



LATROBE CITY COUNCIL

**AGENDA FOR THE
ORDINARY COUNCIL**

**TO BE HELD IN NAMBUR WARIGA MEETING ROOM,
CORPORATE HEADQUARTERS, MORWELL
AT 5.30PM ON
22 APRIL 2013**

CM405



Latrobe Community **Vision**

"In 2026 the Latrobe Valley is a liveable and sustainable region with collaborative and inclusive community leadership."

Council **Mission**

Latrobe City continues to implement the values, corporate directions and partnerships necessary to bring reality to the Latrobe's 2026 community vision for a liveable and sustainable region with collaborative and inclusive community leadership.

Council **Values**

Latrobe City Council's values describe how it is committed to achieving the Latrobe 2026 community vision through:

- Providing responsive, sustainable and community focused services;
- Planning strategically and acting responsibly;
- Accountability, transparency and honesty;
- Listening to and working with the community; and
- Respect, fairness and equity.

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**ORDINARY COUNCIL MEETING AGENDA
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Our Father in Heaven, hallowed be your Name, your kingdom come, your will be done on earth as in Heaven. Give us today our daily bread. Forgive us our sins as we forgive those who sin against us. Save us from the time of trial and deliver us from evil. For the kingdom, the power, and the glory are yours now and forever.

AMEN

2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND

We respectfully acknowledge that we are meeting here today on the traditional land of the Braiakaulung people of the Gunnai/Kūrnai Clan and pay our respect to their past and present elders.

3. APOLOGIES AND LEAVE OF ABSENCE**4. DECLARATION OF CONFLICT OF INTEREST**

Direct and indirect interests - Section 77A(1) Local Government Act 1989

A relevant person has a conflict of interest in respect of a matter if the relevant person has a direct interest or indirect interest in the matter.

5. ADOPTION OF MINUTES**RECOMMENDATION**

That the minutes of the Ordinary Council Meeting meeting held on 8 April 2013 be confirmed.

6. PUBLIC QUESTION TIME

Suspension of Standing Orders for Members of the Public to Address Council

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7. ITEMS HELD OVER FOR REPORT AND/OR CONSIDERATION

Council Meeting Date	Item	Status	Responsible Officer
19/09/11	Traralgon Activity Centre Plan Key Directions Report	That having considered all submissions received in respect to the Stage 2 Key Directions Report September 2011, Council resolves the following: 1. To defer the endorsement of the Stage 2 Key Directions Report September 2011 until: (a) Council has been presented with the Traralgon Growth Area Review (b) Council has received information on the results of the Latrobe Valley Bus Review 2. That Council writes to the State Government asking them what their commitment to Latrobe City in respect to providing an efficient public transport system and that the response be tabled at a Council Meeting. 3. That Council proceeds with the Parking Precinct Plan and investigate integrated public parking solutions. 4. That the Communication Strategy be amended to take into consideration that the November/December timelines are inappropriate to concerned stakeholders and that the revised Communication Strategy be presented to Council for approval. 5. That in recognition of community concern regarding car parking in Traralgon the Chief Executive Officer establish a Traralgon Parking Precinct Plan Working Party comprising key stakeholders and to be chaired by the Dunbar Ward Councillor. Activities of the Traralgon Parking Precinct Plan Working Party to be informed by the Communication Strategy for the Traralgon Activity Centre Plan Stage 2 Final Reports (Attachment 3).	General Manager Governance
5/12/11	Investigation into Mechanisms Restricting the sale of Hubert Osborne Park Traralgon	That a draft policy be prepared relating to Hubert Osborne Park and be presented to Council for consideration	General Manager Governance
19/12/11	Traralgon Greyhound Racing Club – Proposed Development and Request for Alterations to Lease	That a further report be presented to Council following negotiations with the Latrobe Valley Racing Club, Robert Lont and the Traralgon Greyhound Club seeking Council approval to the new lease arrangements at Glenview Park.	General Manager Recreational, Culture & Community Infrastructure

