.03 (Vision – Strategic Framework):

Clause 21.03-2 states various strategies identified in the *Latrobe Strategy Plan* to become:

- *“A unique and prosperous municipality benefiting from its central location in the diverse environment of Gippsland offering a wide range of attractive lifestyle choices in the many towns, smaller villages and rural parts of the municipality;*
- *A community which is proud of its heritage and is strong, resilient, creative, entrepreneurial, adaptable and caring with an optimistic future and strong focus on ‘quality of life’ issues.*
- *A cohesive municipality which:*
 - *Provides the opportunity for rich and varied lifestyles;*
 - *Satisfies the community’s needs for employment, housing, social interaction, shopping, education, health, entertainment, recreation, leisure and culture; and*
 - *Provides the means to access these opportunities conveniently by private and public transport.”*

Clause 21.04 (Objectives/Strategies/Implementation):

Clause 21.04-4 states that *“the priorities in all the main urban settlements should be on realising opportunities for infill development, diversity of housing types, upgrading of areas of public housing and generally improving the residential amenity of the municipality while maximising the use of capital and resources invested in existing infrastructure, business and community facilities.”*

Element 2 (Housing Choice) of this clause states the objective to:

- *“To encourage a wider variety of housing types, especially smaller and more compact housing, to meet the changing needs of the community.”*

Two of the strategies listed to assist the achievement of this are:

- *“Encourage diversity of dwelling type to provide greater choice and affordability;*
- *Publicise examples of best practice in modern housing design and development, particularly for medium density housing, to inform the community of new housing options and encourage innovation in housing development across the municipality.”*

Local Planning Policy (Clause 22)

Clause 22.03 (Car Parking Policy):

This clause applies to the use and development of all land within Latrobe. The basis for this policy relies on the knowledge that *“Land uses should generally cater for on-site provision of car parking. However, where circumstances arise for facilities to be provided off-site, car parking requirements are often waived and/or covered by cash-in-lieu contribution, orderly and proper provision of car parking is guided by this policy.”*

Clause 22.06 (Urban Residential Land Supply):

This policy relates to all urban residential zoned land in the main towns within Latrobe. The objectives of this policy include:

- *“To ensure that the design layout, height and appearance of new development, including landscaping, contributes to the improvement of the character, presentation, amenity and visual quality of towns;*
- *To increase the choice and availability of housing for a broad range of ages and lifestyles; and*
- *To encourage consolidation within the defined urban boundaries.”*

Zoning

The subject site is zoned ‘Residential 1’. Pursuant to Clause 32.01-4 of the Scheme, a planning permit is required to construct two or more dwellings on a lot. The proposal must also meet the requirements of the decision guidelines of Clause 32.01-4 and Clause 65 (Decision Guidelines). The ‘purpose’ of the Residential 1 Zone is:

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

The decision guidelines of Clause 32.01-4 are:

- *“The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and the local planning policies; and*
- *The objectives, standards and decision guidelines of Clause 55.”*

Overlay

There are no overlays that affect this property.

Particular Provisions

Clause 55 Two or More Dwellings on a Lot:

This clause applies to any application to construct two or more dwellings on a lot.

The 'Purpose' of Clause 55 'Two or more dwellings on a lot and residential buildings' is:

- *"To implement the State Planning Policy Framework and the Local Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
- *To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character;*
- *To encourage residential development that provides reasonable standards of amenity for existing and new residents;*
- *To encourage residential development that is responsive to the site and the neighbourhood."*

Refer to the Clause 55 assessment that is attached to this report for further detail.

Decision Guidelines (Clause 65):

"Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- *The matters set out in Section 60 of the Act;*
 - *The relevant planning scheme; and*
 - *The objectives of planning in Victoria; and*
 - *All objections and other submissions which it has received and which have not been withdrawn; and*
 - *Any decision and comments of a referral authority which it has received; and*
 - *Any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
- *The purpose of the zone, overlay or other provision;*
- *Any matter required to be considered in the zone, overlay or other provision;*
- *The orderly planning of the area;*
- *The effect on the amenity of the area;*

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

Incorporated Documents (Clause 81):

There are no incorporated documents that relate specifically to the consideration of this application.

Relevant Planning Scheme Amendments:

Amendment C62 to the Scheme proposes changes to the municipal strategic statement and local planning policies. Amendment C62 is a seriously entertained planning scheme amendment pursuant to Section 60(1A)(c) of the Act.

Amendment C62 identifies the subject land as being within an existing urban area.

The proposed Clause 21.01 states that *‘Under a high growth scenario population projections indicate that Latrobe City will be home to about 84,000 residents in 2023 by which time the proportion of residents over the age of 60 will significantly increase.’*

The proposed Clause 21.04-1 states that *‘Council will consider planning applications and make decisions in accordance with the following vision:*

- *To promote the responsible and sustainable care of our built environment for the use and enjoyment of the people who make up the vibrant community of Latrobe Valley.*
- *To develop clear directions and strategies through consultation with the community ensuring sustainable and balanced development.’*

The proposed Clause 21.04-2 states that *'the diversity in housing types available in the municipality contributes to the lifestyle choices provided and the overall attractiveness of the municipality as a place to live and invest. The priorities in all the main urban settlements are on realising opportunities for infill development, diversity of housing types, upgrading areas of public housing, improving residential amenity, while maximising existing infrastructure and community facilities... Given the land use constraints around the major towns there is an increasing need to reduce average residential property sizes so the remaining land is consumed at a more sustainable rate. The location of medium density housing close to activity centres in the main towns and Transit Cities should assist in strengthening and reinforcing those centres.'*

The relevant objectives within Clause 21.04-2 are:

- *'To build upon the existing structure of the towns and settlements to create an integrated network of urban areas.*
- *To contain urban development within distinct boundaries.*
- *To encourage a wider variety of housing types, especially the smaller and more compact housing, to meet the changing needs of the community.'*

The relevant strategies within this clause are identified as being to:

- *'Consolidate development within and around the existing towns and avoid unnecessary urban expansion and rural subdivision.*
- *Encourage diversity of dwelling type to provide greater choice and affordability.*
- *Encourage infill and renewal at a variety of dwelling densities.*

The proposed Clause 21.04-5 states that *'a consistent landscaping treatment of private land and road reserves can also have a significant affect on the appearance and visual amenity of an area. In addition, the siting of buildings can have a critical impact on visual appearance within both urban streetscapes and rural landscapes.'*

The objective of this clause is stated as being *'to provide a visually attractive urban environment which displays a high level of civic pride and community satisfaction, and creates a positive image.'* One of the strategies within this clause that is most relevant to this application is the strategy to *'promote and support high quality urban design within the built environment.'*

The proposed Clause 21.05-2 states the objective to *'provide the flexibility for development to occur in each town to accommodate the needs of its population as well as to contribute to the municipal networked city.'* This clause further states the strategies to be implemented:

- *'Encourage well designed, infill residential development throughout the existing urban area, especially in locations close to activity centres, areas of open space and areas with good public transport accessibility.'*
- *'Encourage walkable neighbourhood centres and increased densities around Transit City areas and neighbourhood clusters.'*
- *'Retain clear boundaries between urban areas and the surrounding rural environment.'*
- *'Protect areas for future urban growth, particularly the fragmentation of rural land on the urban fringe of major towns.'*

Objective two of this clause states the aim to *'facilitate development in accordance with the specific Town Structure Plan attached to this clause.'* The strategies for implementation area identified as:

- *'Encourage consolidation of urban settlement within the urban zoned boundaries in accordance with the adopted structure plans.'*
- *'Discourage urban growth outside the urban development boundaries designated in the relevant local structure plan.'*
- *'Encourage medium density housing within the Transit City areas of the major town centres and neighbourhood clusters.'*
- *'Contain new residential subdivision within residential areas shown on the local structure plans.'*

The proposed Clause 21.08-3 states an objective to *'provide for walkable neighbourhoods, ensuring public transport, shops, public open space and mixed use community centres are close to dwellings.'* A strategy to achieve this is identified as being to *'promote active lifestyles and avoid social isolation by designing new dwellings to be close to user-friendly pedestrian and cycle paths that incorporate shade, toilet facilities, seating and directional signage where possible.'*

The proposal is supported by the new Municipal Strategic Statement that forms part of Planning Scheme Amendment C62, which Council resolved to adopt at the Ordinary Council Meeting 16 November 2009.

5. **ISSUES**

Strategic direction of the State and Local Planning Policy Frameworks:

The State and Local Planning Policy Framework provide strategic directions to provide medium density housing for the citizens of Latrobe City. The policy framework identifies the need for a variety of dwelling types and sizes to meet the changing needs of the community.

The application is considered to comply with the State and Local policies, as it proposes medium density housing and encourages a variety of dwelling types in the local area.

Strategic direction of Planning Scheme Amendment C62, the review of the Local Planning Policy Framework:

The revised local planning policy framework Council resolved to adopt at the Ordinary Council meeting on 16 November 2009 provides many objectives and strategies relating to infill residential development and the need for a variety of lot sizes and medium density housing. The application is considered to comply with this framework as it provides a medium density development close to the centre of town and services and facilities.

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

The application is considered to comply with the purpose and decision guidelines of the Residential 1 Zone, as the application complies with the provisions of Clause 55 and is generally consistent with the State and Local Planning Policy Frameworks.

Clause 65 (Decision Guidelines):

The application is considered to comply with the Clause 65 Decision Guidelines as the application is consistent with the Scheme, the orderly planning of the area and is not considered to result in a significant affect on the amenity of the area.

The application received one submission in the form of objections. The issues raised were:

1. Issue raised by objector: The availability of on site car parking.

Officer Comment:

The application has been considered against Standard B16 of Clause 55, and provides an overall surplus of on site car parking. The application is considered to comply with the car parking requirements for a dwelling of this nature. The total car parking requirement for the site is seven car parking spaces, and the development provides nine.

2. Issue raised by objector: The likelihood of car parking within the nature strip.

Officer Comment:

Given the availability of on site car parking it is considered unlikely that vehicles will park on the nature strip.

The parking of a motor vehicle on the nature strip is an offence pursuant to the *Road Safety Act 1986*. If there is damage to the nature strip, or a danger to road users given the proximity to an intersection, Council's Local Laws department are authorised to issue infringement notices to the offender.

The possibility that motor vehicles may park on the nature strip is not a valid reason to refuse the application as it is not a decision guideline in the planning scheme.

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:

Pursuant to the notice requirement of Section 52(1) of the Act, the applicant was required to notify adjoining property owners and occupiers and display a sign on the site.

External:

Pursuant to the referral requirements of Section 55 of the Act, the application was referred to Gippsland Water, SPI Electricity Pty Ltd, Telstra and the APA Group for consideration.

Gippsland Water provided consent to the granting of a planning permit, subject to conditions.

Telstra provided consent to the granting of a planning permit, subject to a condition.

The APA Group provided consent to the granting of planning permit, without the requirement for conditions.

SPI Electricity Pty Ltd provided consent to the granting of a planning permit, subject to conditions.

Internal:

The application was referred internally to Council's Project Services department for consideration, who provided conditional consent to the granting of a planning permit.

Details of Community Consultation following Notification:

Following the advertising process, two submissions in the form of objections were received, one of which was subsequently withdrawn.

As there is an objection pending, the matter cannot be determined under officer delegation, and is required to proceed to a Council meeting for determination.

8. OPTIONS

Council has the following options in regard to this application:

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

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

9. CONCLUSION

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Residential 1 Zone;
- Consistent with the 'Purpose' and 'Objectives' of Clause 55 (Two or more dwellings on a lot and residential buildings);
- Consistent with the objectives and strategies contained within Planning Scheme Amendment C62, the revised Local Planning Policy Framework;
- Consistent with Clause 65 (Decision Guidelines); and
- The objections received have been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered. Whilst it is considered this type of application will introduce a density and style of housing that may have some amenity impacts for the local area, on balance, the application meets the policy direction and objectives for residential development in the interests of the broader community.

10. RECOMMENDATION

A. That Council DECIDES to issue a Notice of Decision to Grant a Planning Permit, for the buildings and works associated with the construction of three dwellings on a lot, at Lot 242 Plan of Subdivision 545548J, more commonly known as 36 St Georges Road, Traralgon, with the following conditions:

1. Prior to the commencement of any works hereby permitted, revised plans must be submitted to and approved by the Responsible Authority. The plans must show:

- a. Increased visibility of the entrances to Units 1, 2 and 3 when viewed from St Georges Road;
- b. Decreased area of hard surface coverage within the front setback of Unit 2, and the provision of a landscaping strip (with a minimum width of 1 metre) between the driveway of Unit 2 and the proposed eastern boundary for the first 3 meters in from the front boundary.

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

2. The development and subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Prior to the issue of a Statement of Compliance, the buildings and works approved by this permit must be completed to the satisfaction of the Responsible Authority.

Alternatively, the operator of this permit must enter into an agreement with the Responsible Authority, made pursuant to Section 173 of the Planning and Environment Act 1987, to provide for the following:

- a. That the development as approved as part of Planning Permit 2009/310 must be completed in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.

Before the issue of a Statement of Compliance, application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act. The operator of this permit must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

Prior to the issue of a Statement of Compliance, the operator of this permit must provide Council with a copy of the dealing number issued by the Titles Office. Once titles are issued, Council requires the operator of this permit or its legal representative to provide either:

- a. A current title search; or
 - b. A photocopy of the duplicate certificate of title as evidence of registration of the Section 173 Agreement on title.
4. Within three months of the issue of a Certificate of Occupancy, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

5. 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.
6. Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.
7. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
8. Any driveway crossovers must be constructed in accordance with Council's Design Guidelines – Urban Standards.
9. The exterior colour and cladding of the buildings must be of a non-reflective nature, to the satisfaction of the Responsible Authority.
10. External lighting must be designed, baffled and located so as prevent any adverse affect on the adjoining land, to the satisfaction of the Responsible Authority.

Engineering Conditions:

11. All existing and proposed easements and sites for existing and required utility services must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for certification under the Subdivision Act 1988.
12. Prior to the commencement of any works hereby permitted, and prior to the certification of the plan of subdivision, a drainage discharge design plan with computations must be submitted to and approved by the Responsible Authority. The design plans must be prepared in accordance with the requirements of the Latrobe City Council's Design Guidelines for infrastructure development and must provide for the following:
 - a. How the land and buildings will be drained independently for the 1 in 5 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. No new connection to the kerb and channel in St Georges Road is permitted.
13. Prior to the issue of a Statement of Compliance, the following works must be completed to the satisfaction of the Responsible Authority:

- a. Construction of the drainage detailed in the approved drainage plan;
- b. Construction of driveway crossovers to an urban standard in accordance with Council's Design Guidelines;
- c. Relocation of the existing street blade sign from outside the development in St Georges Road to a location approved by the Responsible Authority;
- d. The areas set aside for the parking of vehicles on the endorsed plans must be:
 - i. Constructed and properly formed to such levels that they can be used in accordance with the plans; and
 - ii. Surfaced with an all-weather seal coat and drained.

Car spaces, access lanes and driveways must be set aside for these purposes at all times, to the satisfaction of the Responsible Authority.

14. Any 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.
15. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.

SPI Electricity Pty Ltd Conditions:

16. The applicant must enter into an agreement with SPI Electricity Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
17. The applicant must provide electricity easements internal and external to the subdivision in favour of SPI Electricity Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by SPI Electricity Pty Ltd. The provision of reserves for electricity substations may also be required.

Gippsland Water Conditions

18. The operator of this permit must comply with the following requirements from the Gippsland Water:
 - a. Pay to the Gippsland Water contributions for Headwork charges and Outfall/Disposal charges for the change in development of the land. These charges are based on the Authority's current rates and reflect the additional loading placed on the water and sewerage reticulation systems by this development.

- b. Provide water and wastewater services to Gippsland Water's minimum standards, unless otherwise agreed with by the Gippsland Water.
 - c. Gippsland water requires submission of design plans prior to agreeing to the certification to determine whether easements will be required over all proposed sewerage works located within the subdivision, and also to determine if the development can be serviced in accordance with the minimum supply standards.
 - d. Install separate water services and sewage disposal connections to the satisfaction of the Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to the Gippsland Water.
 - e. Any plan of subdivision of the subject land lodged for certification shall be referred to the Central Gippsland Water Authority under Section 8(1) of the Subdivision Act 1988.
19. This permit will expire if one of the following circumstances applies:
- a. The development is 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.
 - c. The plan of subdivision is not certified within two years of the date of this permit.
 - d. The registration of the plan of subdivision is not completed within five years of certification.
 - e. 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: The commencement of the subdivision is regarded by Section 68(3A) of the Planning and Environment Act as the certification of the plan, and completion is regarded as the registration of the plan.

Note 1: Legal Points of Discharge into Council's stormwater drain can be obtained by completing a Legal Point of Discharge form, found at www.latrobe.vic.gov.au.

Note 2: Any drainage connection into Council's stormwater drains or to a kerb or channel requires the approval of the Responsible Authority prior to the works commencing. The operator of this permit must obtain a Council Stormwater Connection Permit for new connections to Council drains or to a kerb or channel and these works are to be inspected by the Responsible Authority.

Note 3: Prior to the construction, alteration or removal of any vehicle crossing a Council Vehicle Crossing Permit is to be obtained. The issue of a planning approval for development applications that includes the construction, alteration or removal of a vehicle crossing does not obviate the requirements to also obtain a Vehicle Crossing Permit prior to the commencement of the vehicle crossing works.

Note 4: Prior to the commencement of works, the Responsible Authority must be notified in writing, of any proposed building work (as defined by Council's Local Law No. 3 (2006)) at least 7 days before the building work commences, or before materials or equipment are delivered to the building site by a supplier; and unless otherwise exempted by the Responsible Authority, an Asset Protection Permit must be obtained.

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

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

B. That Council authorises the Chief Executive Officer to sign and seal an agreement under Section 173 of the Planning and Environment Act 1987 in accordance with the planning permit arising from Application 2009/310, for the construction of three dwellings on a lot and three lot subdivision at Lot 242 Plan of Subdivision 545548J, more commonly known as 36 St Georges Road, Traralgon.

Cr Fitzgerald declared a Conflicting Personal Interest in accordance with section 79B of the *Local Government Act* 1989 and requested that he be exempted from voting on this matter.

Cr Fitzgerald left the Council Chamber at 7.36 pm.

The Mayor called for a Motion to allow Cr Fitzgerald to abstain from voting on Item 11.3.2 Planning Permit Application 2009/310 – Construction of Three Dwellings on a Lot and Three Lot Subdivision, 36 St Georges Road, Traralgon due to a Conflicting Personal Interest.

Moved: Cr White
Seconded: Cr Gibson

That the Motion be adopted.

CARRIED UNANIMOUSLY

The original Recommendation became the Motion before the chair.

Moved: Cr White
Seconded: Cr Kam

That the Recommendation be adopted.

For the Motion

Councillors White, Gibson, Price and Kam

Against the Motion

Councillors Middlemiss, Vermeulen, Lougheed and O'Callaghan

The Mayor confirmed that the Recommendation had been LOST upon the Casting Vote of the Mayor.

Moved: Cr Vermeulen
Seconded: Cr Lougheed

That Council DECIDES to issue a Notice of Refusal to Grant a Planning Permit, for the buildings and works associated with the construction of three dwellings on a lot, at Lot 242 Plan of Subdivision 545548J, more commonly known as 36 St Georges Road, Traralgon, with the following conditions:

- 1. The proposal does not meet the objective of Clause 32.01 (Residential 1 Zone) of the Latrobe Planning Scheme, as the proposed development does not comply with the Neighbourhood character objective of Clause 55.02-1.**
- 2. The proposal does not meet the objective of Clause 16.02 (Medium Density Housing) as the proposed development does not respect the neighbourhood character.**

3. **The proposal does not meet the objectives of Clause 55.02-1 (neighbourhood character objectives), as the resulting residential development does not respect the existing neighbourhood character.**

For the Motion

Councillors Kam, Vermeulen, Middlemiss, Lougheed and O'Callaghan

Against the Motion

Councillors Price, White and Gibson

The Mayor confirmed that the Motion had been CARRIED.

Councillor Fitzgerald returned to the Council Chamber at 7.58 pm.

ATTACHMENTS

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11.3.3 PLANNING PERMIT APPLICATION 2009/322 - CONSTRUCTION OF THREE DWELLINGS ON A LOT - 139 GORDON STREET, TRARALGON

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2009/322 for the construction of three dwellings on a lot at Lot 2 Plan of Subdivision 607804A, more commonly known as 139 Gordon Street, Traralgon.

2. DECLARATION OF INTERESTS

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

3. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2009-2013

Strategic Objective – 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.

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

Strategic Action – Built Environment Objective

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

Strategic Action – Community Capacity Building

Ensure the Latrobe Valley supports social and family life by promoting rights and respecting diversity.

This report is consistent with the *Planning and Environment Act 1987* and the Latrobe Planning Scheme.

4. BACKGROUND

4.1 SUMMARY

Land: Lot 2 Plan of Subdivision 607804A, more commonly known as 139 Gordon Street, Traralgon
Proponent: JJC Design Pty Ltd
Zoning: Residential 1 Zone
Overlay: There are no overlays that affect this property.

A Planning Permit is required for the construction of two or more dwellings on a lot, in accordance with Clause 32.01-4 of the Latrobe Planning Scheme.

4.2 PROPOSAL

The application is for the construction of three single storey dwellings on the subject land.

Each of the dwellings proposes two bedrooms with a single car parking space (located within a garage). A single shared concrete driveway will create access to the dwellings, running along the southern property boundary of the site.

The dwellings provide secluded private open space to the north of each of the dwellings, accessible from the living areas of each dwelling. A landscaping plan has been submitted including the provision of one canopy tree within the rear yards of each of the dwellings.