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Council Meeting Date	Item	Status	Responsible Officer
3/12/12	Public Highway Declaration – Verey Lane, Morwell	<ol style="list-style-type: none"> 1. That Council write to Jammatt Pty Ltd and Nestlan Pty Ltd requesting that they remove all obstructions from the road reserve contained in Certificate of Title Volume 9732 Folio 422, being part of Verey Lane, Morwell, pursuant to Schedule 11, Clause 5 of the <i>Local Government Act</i> 1989. 2. That Council approach Jammatt Pty Ltd and Nestlan Pty Ltd regarding the possible transfer of the road reserve contained in Certificate of Title Volume 9732 Folio 422, being the road created on LP 33695, being part of Verey Lane, Morwell. 3. That Council obtain an independent valuation of the road reserve contained in Certificate of Title Volume 9732 Folio 422, being the road created on LP 33695, owned by Jammatt Pty Ltd and Nestlan Pty Ltd as a basis for negotiations. 4. That Council seek agreement from the owners of the properties at 24-28 Buckley Street, Morwell, to contribute towards the costs of acquiring the road reserve contained in Certificate of Title Volume 9732 Folio 422, being the road created on LP 33695, from Jammatt Pty Ltd and Nestlan Pty Ltd. 5. That Council write to Simon Parsons & Co. requesting that the temporary access to 24-28 Buckley Street, Morwell, be extended past 31 December 2012. 6. That a further report be presented to Council detailing the outcomes of discussions with Jammatt Pty Ltd and Nestlan Pty Ltd and the owners of the properties at 24-28 Buckley Street, Morwell. 	General Manager Governance

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Council Meeting Date	Item	Status	Responsible Officer
3/12/12	Geotechnical Investigation and Detailed Design Remediation Treatments of Landslips	<ol style="list-style-type: none"> 1. That Council resolve that the geotechnical investigations and detailed design for the remediation treatment of landslips meets the requirements of Section 186 of the <i>Local Government Act 1989</i> and that the contract must be entered into because of an emergency. 2. That Council resolves to enter into a schedule of rates contract with GHD Pty Ltd for the geotechnical investigations and detailed design for the remediation treatment of landslips due to it being an emergency. 3. That a report be presented to a future Council meeting at the completion of the geotechnical investigations and detailed design for the remediation treatment of landslips outlining the actual costs incurred. 4. That Council authorise the Chief Executive Officer to advise those residents impacted by landslips of Council's process and timelines for remediating landslips throughout the municipality. 	General Manager Recreation, Culture & Community Infrastructure
18/02/13	Petition – Request to build a roundabout at the intersection of Market Street and Albert Street, Moe	That Council defer this matter to enable further information to be sought.	General Manager Recreation, Culture & Community Infrastructure
18/02/13	Affordable Housing Project – Our future our place	<ol style="list-style-type: none"> 1. That Council proceeds to publically call for Expressions of Interest as a mechanism to assess the viability and interest in developing an affordable housing project on land known as the Kingsford Reserve in Moe. 2. That a further report be presented to Council for consideration on the outcome of the Expression of Interest process for the development of an affordable housing project on land known as the Kingsford Reserve in Moe. 	General Manager Recreation, Culture & Community Infrastructure

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Council Meeting Date	Item	Status	Responsible Officer
18/03/13	Proposed Sale of Land – Franklin Street, Traralgon	That Council defer considering this matter to the first meeting in September 2013.	General Manager Governance

NOTICES OF MOTION

8. NOTICES OF MOTION

8.1 2013/06 - NOTICE OF MOTION - BAYLEY CHARALAMBOUS

Cr Kellie O'Callaghan

- **That Council recognise the achievements of Bayley Charalambous as Gippsland's winner of the Premier's Spirit of the ANZAC Prize.**
- **That the Mayor write a letter to Bayley Charalambous acknowledging his achievement and his passion about the ANZAC spirit and war history and invite him to:**
 - **Present to Councillors and the Youth Council on his award winning video presentation on the ANZAC Spirit and how it is relevant in today's society and also how it can teach us about the Australia we want for the future.**
 - **Participate in a future memorial event attended by the Mayor and be invited to lay a wreath.**

**ITEMS REFERRED BY
THE COUNCIL TO THIS
MEETING FOR
CONSIDERATION**

9. ITEMS REFERRED BY THE COUNCIL TO THIS MEETING FOR CONSIDERATION

9.1 ECONOMIC SUSTAINABILITY COMMITTEES

General Manager

Economic Sustainability

For Decision

PURPOSE

The purpose of this report is to seek Council consideration of the formation of a consolidated committee to monitor, inform and advise Council on natural environment and economic sustainability matters in a changing climate which will replace four existing committees.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Economic

In 2026, Latrobe Valley has a strong and diverse economy built on innovative and sustainable enterprise. As the vibrant business centre of Gippsland, it contributes to the regional and broader economies, whilst providing opportunities and prosperity for our local community.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Natural Environment

In 2026, Latrobe Valley enjoys a beautiful natural environment that is managed and protected with respect to ensure a lasting legacy for future generations.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Governance

In 2026, Latrobe Valley has a reputation for conscientious leadership and governance, strengthened by an informed and engaged community, committed to enriching local decision making.