The dwellings will be constructed of a variety of materials including brickwork and a rendered finish in some parts. The slanted roof will be constructed of Colorbond sheeting, with capping as required. A covered porch allows for some articulation to each front entrance of the dwellings. A concrete footpath runs along the front boundary of the site along Gordon Street. There is no access proposed to Huntingfield Close through the small frontage to this site.

The private open space areas are located to the north of each of the dwellings, which are delineated by 1.8 metre timber paling fences.

Subject Land:

The subject land is located to the north of the Traralgon, approximately 1.1 kilometres from the Traralgon central activity district, and 745 metres outside the Transit Cities boundary. The site is relatively flat and has a total site area of 826 square metres. The boundary along the northern site connects 41.5 metres with the adjacent lot, with a 4 metre common boundary directly to Huntingfield Close. The eastern boundary of the site shares access with a residential lot fronting Huntingfield Close. The western property boundary spans 19 metres, with a lot fronting Stockdale Road. Along the western boundary of the subject land is a 3 metre wide easement in favour of Gippsland Water. The proposal will not build over this easement.

The southern property boundary spans 41 metres, with a frontage to Gordon Street of approximately 15 metres and a common boundary with the lot directly to the south of 26 metres.

There is no existing vegetation on the site that is required to be removed in order for the development to proceed.

Surrounding Land Use:

- North: Lots to the north contain existing single dwellings, with a proposal for a medium density development two lots to the north.
- South: The lot directly to the south is vacant land, surrounded by single dwellings.
- East: The lot to the east contains a single dwelling.
- West: The lot to the west contains a single dwelling.

4.3 HISTORY OF APPLICATION

The application was received on 4 August 2009. A request was made for additional information to accompany the proposal, which was submitted on 24 September 2009.

On 20 October, Council Officers required the applicant to notify adjoining property owners and occupiers of the proposal, and display a sign on the site.

A completed Statutory Declaration form was received on 12 November advising that the notification process had been completed in accordance with the directions of Council.

One submission in the form of an objection was received on 4 November 2009.

A planning mediation meeting has not occurred as the applicant felt that a mediation meeting would not achieve an outcome favourable to both parties.

4.4 LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 11.03 (Principles of Land Use and Development Planning):

Clause 11.03 states that "Society has various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure. Planning aims to meet these by addressing aspects of economic, environmental and social well-being affected by land use and development."

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

Clause 14.01 (Planning for Urban Settlement):

Clause 14.01 states the objectives to "ensure a sufficient supply of land is available for residential, commercial, industrial, recreation, institutional and other public uses", and also "to facilitate the orderly development of urban areas".

Clause 14.01-2 further states that *“In planning for urban growth, planning authorities should encourage consolidation of existing urban areas while respecting neighbourhood character. Planning authorities should encourage higher density and mixed use development near public transport routes.”*

Clause 16.02 (Medium Density Housing):

The objective of this clause is stated as being to:

“Encourage the development of well-designed medium-density housing which:

- *Respects the neighbourhood character.*
- *Improves housing choice.*
- *Makes better use of existing infrastructure.*
- *Improves energy efficiency of housing.”*

Clause 19.03 (Design and Built Form):

The objective of this clause is stated as being to *“achieve high quality urban design and architecture that:*

- *Reflects the particular characteristics, aspirations and cultural identity of the community;*
- *Enhances liveability, diversity, amenity and safety of the public realm;*
- *Promotes the attractiveness of towns and cities within broader strategic contexts.”*

Local Planning Policy Framework **Municipal Strategic Statement (Clause 21)**

Clause 21.01 (Municipal Profile):

Clause 21.01-7 states that *“the diversity in housing types available in the municipality contributes to the lifestyle choices provided and the overall attractiveness of the municipality as a place to live and invest”*.

This clause further states that *“there should be a growing need for affordable and easily maintained housing with good accessibility to facilities and services for older people and, therefore, greater diversity in the medium density type dwelling stock.”*

Clause 21.02 (Key Influences):

Clause 21.02-2 states that *“Social and economic trends should increase the need for a more diverse housing stock in urban areas, with an increasing need for well designed medium density accommodation.”*

For example, the Office of Housing, Department of Human Services prepared the La Trobe Valley Stock Management Strategy for the period of 1994 to 1999. It recognises that the provision of housing stock needs to change considerably from ‘family’ stock to more accurately reflect demand from older persons, singles and youth to match demographic trends.

Recognition of the need for more affordable housing also leads to the need for a more diverse housing stock in the urban areas, such as, medium density accommodation.”

Clause 21.03 (Vision – Strategic Framework):

Clause 21.03-2 states various strategies identified in the *Latrobe Strategy Plan* to become:

- *“A unique and prosperous municipality benefiting from its central location in the diverse environment of Gippsland offering a wide range of attractive lifestyle choices in the many towns, smaller villages and rural parts of the municipality;*
- *A community which is proud of its heritage and is strong, resilient, creative, entrepreneurial, adaptable and caring with an optimistic future and strong focus on ‘quality of life’ issues.*
- *A cohesive municipality which:*
 - *Provides the opportunity for rich and varied lifestyles;*
 - *Satisfies the community’s needs for employment, housing, social interaction, shopping, education, health, entertainment, recreation, leisure and culture; and*
 - *Provides the means to access these opportunities conveniently by private and public transport.”*

Clause 21.04 (Objectives/Strategies/Implementation):

Clause 21.04-4 states that *“the priorities in all the main urban settlements should be on realising opportunities for infill development, diversity of housing types, upgrading of areas of public housing and generally improving the residential amenity of the municipality while maximising the use of capital and resources invested in existing infrastructure, business and community facilities.”*

Element 2 (Housing Choice) of this clause states the objective to:

- *“To encourage a wider variety of housing types, especially smaller and more compact housing, to meet the changing needs of the community.”*

Two of the strategies listed to assist the achievement of this are:

- *“Encourage diversity of dwelling type to provide greater choice and affordability;*
- *Publicise examples of best practice in modern housing design and development, particularly for medium density housing, to inform the community of new housing options and encourage innovation in housing development across the municipality.”*

Local Planning Policy (Clause 22)

Clause 22.03 (Car Parking Policy):

This clause applies to the use and development of all land within Latrobe. The basis for this policy relies on the knowledge that *“Land uses should generally cater for on-site provision of car parking. However, where circumstances arise for facilities to be provided off-site, car parking requirements are often waived and/or covered by cash-in-lieu contribution, orderly and proper provision of car parking is guided by this policy.”*

Clause 22.06 (Urban Residential Land Supply):

This policy relates to all urban residential zoned land in the main towns within Latrobe. The objectives of this policy include:

- *“To ensure that the design layout, height and appearance of new development, including landscaping, contributes to the improvement of the character, presentation, amenity and visual quality of towns;*
- *To increase the choice and availability of housing for a broad range of ages and lifestyles; and*
- *To encourage consolidation within the defined urban boundaries.”*

Zoning

The subject site is zoned ‘Residential 1’. Pursuant to Clause 32.01-4 of the Scheme, a planning permit is required to construct two or more dwellings on a lot. The proposal must also meet the requirements of the decision guidelines of Clause 32.01-4 and Clause 65 (Decision Guidelines). The ‘purpose’ of the Residential 1 Zone is:

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

The decision guidelines of Clause 32.01-4 are:

- *“The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and the local planning policies; and*
- *The objectives, standards and decision guidelines of Clause 55.”*

Overlay

There are no overlays that affect this property.

Particular Provisions

Clause 55 Two or More Dwellings on a Lot:

This clause applies to any application to construct two or more dwellings on a lot.

The 'Purpose' of Clause 55 'Two or more dwellings on a lot and residential buildings' is:

- *“To implement the State Planning Policy Framework and the Local Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
- *To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character;*
- *To encourage residential development that provides reasonable standards of amenity for existing and new residents;*
- *To encourage residential development that is responsive to the site and the neighbourhood.”*

Refer to the Clause 55 assessment that is attached to this report for further detail.

Decision Guidelines (Clause 65):

“Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- *The matters set out in Section 60 of the Act;*
 - *The relevant planning scheme; and*
 - *The objectives of planning in Victoria; and*
 - *All objections and other submissions which it has received and which have not been withdrawn; and*
 - *Any decision and comments of a referral authority which it has received; and*
 - *Any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
- *The purpose of the zone, overlay or other provision;*
- *Any matter required to be considered in the zone, overlay or other provision;*
- *The orderly planning of the area;*
- *The effect on the amenity of the area;*

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

Incorporated Documents (Clause 81):

There are no incorporated documents that relate specifically to the consideration of this application.

Relevant Planning Scheme Amendments:

Amendment C62 to the Scheme proposes changes to the municipal strategic statement and local planning policies. Amendment C62 is a seriously entertained planning scheme amendment pursuant to Section 60(1A)(c) of the Act.

Amendment C62 identifies the subject land as being within an existing urban area.

The proposed Clause 21.01 states that *‘Under a high growth scenario population projections indicate that Latrobe City will be home to about 84,000 residents in 2023 by which time the proportion of residents over the age of 60 will significantly increase.’*

The proposed Clause 21.04-1 states that *‘Council will consider planning applications and make decisions in accordance with the following vision:*

- *To promote the responsible and sustainable care of our built environment for the use and enjoyment of the people who make up the vibrant community of Latrobe Valley.*
- *To develop clear directions and strategies through consultation with the community ensuring sustainable and balanced development.’*

Clause 32.04-2 states that *‘the diversity in housing types available in the municipality contributes to the lifestyle choices provided and the overall attractiveness of the municipality as a place to live and invest. The priorities in all the main urban settlements are on realising opportunities for infill development, diversity of housing types, upgrading areas of public housing, improving residential amenity, while maximising existing infrastructure and community facilities...Given the land use constraints around the major towns there is an increasing need to reduce average residential property sizes so the remaining land is consumed at a more sustainable rate. The location of medium density housing close to activity centres in the main towns and Transit Cities should assist in strengthening and reinforcing those centres.’*

The relevant objectives within Clause 21.04-2 are:

- *‘To build upon the existing structure of the towns and settlements to create an integrated network of urban areas.*
- *To contain urban development within distinct boundaries.*
- *To encourage a wider variety of housing types, especially the smaller and more compact housing, to meet the changing needs of the community.’*

The relevant strategies within this clause are identified as being to:

- *‘Consolidate development within and around the existing towns and avoid unnecessary urban expansion and rural subdivision.*
- *Encourage diversity of dwelling type to provide greater choice and affordability.*
- *Encourage infill and renewal at a variety of dwelling densities.*

The proposed Clause 21.04-5 states that *‘a consistent landscaping treatment of private land and road reserves can also have a significant affect on the appearance and visual amenity of an area. In addition, the siting of buildings can have a critical impact on visual appearance within both urban streetscapes and rural landscapes.’*

The objective of this clause is stated as being *'to provide a visually attractive urban environment which displays a high level of civic pride and community satisfaction, and creates a positive image.'* One of the strategies within this clause that is most relevant to this application is the strategy to *'promote and support high quality urban design within the built environment.'*

The proposed Clause 21.05-2 states the objective to *'provide the flexibility for development to occur in each town to accommodate the needs of its population as well as to contribute to the municipal networked city.'*

This clause further states the strategies to be implemented:

- *'Encourage well designed, infill residential development throughout the existing urban area, especially in locations close to activity centres, areas of open space and areas with good public transport accessibility.'*
- *'Encourage walkable neighbourhood centres and increased densities around Transit City areas and neighbourhood clusters.'*
- *'Retain clear boundaries between urban areas and the surrounding rural environment.'*
- *'Protect areas for future urban growth, particularly the fragmentation of rural land on the urban fringe of major towns.'*

Objective two of this clause states the aim to *'facilitate development in accordance with the specific Town Structure Plan attached to this clause.'*

The strategies for implementation area identified as:

- *'Encourage consolidation of urban settlement within the urban zoned boundaries in accordance with the adopted structure plans.'*
- *'Discourage urban growth outside the urban development boundaries designated in the relevant local structure plan.'*
- *'Encourage medium density housing within the Transit City areas of the major town centres and neighbourhood clusters.'*
- *'Contain new residential subdivision within residential areas shown on the local structure plans.'*

The proposed Clause 21.08-3 states an objective to *'provide for walkable neighbourhoods, ensuring public transport, shops, public open space and mixed use community centres are close to dwellings.'* A strategy to achieve this is identified as being to *'promote active lifestyles and avoid social isolation by designing new dwellings to be close to user-friendly pedestrian and cycle paths that incorporate shade, toilet facilities, seating and directional signage where possible.'*

The proposal is supported by the new Municipal Strategic Statement that forms part of Planning Scheme Amendment C62, which Council resolved to adopt at the Ordinary Council Meeting 16 November 2009.

5. **ISSUES**

Strategic direction of the State and Local Planning Policy Frameworks:

The State and Local Planning Policy Framework provide strategic directions to provide medium density housing for the citizens of Latrobe City. The policy framework identifies the need for a variety of dwelling types and sizes to meet the changing needs of the community.

The application is considered to comply with the State and Local policies, as it proposes medium density housing and encourages a variety of dwelling types in the local area.

Strategic direction of Planning Scheme Amendment C62, the review of the Local Planning Policy Framework:

The revised local planning policy framework adopted at the Ordinary Council meeting on 16 November 2009 outlines a number of objectives and strategies relating to infill development and the aim to provide smaller more maintainable lots for the diverse needs of the community. The application is considered to comply with these provisions as it facilitates the medium density housing identified as being required in this framework.

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

The application is considered to comply with the purpose and decision guidelines of the Residential 1 Zone, as the application complies with the provisions of Clause 55 and is generally consistent with the State and Local Planning Policy Frameworks.

Clause 65 (Decision Guidelines):

The application is considered to comply with the Clause 65 Decision Guidelines as the application is consistent with the Scheme, the orderly planning of the area and is not considered to result in a significant affect on the amenity of the area.

The application received one submission in the form of an objection. The issues raised were:

1. Issue raised by objector: Loss of Property Values.

Officer Comment:

This is not considered a valid ground of objection unless it can be justified by a sworn professional valuation, and is usually not considered a ground for refusal when considered in VCAT hearings. As no sworn professional valuation has been submitted, this objection is outside the realms of matters to be considered by this application.

2. Issue raised by objector: Density of the Dwellings within the streetscape.

Officer Comment:

Allotments located within Gordon Street generally contain single dwellings set off the side boundaries and associated outbuildings. Planning policy encourages medium density housing developments that respect the existing streetscape, character, or preferred character of an area.

Whilst it is acknowledged that the density of the site varies from the immediately surrounding lots, the applicant has selected colours and materials that are similar to the surrounding dwellings to obtain a design that respects the existing character of the area. The dwellings are setback appropriately from the front and side title boundaries, and the design response is considered to be generally consistent with the appearance of the streetscape and the surrounding neighbourhood character.

The proposal is considered to reflect the character of the Gordon Street streetscape as one dwelling, i.e. Unit 1, will be visible from the street once the vacant residential lot located directly to the south of the site is developed with a dwelling.

The built form character of the streetscape will be retained by the design of this proposal.

3. Issue raised by objector: Inappropriate landscaping within the site.

Officer Comment:

As landscaping preferences are subjective, the appearance of particular vegetation is not a planning consideration. Any subsequent issues resulting from the vegetation on the subject land is a civil issue between land owners, and is not a Council matter.

However, in context to the proposal, the extent of landscaping proposed is appropriate and adequate room is provided for the planting of canopy trees.

4. Issue raised by objector: Noise emanating from the development.

Officer Comment:

Amenity issues relating to the possible future tenants of the dwellings are not identified by the *Planning and Environment Act 1987* as a valid planning objection. Therefore, this objection is outside the realms of matters to be considered by the Responsible Authority.

The residential noise associated with the development is considered to be minimal.

5. Issue raised by objector: The lack of privacy to surrounding lots.

Officer Comment:

As the dwellings are all single storey, and there is a 1.8m timber fence between the subject land and the surrounding neighbours, there will be no overlooking into adjoining properties. The 1.8 metre high fence will obscure views into adjoining properties. The application complies with the requirement of Clause 55.04-6 relating to overlooking into habitable room windows and private open space.

6. Issue raised by objector: Inconsistencies on the plans with the current fencing on the site.

Officer Comment:

A planning permit condition will be included to ensure that the height of the fencing is reflected correctly on any endorsed plans.

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:

Pursuant to the notice requirement of Section 52(1) of the Act, the applicant was required to notify adjoining property owners and occupiers and display a sign on the site.

Pursuant to Section 52(1)(d), the application was provided to Gippsland Water for consideration. Gippsland Water did not object to the granting of a planning permit, subject to the inclusion of appropriate notes to be included on an approved permit.

External:

There were no referral requirements pursuant to Section 55 of the Act.

Internal:

The application was referred internally to Council's Project Services team for consideration, who provided conditional consent to the granting of a planning permit.

Details of Community Consultation following Notification:

Following the advertising process, one submission in the form of an objection was received.

The land owner confirmed on 25 November 2009 that he did not feel that a mediation meeting would achieve an outcome favourable to both parties. As there is an objection lodged, the matter cannot be determined under officer delegation, and the matter is required to proceed to a Council meeting for determination.

8. OPTIONS

Council has the following options in regard to this application:

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

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

9. CONCLUSION

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Residential 1 Zone;
- Consistent with Planning Scheme Amendment C62, the revised local planning policy framework;
- Consistent with the 'Purpose' and 'Objectives' of Clause 55 (Two or more dwellings on a lot and residential buildings);
- Consistent with Clause 65 (Decision Guidelines); and
- The objection received has been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered. Whilst it is considered that this type of application will introduce a density and style of housing that may have some amenity impacts for the local area, on balance, the application meets the policy direction and objectives for residential infill development in the interests of the broader community.

10. RECOMMENDATION

That Council DECIDES to issue a Notice of Decision to Grant a Planning Permit, for the buildings and works associated with the construction of three dwellings on a lot, at Lot 2 Plan of Subdivision 604804A, more commonly known as 139 Gordon Street, Traralgon, with the following conditions:

1. Prior to the commencement of any buildings and works, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plans must show:
 - a) The fence located along the northern title boundary of the site to be at a height of 1.8 metres.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.
2. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. Within three months of the issue of a Certificate of Occupancy, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
4. 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.
5. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
6. Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.
7. External lighting shall be designed, baffled and located so as to prevent any adverse affect on the adjoining land, to the satisfaction of the Responsible Authority.
8. The exterior colour and cladding of the building must be of a non-reflective nature to the satisfaction of the Responsible Authority.
9. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimize mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.

Engineering Conditions:

10. Prior to the commencement of any works hereby permitted, a site drainage plan must be submitted to and approved by the Responsible Authority. The plan must show a drainage scheme providing for the conveying of stormwater to the legal point of discharge. When approved, the plan will be endorsed and will then form part of the permit.
11. Prior to the issue of a Certificate of Occupancy, the approved site drainage plan must be constructed and completed to the satisfaction of the Responsible Authority.
12. The driveway crossover must be constructed in accordance with Council's Design Guidelines – Urban Standards.
13. 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

14. This permit will expire if one of the following circumstances applies:
 - a) The development is 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. All buildings erected on this site must comply with the requirements of the Building Act 1993, the Building Regulations 2006, the Building Code of Australia 2007, Australian Standards and relevant municipal local laws.

Note 2. Legal Points of Discharge into Council's stormwater drain can be obtained by completing a Legal Point of Discharge form, found at www.latrobe.vic.gov.au.

Note 3. Any drainage connection into Council's stormwater drains or to a kerb or channel requires the approval of the Responsible Authority prior to the works commencing. The operator of this permit must obtain a Council Stormwater Connection Permit for new connections to Council drains or to a kerb or channel and these works are to be inspected by the Responsible Authority.

Note 4. Prior to the construction, alteration or removal of any vehicle crossing a Council Vehicle Crossing Permit is to be obtained. The issue of a planning approval for development applications that includes the construction, alteration or removal of a vehicle crossing does not obviate the requirements to also obtain a Vehicle Crossing Permit prior to the commencement of the vehicle crossing works.

Note 5. Prior to the commencement of buildings and works, the Responsible Authority must be notified in writing, of any proposed building work [as defined by Council's Local Law No. 3 (2006)] at least 7 days before the building work commences, or materials or equipment are delivered to the building site by a supplier; and unless otherwise exempted by the Responsible Authority, an Asset Protection Permit must be obtained.

Gippsland Water Note 1: A water main extension will be required for this development.

Gippsland Water Note 2: The existing water service located in Huntingfield Close must be capped.

Gippsland Water Note 3: For a quotation relating to sewerage and water costs and requirements, please contact Property Connections on (03) 5177 4648.

Gippsland Water Note 4: No construction is permitted within 1.0 metre of the sewer main(s), sewer manhole or sewer connection point.

Moved: Cr White

Seconded:

That the Recommendation be adopted.

There being no seconder to the Recommendation the Mayor confirmed that the Recommendation lapsed.

Moved: Cr Gibson

Seconded: Cr Lougheed

That Council DECIDES to issue a Notice of Refusal to Grant a Planning Permit, for the buildings and works associated with the construction of three dwellings on a lot, at Lot 2 Plan of Subdivision 604804A, more commonly known as 139 Gordon Street, Traralgon, with the following conditions:

1. The proposal does not meet the objective of Clause 32.01 (Residential 1 Zone) of the Latrobe Planning Scheme, as the proposed development does not comply with the Neighbourhood character objective of Clause 55.02-1.
2. The proposal does not meet the objective of Clause 16.02 (Medium Density Housing) as the proposed development does not respect the neighbourhood character.
3. The proposal does not meet the objectives of Clause 55.02-1 (neighbourhood character objectives), as the resulting residential development does not respect the existing neighbourhood character.