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

Gippsland's Regional City

Strengthening our profile

Positioned for a Low Carbon Future

Advancing industry and innovation

An active connected and caring community

Supporting all

Attract, retain, support

Enhancing opportunity, learning and lifestyles

Strategic Direction – Economy

- Facilitate investment attraction of new firms to contribute to economic diversification, employment creation and to meeting the challenges of a carbon constrained economy.
- Promote and support the development of existing and new infrastructure to enhance the social and economic wellbeing of the municipality.
- Ensure well planned infrastructure that enhances the marketability of the municipality to industries, residents and investors.
- Utilise economic modelling to demonstrate the possible impact of economic development strategies.
- Conduct focussed feasibility studies to determine potential major public infrastructure with significant economic benefits.
- Support the skill development requirements of local industry.
- Develop and implement economic development actions to encourage business retention and growth.
- Strengthen the economic sustainability of the region by actively encouraging partnerships with other local governments, industry and with community agencies.
- Promote and support the development of the tourism and events sector.
- Develop, collate and publish a range of economic indicators annually.

Strategic Direction – Natural Environment

- Collaborate with stakeholders to progress environmental sustainability initiatives aimed at reducing environmental impacts.
- Ensure environmental sustainability principles are integrated with the Local Planning Policy Framework.
- Work with key stakeholders to improve the water quality and health of rivers, streams and waterways across Latrobe City.
- Facilitate and support local community sustainability initiatives.
- Encourage industry sustainability through practices that maintain natural environmental assets across the municipality.
- Enhance biodiversity conservation through the protection and management of remnant native vegetation and revegetation.
- Protect and enhance bushland parks and reserves for the benefit of native flora and fauna.
- Encourage and maintain good air quality in the region and inform our community.
- Promote awareness of best practice land management principles to improve soil conservation.
- Encourage responsible water use throughout Latrobe City.
- Promote sustainable timber production and responsible management of timber assets.
- Encourage the reduction of greenhouse gas emissions generated in Latrobe City, by supporting energy saving initiatives and energy efficient developments in the community.
- Promote greater awareness of climate change to support the adaptability of the community to the impacts arising from climate change.
- Promote a collaborative approach to the management of weed infestations on private and public land, including weed control initiatives.
- Provide and promote environmentally sustainable waste management practices to attain best practice 'final storage quality'.
- Promote and implement waste management practices which attract investment and deliver economic development to Latrobe City.

Natural Environment Strategy 2008

This Strategy outlines Latrobe City Council's position on the natural environment and identifies sixteen action areas with associated objectives to achieve the sustainability of the natural environment.

Economic Sustainability Strategy 2011

This strategy is the framework by which Latrobe City Council will work with our community to cultivate sustainable economic development in Latrobe City and contribute to the delivery of the liveable, vibrant and enterprising region describe in the Latrobe 2026 community vision. The Strategy is a blueprint for how Council will work with our community, industry, small business and government partners to drive economic growth and achieve outcomes.

Positioning Latrobe City for a Low Carbon Emissions Future 2010

This policy has been developed in order to position and prepare the Latrobe City municipality to prosper in a low carbon emission future. The policy identifies the expected implications of Government greenhouse emission mitigation policies on the City and proposes transition arrangements including interventions and support mechanisms to enable Latrobe City Council to optimise its transition under future government greenhouse gas mitigation schemes.

BACKGROUND

At its ordinary meeting held on 19 November 2012 Council resolved to appoint the Council and Officer delegates for Council Special Committees (2), Operational (Works) Committees of Council (7), Advisory Committees (26) User Groups (10) and External Committees (23) for the term of the Council. At the 19 November 2012 meeting Council also resolved to investigate the roles and functions of the following advisory committees of Council:

- Latrobe City Council Climate Change Consultative Committee;
- Latrobe City Low Carbon Emissions Future Transition Committee;
- Latrobe City Investment Advisory Committee; and,
- Mayoral Investment Working Group.

Further to the 19 November 2012 resolution Councillors have received information on the date of establishment of each committee, its area of focus, authorising strategy or policy, membership and chair, officer representation, process to discontinue and the possible impacts of discontinuance (outlined below).

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Established	In 2008 via Council resolution.
Internal/External	External
Area of focus	The role of the Committee is to promote, advocate, communicate, review and provide advice to Council in relation to climate change
Authorising Policy/Strategy	<i>Natural Environment Sustainability Strategy 2008</i> , action area 16 – adaption to climate change
Membership and Chair	<ul style="list-style-type: none"> • Three Councillors (one as Chair); • Agency representatives; <ul style="list-style-type: none"> ○ Mr Ashley Hall, Department of Sustainability & Environment ○ Dr Matthew Carroll, Monash University ○ Mr John Parker, Gippsland Trades & Labour Council • Industry representatives; <ul style="list-style-type: none"> ○ Mr Rohan Wilks, Australian Paper ○ Dr Barbara Johnson, Victorian Farmers Federation ○ Vacant, Energy Representative • Community members <ul style="list-style-type: none"> ○ Mr Daniel Jordan ○ Mr Jadon Mintern ○ Mr John Lawson ○ Dr Joanna McCubbin
Officer Representation	Coordinator Environment Sustainability