For the Motion

Councillors Fitzgerald, Kam, Vermeulen, Gibson, Middlemiss, Lougheed and O'Callaghan

Against the Motion

Councillors Price and White

The Mayor confirmed that the Motion had been CARRIED

ATTACHMENTS

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**11.3.4 PLANNING PERMIT APPLICATION 2009/419 - CONSTRUCTION
OF THREE DWELLINGS ON A LOT AND THREE LOT
SUBDIVISION - 10 GREYTHORN ROAD, TRARALGON**

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2009/419 for the construction of three dwellings on a lot and three lot subdivision, at Lot 193 Plan of Subdivision 614947L, more commonly known as 10 Greythorn Road, Traralgon.

2. DECLARATION OF INTERESTS

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

3. POLICY IMPLICATIONS

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.

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

Strategic Action – Built Environment Objective

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

Strategic Action – Community Capacity Building

Ensure the Latrobe Valley supports social and family life by promoting rights and respecting diversity.

This report is consistent with the *Planning and Environment Act 1987* and the Latrobe Planning Scheme.

4. **BACKGROUND**

4.1 **SUMMARY**

Land: Lot 193 Plan of Subdivision 614947L, more commonly known as 10 Greythorn Road, Traralgon.
Proponent: JJC Design
Zoning: Residential 1 Zone
Overlay: There are no overlays that affect this property.

A Planning Permit is required for construction of two or more dwellings on a lot, and to subdivide land within the Residential 1 Zone in accordance with Clauses 32.01-4 and 32.01-2 of the Latrobe Planning Scheme (the Scheme).

4.2 **PROPOSAL**

The application is for the construction of three single storey dwellings on the subject land and the corresponding subdivision of the site into three lots, sharing a common property driveway.

Each of the dwellings is comprised of two bedrooms with a car parking space located within a garage. There is the provision for an additional car parking space in front of the garages for each dwelling. A single shared concrete driveway will create access to the dwellings, running along the western property boundary of the site.

The dwellings provide secluded private open space to the east of each of the dwellings, accessible from the living areas of each dwelling. A landscaping plan has been submitted including the provision of one canopy tree within the rear yards of each of the dwellings.

The dwellings will be constructed of a variety of materials including brickwork and cladding in other parts. The gabled roof will be constructed of Colorbond sheeting, with capping as required. A covered porch allows for some articulation to each front entrance of the dwellings. A concrete footpath runs along the front boundary of the site along Greythorn Road.

Subject Land:

The subject land is located to the north east of the Traralgon, approximately 2 kilometres from the Traralgon central activity district. The site is relatively flat and has a total site area of 940 square metres. The boundary along the northern site connects to Greythorn Road at the intersection with Highfield Court. The eastern boundary of the site shares access with a vacant lot fronting Highfield Court. The western property boundary spans approximately 40 metres. The southern property boundary spans 20 metres, common with an existing dwelling accessing The Avenue.

There is no existing vegetation on the site that is required to be removed in order for the development to proceed.

Surrounding Land Use:

North: Vacant residential land.
South: Existing Dwelling on a lot fronting The Avenue; of approximately 1534 square metres.
East: Vacant residential land on a lot of approximately 1007 square metres.
West: Vacant residential land on a lot of approximately 749 square metres.

4.3 HISTORY OF APPLICATION

The application was received on 28 September 2009.

On 11 November 2009, Council Officers required the applicant to notify adjoining property owners and occupiers of the proposal, and display a sign on the site.

A completed Statutory Declaration form was received on 1 December advising that the notification process had been completed in accordance with the directions of Council.

One submission in the form of an objection was received on 24 November 2009.

A planning mediation meeting has not occurred as the objector could not attend the meeting, and both the applicant and objector felt that a mediation meeting would not achieve an outcome favourable to both parties.

4.4 LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 11.03 (Principles of Land Use and Development Planning):

Clause 11.03 states that “Society has various needs and expectations such as land for settlement, protection of the environment, economic well-being, various social needs, proper management of resources and infrastructure. Planning aims to meet these by addressing aspects of economic, environmental and social well-being affected by land use and development.”

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

Clause 14.01 (Planning for Urban Settlement):

Clause 14.01 states the objectives to “ensure a sufficient supply of land is available for residential, commercial, industrial, recreation, institutional and other public uses”, and also “to facilitate the orderly development of urban areas”.

Clause 14.01-2 further states that “In planning for urban growth, planning authorities should encourage consolidation of existing urban areas while respecting neighbourhood character. Planning authorities should encourage higher density and mixed use development near public transport routes.”

Clause 16.02 (Medium Density Housing):

The objective of this clause is stated as being to:

“Encourage the development of well-designed medium-density housing which:

- *Respects the neighbourhood character.*
- *Improves housing choice.*
- *Makes better use of existing infrastructure.*
- *Improves energy efficiency of housing.”*

Clause 19.03 (Design and Built Form):

The objective of this clause is stated as being to “*achieve high quality urban design and architecture that:*

- *Reflects the particular characteristics, aspirations and cultural identity of the community;*
- *Enhances liveability, diversity, amenity and safety of the public realm;*
- *Promotes the attractiveness of towns and cities within broader strategic contexts.”*

Local Planning Policy Framework

Municipal Strategic Statement (Clause 21)

Clause 21.01 (Municipal Profile):

Clause 21.01-7 states that “*the diversity in housing types available in the municipality contributes to the lifestyle choices provided and the overall attractiveness of the municipality as a place to live and invest”.*

This clause further states that “*there should be a growing need for affordable and easily maintained housing with good accessibility to facilities and services for older people and, therefore, greater diversity in the medium density type dwelling stock.”*

Clause 21.02 (Key Influences):

Clause 21.02-2 states that “*Social and economic trends should increase the need for a more diverse housing stock in urban areas, with an increasing need for well designed medium density accommodation.*

For example, the Office of Housing, Department of Human Services prepared the La Trobe Valley Stock Management Strategy for the period of 1994 to 1999. It recognises that the provision of housing stock needs to change considerably from ‘family’ stock to more accurately reflect demand from older persons, singles and youth to match demographic trends.

Recognition of the need for more affordable housing also leads to the need for a more diverse housing stock in the urban areas, such as, medium density accommodation.”

Clause 21.03 (Vision – Strategic Framework):

Clause 21.03-2 states various strategies identified in the *Latrobe Strategy Plan* to become:

- *“A unique and prosperous municipality benefiting from its central location in the diverse environment of Gippsland offering a wide range of attractive lifestyle choices in the many towns, smaller villages and rural parts of the municipality;*
- *A community which is proud of its heritage and is strong, resilient, creative, entrepreneurial, adaptable and caring with an optimistic future and strong focus on ‘quality of life’ issues.*
- *A cohesive municipality which:*
 - *Provides the opportunity for rich and varied lifestyles;*
 - *Satisfies the community’s needs for employment, housing, social interaction, shopping, education, health, entertainment, recreation, leisure and culture; and*
 - *Provides the means to access these opportunities conveniently by private and public transport.”*

Clause 21.04 (Objectives/Strategies/Implementation):

Clause 21.04-4 states that *“the priorities in all the main urban settlements should be on realising opportunities for infill development, diversity of housing types, upgrading of areas of public housing and generally improving the residential amenity of the municipality while maximising the use of capital and resources invested in existing infrastructure, business and community facilities.”*

Element 2 (Housing Choice) of this clause states the objective to:

- *“To encourage a wider variety of housing types, especially smaller and more compact housing, to meet the changing needs of the community.”*

Two of the strategies listed to assist the achievement of this are:

- *“Encourage diversity of dwelling type to provide greater choice and affordability;*
- *Publicise examples of best practice in modern housing design and development, particularly for medium density housing, to inform the community of new housing options and encourage innovation in housing development across the municipality.”*

Local Planning Policy (Clause 22)

Clause 22.03 (Car Parking Policy):

This clause applies to the use and development of all land within Latrobe. The basis for this policy relies on the knowledge that *“Land uses should generally cater for on-site provision of car parking. However, where circumstances arise for facilities to be provided off-site, car parking requirements are often waived and/or covered by cash-in-lieu contribution, orderly and proper provision of car parking is guided by this policy.”*

Clause 22.06 (Urban Residential Land Supply):

This policy relates to all urban residential zoned land in the main towns within Latrobe. The objectives of this policy include:

- *“To ensure that the design layout, height and appearance of new development, including landscaping, contributes to the improvement of the character, presentation, amenity and visual quality of towns;*
- *To increase the choice and availability of housing for a broad range of ages and lifestyles; and*
- *To encourage consolidation within the defined urban boundaries.”*

Zoning

The subject site is zoned ‘Residential 1’. Pursuant to Clause 32.01-4 of the Scheme, a planning permit is required to construct two or more dwellings on a lot. The proposal must also meet the requirements of the decision guidelines of Clause 32.01-4 and Clause 65 (Decision Guidelines). The ‘purpose’ of the Residential 1 Zone is:

- *“To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and the local planning polices;*

- *To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households;*
- *To encourage residential development that respects the neighbourhood character; and*
- *In appropriate locations, to allow educational, recreation, religious, community and a limited range of other non-residential uses to serve local community needs.”*

The decision guidelines of Clause 32.01-4 are:

- *“The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and the local planning policies; and*
- *The objectives, standards and decision guidelines of Clause 55.”*

Overlay

There are no overlays that affect this property.

Particular Provisions

Clause 55 Two or More Dwellings on a Lot:

This clause applies to any application to construct two or more dwellings on a lot.

The ‘Purpose’ of Clause 55 ‘Two or more dwellings on a lot and residential buildings’ is:

- *“To implement the State Planning Policy Framework and the Local Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
- *To achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character;*
- *To encourage residential development that provides reasonable standards of amenity for existing and new residents;*
- *To encourage residential development that is responsive to the site and the neighbourhood.”*

Refer to the Clause 55 assessment that is attached to this report for further detail.

Decision Guidelines (Clause 65):

“Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- *The matters set out in Section 60 of the Act;*
 - *The relevant planning scheme; and*
 - *The objectives of planning in Victoria; and*
 - *All objections and other submissions which it has received and which have not been withdrawn; and*
 - *Any decision and comments of a referral authority which it has received; and*
 - *Any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;*
- *The purpose of the zone, overlay or other provision;*
- *Any matter required to be considered in the zone, overlay or other provision;*
- *The orderly planning of the area;*
- *The effect on the amenity of the area;*
- *The proximity of the land to any public land;*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site;*
- *The extent and character of native vegetation and the likelihood of its destruction;*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate;*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.”*

Incorporated Documents (Clause 81):

There are no incorporated documents that relate specifically to the consideration of this application.

Relevant Planning Scheme Amendments:

Amendment C62 to the Scheme proposes changes to the municipal strategic statement and local planning policies. Amendment C62 is a seriously entertained planning scheme amendment pursuant to Section 60(1A)(c) of the Act.

Amendment C62 identifies the subject land as being within an existing urban area.

The proposed Clause 21.01 states that *'Under a high growth scenario population projections indicate that Latrobe City will be home to about 84,000 residents in 2023 by which time the proportion of residents over the age of 60 will significantly increase.'*

The proposed Clause 21.04-1 states that *'Council will consider planning applications and make decisions in accordance with the following vision:*

- *To promote the responsible and sustainable care of our built environment for the use and enjoyment of the people who make up the vibrant community of Latrobe Valley.*
- *To develop clear directions and strategies through consultation with the community ensuring sustainable and balanced development.'*

Clause 32.04-2 states that *'the diversity in housing types available in the municipality contributes to the lifestyle choices provided and the overall attractiveness of the municipality as a place to live and invest. The priorities in all the main urban settlements are on realising opportunities for infill development, diversity of housing types, upgrading areas of public housing, improving residential amenity, while maximising existing infrastructure and community facilities... Given the land use constraints around the major towns there is an increasing need to reduce average residential property sizes so the remaining land is consumed at a more sustainable rate. The location of medium density housing close to activity centres in the main towns and Transit Cities should assist in strengthening and reinforcing those centres.'*

The relevant objectives within Clause 21.04-2 are:

- *'To build upon the existing structure of the towns and settlements to create an integrated network of urban areas.*

- *To contain urban development within distinct boundaries.*
- *To encourage a wider variety of housing types, especially the smaller and more compact housing, to meet the changing needs of the community.'*

The relevant strategies within this clause are identified as being to:

- *'Consolidate development within and around the existing towns and avoid unnecessary urban expansion and rural subdivision.*
- *Encourage diversity of dwelling type to provide greater choice and affordability.*
- *Encourage infill and renewal at a variety of dwelling densities.*

The proposed Clause 21.04-5 states that *'a consistent landscaping treatment of private land and road reserves can also have a significant affect on the appearance and visual amenity of an area. In addition, the siting of buildings can have a critical impact on visual appearance within both urban streetscapes and rural landscapes.'*

The objective of this clause is stated as being *'to provide a visually attractive urban environment which displays a high level of civic pride and community satisfaction, and creates a positive image.'* One of the strategies within this clause that is most relevant to this application is the strategy to *'promote and support high quality urban design within the built environment.'*

The proposed Clause 21.05-2 states the objective to *'provide the flexibility for development to occur in each town to accommodate the needs of its population as well as to contribute to the municipal networked city.'* This clause further states the strategies to be implemented:

- *'Encourage well designed, infill residential development throughout the existing urban area, especially in locations close to activity centres, areas of open space and areas with good public transport accessibility.*
- *Encourage walkable neighbourhood centres and increased densities around Transit City areas and neighbourhood clusters.*
- *Retain clear boundaries between urban areas and the surrounding rural environment.*

- *Protect areas for future urban growth, particularly the fragmentation of rural land on the urban fringe of major towns.'*

Objective two of this clause states the aim to *'facilitate development in accordance with the specific Town Structure Plan attached to this clause.'* The strategies for implementation area identified as:

- *'Encourage consolidation of urban settlement within the urban zoned boundaries in accordance with the adopted structure plans.*
- *Discourage urban growth outside the urban development boundaries designated in the relevant local structure plan.*
- *Encourage medium density housing within the Transit City areas of the major town centres and neighbourhood clusters.*
- *Contain new residential subdivision within residential areas shown on the local structure plans.'*

The proposed Clause 21.08-3 states an objective to *'provide for walkable neighbourhoods, ensuring public transport, shops, public open space and mixed use community centres are close to dwellings.'* A strategy to achieve this is identified as being to *'promote active lifestyles and avoid social isolation by designing new dwellings to be close to user-friendly pedestrian and cycle paths that incorporate shade, toilet facilities, seating and directional signage where possible.'*

The proposal is supported by the new Municipal Strategic Statement that forms part of Planning Scheme Amendment C62, which Council resolved to adopt at the Ordinary Council Meeting held on 16 November 2009.

5. **ISSUES**

Strategic direction of the State and Local Planning Policy Frameworks:

The State and Local Planning Policy Framework provide strategic directions to provide medium density housing for the citizens of Latrobe City. The policy framework identifies the need for a variety of dwelling types and sizes to meet the changing needs of the community.

The application is considered to comply with the State and Local policies, as it proposes medium density housing and encourages a variety of dwelling types in the local area.

Strategic direction of Planning Scheme Amendment C62, the review of the Local Planning Policy Framework:

The revised local planning policy framework adopted at Ordinary Council meeting on 16 November 2009 outlines a number of objectives and strategies relating to infill development and the aim to provide smaller more maintainable lots for the diverse needs of the community. The application is considered to comply with these provisions as it facilitates the medium density housing identified as being required in this framework.

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

The application is considered to comply with the purpose and decision guidelines of the Residential 1 Zone, as the application complies with the provisions of Clause 55 and is generally consistent with the State and Local Planning Policy Frameworks.

Clause 65 (Decision Guidelines):

The application is considered to comply with the Clause 65 Decision Guidelines as the application is consistent with the Scheme, the orderly planning of the area and is not considered to result in a significant affect on the amenity of the area.

The application received one submission in the form of an objection. The issues raised were:

1. Issue raised by objector: Incompatibility with the neighbourhood character.

Officer Comment:

Allotments located within Greythorn Road contain a mixture of single dwellings set off the side boundaries and vacant residential allotments. Planning policy encourages medium density housing developments that respect the existing streetscape, character, or preferred character of an area.

Whilst it is acknowledged that the density of the site varies from the immediately surrounding lots, the applicant has selected colours and materials that are similar to nearby dwellings to obtain a design that respects the existing character of the area. The dwellings are setback appropriately from the front and side title boundaries, and the design response is considered to be generally consistent with the appearance of the streetscape and the surrounding neighbourhood character.

The proposal is considered to reflect the character of the Greythorn Road streetscape as one dwelling, i.e. Unit 1, will be visible from the street once the vacant residential lot located directly to the east and west of the site are developed with a dwelling.

The built form character of the streetscape will be retained by the design of this proposal.

2. Issue raised by objector: Location of car parking, and associated safety issues.

Officer Comment:

Each of the dwellings within the development provides adequate on site car parking, and has been considered against Standard B16 of Clause 55 of the Scheme.

The number of car parking spaces provided on site exceeds the minimum requirements of Clause 55 by one spaces per dwelling (there are two spaces provided for each dwelling, and one space are required).

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:

Pursuant to the notice requirement of Section 52(1) of the Act, the applicant was required to notify adjoining property owners and occupiers and display a sign on the site.

External:

In accordance with the referral requirements of Section 55 of the Act, the application was referred to SPI Electricity Pty Ltd, Gippsland Water, Telstra and the APA Group for consideration.

Gippsland Water provided consent to the granting of a planning permit, subject to appropriate conditions.

SPI Electricity Pty Ltd provided consent to the granting of a planning permit, subject to appropriate conditions.

Telstra provided consent to the granting of a planning permit, subject to appropriate conditions.

The APA Group provided consent to the granting of a planning permit.

Internal:

The application was referred internally to Council's Project Services team for consideration, who provided consent to the granting of a planning permit subject to appropriate conditions.

Details of Community Consultation following Notification:

Following the advertising process, one submission in the form of an objection was received.

Council Officer's confirmed with the objector and applicant that a mediation meeting would not achieve an outcome favourable to both parties. As the objectors currently reside in Queensland, there was a potentially lengthy delay in arranging an appropriate meeting date. As there is an objection lodged, the matter cannot be determined under officer delegation, and the matter is required to proceed to a Council meeting for determination.

8. OPTIONS

Council has the following options in regard to this application:

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

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

9. CONCLUSION

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Residential 1 Zone;
- Consistent with Planning Scheme Amendment C62, the revised local planning policy framework;
- Consistent with the 'Purpose' and 'Objectives' of Clause 55 (Two or more dwellings on a lot and residential buildings);
- Consistent with Clause 65 (Decision Guidelines); and
- The objection received has been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered. Whilst it is considered that this type of application will introduce a density and style of housing that may have some amenity impacts for the local area, on balance, the application meets the policy direction and objectives for residential infill development in the interests of the broader community.

10. RECOMMENDATION

- A. That Council DECIDES to issue a Notice of Decision to Grant a Planning Permit, for the buildings and works associated with the construction of three dwellings on a lot and corresponding subdivision, at Lot 193 Plan of Subdivision 614947L, more commonly known as 10 Greythorn Road, Traralgon, with the following conditions:

1. The development and subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. Prior to the issue of a Statement of Compliance, the buildings and works approved by this permit must be completed to the satisfaction of the Responsible Authority.

Alternatively, the operator of this permit must enter into an agreement with the Responsible Authority, made pursuant to Section 173 of the Planning and Environment Act 1987, to provide for the following:

- a) That the development as approved as part of Planning Permit 2009/419 must be completed in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.

Before the issue of a Statement of Compliance, application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act. The operator of this permit must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

Prior to the issue of a Statement of Compliance, the operator of this permit must provide Council with a copy of the dealing number issued by the Titles Office. Once titles are issued, Council requires the operator of this permit or its legal representative to provide either:

- a) A current title search; or
- b) A photocopy of the duplicate certificate of title as evidence of registration of the Section 173 Agreement on title. Within three months of the issue of a Certificate of Occupancy, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

3. 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.
4. Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.
5. External lighting must be designed, baffled and located so as to prevent any adverse effect on the adjoining land to the satisfaction of the Responsible Authority.

6. The exterior colour and cladding of the buildings must be of a non-reflective nature, to the satisfaction of the Responsible Authority.
7. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
8. All existing and proposed easements and sites for existing and required utility services must be set aside in favour of the relevant authority for which the easement or site is to be created on the plan of subdivision submitted under the Subdivision Act 1988.
9. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimize mud, crushed rock or other debris being carried onto public roads or footpaths from the subject land, to the satisfaction of the Responsible Authority.

Engineering Conditions:

10. Prior to the Certification of the Plan of Subdivision, a site drainage plan must be submitted to and approved by the Responsible Authority. The plan must show a drainage scheme providing for the conveying of stormwater from each allotment separately to the legal point of discharge. When approved, the plan will be endorsed and will then form part of the permit.
11. Prior to the issue of Statement of Compliance, the owner/applicant must construct a property connection for each lot to the legal point of discharge and construct the overall drainage scheme in accordance with drainage plans approved by the Responsible Authority.
12. The driveway crossovers must be constructed to Council Design Guidelines – Urban Standards.
13. 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.

Telstra Condition:

14. The operator of this permit must meet the requirements of Telstra in that, prior to the issues of Certification/Statement of Compliance, that:
 - a) The plan of subdivision submitted for certification be referred to Telstra in accordance with Section 8 of the Subdivision Act 1988.

SPI Electricity Pty Ltd Conditions:

15. The operator of this permit must meet the requirements of SPI Electricity Pty Ltd in that, prior to the issues of Certification/Statement of Compliance, they:
 - a) Enter into an agreement with SPI Electricity Pty Ltd for the supply of electricity to each lot on the endorsed plan.
 - b) Enter into an agreement with SPI Electricity Pty Ltd for the rearrangement of the existing electricity supply system.
 - c) Enter into an agreement with SPI Electricity Pty Ltd for rearrangement of the points of supply to any existing installations affected by any private electricity power line which would cross a boundary created by the subdivision, or by such means as may be agreed by SPI Electricity Pty Ltd.
 - d) Provide easements satisfactory to SPI Electricity Pty Ltd for the purpose of "Power Line" in favour of "SPI Electricity Pty Ltd" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing SPI Electricity Pty Ltd electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
 - e) Obtain for the use of SPI Electricity Pty Ltd any other easement required to service the lots.
 - f) Adjust the position of any existing SPI Electricity Pty Ltd easement to accord with the position of the electricity line(s) as determined by survey.
 - g) Set aside on the plan of subdivision Reserves for the use of SPI Electricity Pty Ltd for electric substations.
 - h) Provide survey plans for any electric substations required by SPI Electricity Pty Ltd and for associated power lines and cables and executes leases for a period of 30 years, at a nominal rental with a right to extend the lease for a further 30 years. SPI Electricity Pty Ltd requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.

- i) Provide to SPI Electricity Pty Ltd a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
- j) Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by SPI Electricity Pty Ltd. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
- k) Ensure that all necessary auditing is completed to the satisfaction of SPI Electricity Pty Ltd to allow the new network assets to be safely connected to the distribution network.

Expiry of Permit:

16. This permit will expire if one of the following circumstances applies:

- a) The development is 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: Legal Points of Discharge into Council's stormwater drain can be obtained by completing a Legal Point of Discharge form, found at www.latrobe.vic.gov.au.

Note 2: Any drainage connection into Council's stormwater drains or to a kerb or channel requires the approval of the Responsible Authority prior to the works commencing. The operator of this permit must obtain a Council Stormwater Connection Permit for new connections to Council drains or to a kerb or channel and these works are to be inspected by the Responsible Authority.

Note 3: Prior to the construction, alteration or removal of any vehicle crossing a Council Vehicle Crossing Permit is to be obtained. The issue of a planning approval for development applications that includes the construction, alteration or removal of a vehicle crossing does not obviate the requirements to also obtain a Vehicle Crossing Permit prior to the commencement of the vehicle crossing works.

- Note 4: Prior to the commencement of works, the Responsible Authority must be notified in writing, of any proposed building work (as defined by Council's Local Law No. 3 (2006)) at least 7 days before the building work commences, or before materials or equipment are delivered to the building site by a supplier; and unless otherwise exempted by the Responsible Authority, an Asset Protection Permit must be obtained.
- Note 5: All buildings and works erected on this site must comply with the requirements of the Building Act 1993, the Building Regulations 2006, the Building Code of Australia 2007, Australian Standards and relevant local municipal laws.
- Telstra Note 1: Approval does not cover alterations to existing Telstra Plant or Network. Locations of existing network can be obtained from Dial Before You Dig – Ph: 1100.
- Telstra Note 2: For co-ordinated Telstra plant reticulation in this development, please refer to www.telstrasmartcommunity.com to Register your Development and Apply for Reticulation.

- B. That Council authorises the Chief Executive Officer to sign and seal an agreement under Section 173 of the Planning and Environment Act 1987 in accordance with the planning permit arising from Application 2009/419, for the construction of three dwellings on a lot and three lot subdivision at Lot 193 Plan of Subdivision 614947L, more commonly known as 10 Greythorn Road, Traralgon.

Moved: Cr Fitzgerald
Seconded: Cr Gibson

That Council DECIDES to issue a Notice of Refusal to Grant a Planning Permit, for the buildings and works associated with the construction of three dwellings on a lot and corresponding subdivision, at Lot 193 Plan of Subdivision 614947L, more commonly known as 10 Greythorn Road, Traralgon, with the following conditions:

1. The proposal does not meet the objective of Clause 32.01 (Residential 1 Zone) of the Latrobe Planning Scheme, as the proposed development does not comply with the Neighbourhood character objective of Clause 55.02-1.
2. The proposal does not meet the objective of Clause 16.02 (Medium Density Housing) as the proposed development does not respect the neighbourhood character.

3. The proposal does not meet the objectives of Clause 55.02-1 (neighbourhood character objectives), as the resulting residential development does not respect the existing neighbourhood character.
4. The proposal does not meet the decision guidelines of Clause 55.03-9 (Access objectives), as vehicle access to Unit 1 is not safe, manageable nor convenient as there is the potential for conflict with the vehicle access to Units 2 and 3.
5. The proposal does not meet the decision guidelines of Clause 55.03-10 (Parking location objectives), as the car parking facilities are not designed to allow for safe and efficient movements within the development.

CARRIED UNANIMOUSLY

ATTACHMENTS

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**11.3.5 NOMINATION OF NO.21 DREDGER FOR INCLUSION ON THE
VICTORIAN HERITAGE REGISTER**

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

1. PURPOSE

The purpose of this report is to provide information to Council regarding the proposed inclusion of the No.21 Dredger, Ridge Road Morwell on the Victorian Heritage Register and to recommend the preparation of a submission supporting the inclusion of the No.21 Dredger on the Victorian Heritage Register for consideration by the Victorian Heritage Council.

2. DECLARATION OF INTERESTS

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

3. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2009-2013

Strategic Objective – Sustainability

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

Community Outcome – Built Environment Sustainability

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

Strategic Action

Protect the area's historical character and heritage features.

Key priorities and Actions

Progress the planning scheme amendment to introduce heritage provisions into the Latrobe Planning Scheme.

4. BACKGROUND

The National Trust has nominated the No.21 Dredger for inclusion on the Victorian Heritage Register.

The No.21 Dredger is currently located on land owned and managed by Powerworks, Lot 1 PS512365, Corner of Ridge Road and Commercial Road, Morwell.

In May 2009 Council received advice from Heritage Victoria that they had accepted the nomination from the National Trust and that the Executive Director of Heritage Victoria had completed an assessment of the historical and cultural heritage significance of the No.21 Dredger (see attachment 1 and 2).

Notification of the assessment was published in the Herald Sun on Friday, 21 August 2009 which recommended that the No.21 Dredger be included on the in the Victorian Heritage Register.

Councillors were advised regarding this development via two articles published in Councillor Bulletins during May and August 2009.

On 11 November 2009, Latrobe City Council was advised that at the request of an interested party (Powerworks) the Registrations Committee of the Heritage Council had scheduled a hearing for 12 February 2010. Interested parties can provide a submission outlining their views and request to be heard before the Registrations Committee. All submissions are to be lodged with the Heritage Council by 15 January 2010 (see attachment 3).

5. ISSUES

The No.21 Dredger typifies the significant change which took place in the mechanisation of the Latrobe Valley Coal mining industry during the post war period of the 1950's. This dredger was the first bucket wheel dredger to be used in Morwell and may be the only pre-war designed dredger to exist in Australia.

The No.21 Dredger also highlights the importance of the Latrobe Valley's power generation industry to the broader history and ongoing development of Victoria.

It is noted that the recently adopted 2008 Latrobe City Heritage Study did not recommend the inclusion of the No.21 Dredger within the heritage overlay of the Latrobe Planning Scheme. The report did however recommend that places and objects associated with the power generation industry were of state significance and recommended Council request that Heritage Victoria undertake this assessment.

Inclusion of the No.21 Dredger on the Victorian Heritage Register will automatically result in the inclusion of the Dredger within the Heritage Overlay provided by the local planning scheme.

There is an opportunity for Council to provide a written submission and request to appear at the Registrations Committee hearing scheduled to take place on Friday, 12 February 2010. As stated earlier, all submissions are to be lodged with the Heritage Council by midday on 15 January 2009.

Powerworks have previously indicated to Council that they have concerns with regard to the safety and maintenance of the No.21 Dredger. It is understood that Powerworks intend to dispute the proposed inclusion of the No.21 Dredger on the Victorian Heritage Register and will be attending the 12 February Registrations Committee hearing.

A submission outlining the views of Powerworks has not yet been made available. All submissions to be presented at the hearing will be publicly available following 15 January 2009.

The assessment criteria which will be considered by the Registrations Committee are provided at attachment 3.

6. FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications associated with Council's preparation of submission for consideration by the Victorian Heritage Council.

7. INTERNAL / EXTERNAL CONSULTATION

Council has consulted with Powerworks (the landowner) with regard the proposed inclusion of the No.21 Dredger on the Victorian Heritage Register. As discussed earlier in this report Powerworks have concerns with regard to the safety and maintenance of the No.21 Dredger. Powerworks staff have verbally communicated that they intend to dispute the proposed inclusion of the No.21 Dredger on the Victorian Heritage Register.

8. OPTIONS

The options available to Council are as follows:

1. That Council resolve to lodge a submission supporting the inclusion of No.21 Dredger on the Victorian Heritage Register for consideration by the Victorian Heritage Council.
2. That Council resolve not to lodge a submission supporting the inclusion of No.21 Dredger on the Victorian Heritage Register for consideration by the Victorian Heritage Council.

9. CONCLUSION

Following the nomination of the No.21 Dredger to Heritage Victoria the Executive Director has recommended that the No.21 Dredger, Ridge Road, Morwell be included as part of the Victorian Heritage Register.

A hearing date has been set for Friday, 12 February 2010 which will allow interested parties the opportunity to discuss the cultural heritage significance of the No.21 Dredger.

Council has the opportunity to provide a submission of support for the inclusion of the No.21 Dredger on the Victorian Heritage Register. All submissions will be considered by the Victorian Heritage Council at the registrations hearing.

10. RECOMMENDATION

- 1. That Council prepares a submission in support of the inclusion of the No.21 Dredger on the Victorian Heritage Register for consideration by the Victorian Heritage Council.**
- 2. That the submission in support of the inclusion of the No.21 Dredger on the Victorian Heritage Register, be lodged with Victorian Heritage Council by 15 January 2010.**

Moved: Cr Lougheed

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

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RECREATIONAL AND CULTURAL LIVEABILITY

**11.4.1 CRINIGAN BUSHLAND RESERVE 2009/10 SUMMER SEASON
FIRE PREPARATION - PROPOSED ALTERNATIVE ACTION**

AUTHOR: General Manager Recreational Liveability
(ATTACHMENT – YES)

1. PURPOSE

This report presents Council with information in regards to a proposed cool burn to reduce fuel loads in the Crinigan Bushland Reserve and recommends an alternate method to achieve the desired fire prevention outcome.

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.

Strategic Action

Facilitate the maintenance and upgrading of parks and open spaces by friends and user groups.

4. BACKGROUND

A petition was received by Latrobe City Council on 27 February 2009, signed by 22 residents of Crinigan Road, Morwell. The petition requested that Latrobe City Council carry out works within Crinigan Bushland Reserve to remove a perceived fire danger.

The petition was presented to Council at the 6 April 2009 Ordinary Council Meeting and Council resolved:

1. *That Council resolves not to lay the petition regarding fire danger at Crinigan Bushland Reserve, on the table, and considers the petition at this Ordinary Council Meeting.*
2. *That Latrobe City Council officers in conjunction with the Crinigan Bushland Reserve Committee of Management, Morwell CFA and the Department of Sustainability and Environment carry out an inspection of the reserve in April 2009 in preparation for the 2009/2010 summer season.*
3. *That the head petitioner be advised of Council's decision in relation to the petition being that Latrobe City Council's Municipal Fire Prevention Officer does not consider the reserve to be a significant fire hazard and that an inspection will be carried out in April 2009 by Latrobe City Council officers with the reserve Committee of Management, Morwell CFA and the Department of Sustainability and Environment in preparation for the 2009/2010 summer season as per the requirements of the Crinigan Bushland Reserve Management Plan 1999, and that the results of the inspection be communicated to the Head Petitioner.*
4. *That a report be presented to Council regarding the outcome of the meeting with Latrobe City Officers. In conjunction with the Crinigan Bushland Reserve Committee of Management, Morwell CFA and the Department of Sustainability and Environment regarding what preparation will be done for the 2009/2010 summer season.*

In accordance with the adopted resolution from the 6 April 2009 Ordinary Council Meeting, a further report was presented to Council at the 28 April 2009 Ordinary Meeting. The report presented the results of an onsite meeting held on Tuesday, 28 April 2009 at the Crinigan Bushland Reserve with representatives from Latrobe City Council, Crinigan Bushland Reserve Committee of Management, Country Fire Authority (CFA) and the Department of Sustainability and Environment (DSE). During the inspection, officers discussed the potential preparatory works that could be undertaken in the reserve prior to the 2009/10 summer season.

Discussion focussed on selecting an area to conduct a cool burn by the CFA as well as investigating the continued removal of pockets of Burgan vegetation by the reserve Committee of Management.

Burgan (*Kunzea ericoides*) is a tall shrub or tree which grows to 5m in height and is self propagating.

During the inspection it was recommended by the Morwell CFA that a burn be carried out on the southern side of the reserve beside the Crinigan Road fire break. The burn would be conducted along the 530 metre southern edge of the reserve and proceed into the bushland for a distance of approximately 20 metres. The burn would be scheduled for completion between June and November 2009 and would be conducted by the CFA in consultation with DSE officers.

The head petitioner was consulted prior to the joint inspection to clarify the community concerns. As a result an inspection of the reserve was conducted on Monday, 27 April 2009 with Latrobe City's Coordinator Recreation Liaison and the head petitioner.

At the 15 June 2009 Council Ordinary Meeting the following recommendation was adopted by Council:

1. *That Council endorses the recommended actions regarding the Crinigan Bushland Reserve Committee of Management's intention to conduct a cool burn along the southern edge of the reserve bushland for approximately 530 metres in length and 20 metres deep by the Morwell CFA before November 2009.*
2. *That the Crinigan Bushland Reserve Management Plan (1999) be reviewed to include a 10 year fire protection and Burgan removal works schedule.*
3. *That the head petitioner, Mr Lance Hunt be formally advised of Council's decision in relation to the Crinigan Bushland Reserve 2009/2010 Summer Season fire preparation.*

5. **ISSUES**

In preparation for the cool burn, discussions took place between the CFA, Council's Municipal Fire Prevention Officer and the Coordinator Recreation Liaison. Unfortunately the CFA did not have sufficient trained staff at the time to carry out the cool burn in accordance with the Council resolution.

Council officers investigated other organisations (DSE) and private businesses (Ecological Fire Services, Gippsland Land Services) that could potentially carry out the cool burn.

DSE could not carry out the works due to their own fire season preparations.

Ecological Fire Services did not recommend a cool burn but however recommended a manual fuel reduction. It was their view that this would achieve the same outcome.

Gippsland Land Services indicated that they could carry out the burn however insurance premiums due to the potential risk made the exercise cost prohibitive.

With the fire season was drawing nearer, the Committee requested further direction from Roger Strickland, Senior Instructor from CFA Gippsland regarding conducting of the cool burn or an alternate method of reducing the fire risk in the nominated area by manually reducing the fuel load. The following information was received from Mr Strickland:

“Based on my experience with planning of burns in this reserve in previous years, I am aware of a number of issues there regarding the conduct of prescribed burning, for example:

- *smoke is a critical issue for the hospital at the west end, which cannot accept contamination of the operating theatre air intake*
- *smoke is an issue for the sports complex at the eastern end*
- *smoke may well be an issue for the neighbours immediately adjacent to the south, as well as possible cinders and embers should they float across the reserve boundary fence onto shade cloth, awnings, clothes lines etc.*
- *without having recent knowledge of works within the reserve in the area of the proposed burn, the planting of young trees has prevented the use of prescribed burning in the past. (Young plants would be immediately killed by any fire)*

I am aware of alternative treatments implemented in the reserve in the past which have substantially reduced the fine fuel hazard, namely the removal of tea-tree species by mechanical cutting, piling in small heaps in a clear area and subsequently burning or mulching outside the fire season and at a distance that minimised negative impacts on neighbours.

In view of the above issues, some form of mechanical brush cutting, mowing, slashing or mulching to modify the arrangement of fine fuels in the area may be a more suitable method to achieve the objective of reducing fire risk.

These alternatives are commonly used in similar circumstances elsewhere, where the risk from smoke, cinders and ash are considered too great, or where there are other difficulties associated with implementing broad scale planned fire.”

Mr Strickland was not the CFA officer who provided the original advice in regards to the cool burn.

The research undertaken has identified that there is significant potential risk associated with a cool burn compared to a manual fuel reduction method which does not pose any significant risk.

It should also be noted that in November this year several cool burns burnt out of control causing the CFA to place a ban on burns during the two weeks of unseasonal heat.

A contractor has provided a quote to carry out the manual reduction works along the area nominated. This will entail the use of manual labour utilising hand tools such as whipper snipers, brush cutters, rakes, wheel barrows etc. The gathered material would be removed from the site. The committee in conjunction with DSE and Council officers will identify and mark important plants and grasses for protection prior to the contractor carrying out any works.

The head petitioner has been consulted in regards to the option of carrying out a manual fuel reduction as opposed to the cool burn and is supportive of the alternate action.

6. FINANCIAL AND RESOURCES IMPLICATIONS

The Committee of Management are allocated an annual maintenance grant of \$10,700 which will be utilised for this work. It is expected that the cost of these works will be approximately \$2,500.

7. INTERNAL / EXTERNAL CONSULTATION

The head petitioner and the Crinigan Bushland Reserve Committee have both been consulted in regards to the proposed alternate action and have indicated their support.

8. OPTIONS

Council has the following options;

1. Resolve to carry out a manual fuel reduction to reduce the fuel loads along the southern side of the reserve. This is the preferred option as it minimises the substantial risks associated with burning to reduce fuel loads.
2. Resolve to carry out the cool burn to reduce the fuel loads as per the resolution of Council 15 June 2009 Council Ordinary Meeting. This is not the preferred option due to the risks associated with carrying out a burn and it is also very difficult to engage a suitably qualified organisation.
3. Resolve not to carry out any fuel reduction works within the reserve. This is also not a preferred option as there is a minimal risk solution that can be undertaken immediately which will reduce the risk of fire.

9. CONCLUSION

After investigations it has been demonstrated that a manual fuel reduction will achieve the same outcome as a cool burn, however with significant less risk.

It is recommended to carry out the works as soon as possible before the weather heats up and to notify in writing the head petitioner and petitioners accordingly.

10. RECOMMENDATION

1. **That Council approves a manual fuel reduction to reduce fuel loads on the southern side of the Crinigan Bushland Reserve.**
2. **That Council notifies, in writing the head petitioner and all other petition signatories to advise of the resolution to conduct a manual reduction of the fuel load along the southern side of the reserve.**

Moved: Cr Middlemiss

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT



↑
**PROPOSED COOL BURN AREA MEASURING APPROXIMATELY
530 METRES LONG AND 20 METRES DEEP**

GOVERNANCE

11.6.1 PROCUREMENT POLICY CONSULTATION

AUTHOR: General Manager Governance
(ATTACHMENT – NO)

1. PURPOSE

The purpose of this report is to inform Council of the community feedback received in relation to the procurement policy that was adopted by Council on 16 November 2009.

2. DECLARATION OF INTERESTS

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

3. POLICY IMPLICATIONS

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

Latrobe 2021 and Council Plan 2009-2013

Strategic Objective – Governance

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

Community Outcome – Legislative Governance

By ensuring adherence to legislative requirements.

Strategic Action

Ensure compliance with the Local Government Act.

Ensure compliance with other relevant legislation.

4. BACKGROUND

Section 186A of the *Local Government Act 1989* required Council to prepare and approve a procurement policy within 12 months after the commencement of the *Local Government Amendment Act 2008*. The procurement policy was subsequently adopted by Council on 16 November 2009.

Public notice of the adoption of the procurement policy was subsequently made on 23 November 2009 inviting feedback from the public.

5. ISSUES

Council's Community Engagement Policy and Strategy require a notice to be placed in the local newspaper as well as placing a notice on Council's website, to inform the public of its intention to consider a new policy. As the public notice that was due to be placed on 2 November 2009 did not eventuate a subsequent public notice was placed in the Latrobe Valley Express and on Council's website on Monday, 23 November 2009.

6. FINANCIAL AND RESOURCES IMPLICATIONS

There are no direct financial implications associated with the implementation of the procurement policy.

7. INTERNAL / EXTERNAL CONSULTATION

A public notice was placed in the Latrobe Valley Express and on Council's web page on Monday, 23 November 2009 advising of the adoption of the procurement policy and inviting feedback from the community.

8. OPTIONS

1. Note the content of the report; or
2. Seek further information.

9. CONCLUSION

The public comment period closed on 4 December 2009. No comments from the public were received as a result of this process.

10. RECOMMENDATION

That Council notes the content of the report in relation to community feedback on the procurement policy.

Moved: Cr Lougheed
Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

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**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 12647 CONSTRUCTION OF THE CALLIGNEE COMMUNITY CENTRE	(d) CONTRACTUAL MATTERS
15.4 ITT 12702 PROVISION OF RECRUITMENT AND SELECTION SERVICES	(d) CONTRACTUAL MATTERS
15.5 ITT 12732 CIVIL WORKS AT TED SUMMERTON RESERVE, MOE	(d) CONTRACTUAL MATTERS
15.6 ITT 12741 ALTERATIONS AND ADDITIONS TO CRINIGAN ROAD SOUTH SPORTS PAVILION	(d) CONTRACTUAL MATTERS
15.7 ITT 12743 CONSTRUCTION OF A SYNTHETIC HOCKEY FACILITY AT MONASH UNIVERSITY, CHURCHILL	(d) CONTRACTUAL MATTERS
15.8 MAV PROCUREMENT TC4322 TELECOMMUNICATIONS TENDER	(d) CONTRACTUAL MATTERS
15.9 2009/10 CHIEF EXECUTIVE OFFICER PERFORMANCE PLAN	(a) PERSONNEL MATTERS

Moved: Cr White

Seconded: Cr Lougheed

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

Meeting Closed to the Public

The Meeting closed to the public at 8.33 pm

14. TEA BREAK

Adjournment of Meeting

The Mayor adjourned the Meeting at 8.33 pm for a tea break.

Resumption of Meeting

The Mayor resumed the Meeting at 8.58 pm.