Highlights and Achievements	<ul style="list-style-type: none"> • Produced an Action Plan to provide a framework for the list of issues that the Committee regards as priorities for action • Developed a climate change impact statement • Encouragement of community engagement, education and awareness in relation to climate change • Regular meetings with high level debate and conversation regarding climate change and associated issues • Promotion of and involvement in Council's three low carbon community conversations held in 2011/12
Process to Discontinue	By resolution of Council
Possible Impacts of Discontinuing Committee	<ul style="list-style-type: none"> • Perception that Latrobe City does not support sustainability initiatives • Risk that community will feel disempowered at the grass roots level • Expectation of committee members that their role will continue into the future

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Latrobe City Council Low Carbon Emissions Future Transition Committee

Established	In 2010 following Council adoption of <i>Positioning Latrobe City for a Low Carbon Emissions Future Policy</i>
Internal/External	External
Area of Focus	Act as a conduit for the flow of information from key stakeholders to the Latrobe City Council on the low carbon emissions transition process
Authorising Policy/Strategy	<i>Positioning Latrobe City for a Low Carbon Emissions Future 2010</i>
Membership and Chair	<ul style="list-style-type: none"> • Mayor (Chair) and three Councillors; • Industry sector representatives; <ul style="list-style-type: none"> ○ Mr David Wakefield, Safetech ○ Mr Simon Vanderzalm, AGL ○ Mr Owen Trumper, HVP ○ Mr Jason Price, Alstom • Union, Industry Group and Education sector representatives; <ul style="list-style-type: none"> ○ Ms Val Prokopiv, Gippsland Trades & Labour Council ○ Mr Steve Dodd, Australian Manufacturing Workers Union ○ Professor Mark Sandeman, Monash University ○ Mr Jim Vivian, GippsTAFE ○ Professor Peter Fairbrother, RMIT ○ Ms Kellie O'Callaghan, Clean Coal Victoria ○ Mr Richard Berriman, VECCI ○ Dr Robin Lawson, Agribusiness Gippsland • Observers from government departments; and local organisations. <ul style="list-style-type: none"> ○ Ms Jane Oakley, Department of Planning & Community Development ○ Ms Kerrie White, Department of Human Services ○ Vacant, Regional Development Australia ○ Mr Mike Timpano, Department of Sustainability & Environment ○ Mr Charlie Speirs, Department of Primary Industries ○ Mr Scott Ferraro, Gippsland Climate Change Network
Officer Representation	CEO, General Manager Economic Sustainability and Manager Regional Partnerships
Highlights and Achievements	<ul style="list-style-type: none"> • Recognition by Australian and Victorian Government as a credible reference and contact point for community transition discussions. • Meetings with Australian Government Ministers to discuss low carbon transition activities • One-stop-shop of private and public sector representatives for consultation in relation to the Low Carbon Policy • Meetings with the Climate Commission and Professor Ross Garnaut, former expert advisor to the Multi-Party Climate Change Committee • Promotion of, and involvement in, Council's three low carbon community conversations held in 2011/12
Process to Discontinue	By resolution of Council

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Possible Impacts of Discontinuing Committee	<ul style="list-style-type: none"> • Expectation of committee members that their role will continue into the future • Loss of a formalised one-stop-shop for consultation by other levels of government • Perception of a reduced commitment by Council to transitioning to a low carbon future • No formal private sector input into low carbon activities • Delivery of <i>Positioning Latrobe City for a Low Carbon Emissions Future</i> is a Key Strategy Activity (KSA) of Council. This includes delivery of two Committee meetings in 2012/13 of which one has been held. Council would not fully achieve this KSA if this Committee was discontinued.
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Latrobe City Investment Advisory Committee

Established	September 2012 via Council Resolution
Internal/External	External
Area of Focus	Provide information and advice to Council in relation to economic development activities
Authorising Policy/Strategy	Nil
Membership and Chair	<ul style="list-style-type: none"> • Mayor (Chair) and two Councillors; • Up to eight Industry Representatives (Developers, Real Estate Agents and Financiers) and • Two Business Association representatives (VECCI and the Latrobe City Business and Tourism Association)
Officer Representation	Chief Executive Officer, General Manager Economic Sustainability and Manager Economic Development
Highlights and Achievements	Committee has not been established
Process to Discontinue	By resolution of Council
Possible Impacts of Discontinuing Committee	Committee has not been established

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Mayoral Investment Attraction Working Group

Established	In 2009 via Mayoral request
Internal/External	Internal
Area of Focus	To provide a forum for communication between Councillors and officers of the Economic Sustainability Division regarding investment attraction activity
Authorising Policy/Strategy	<i>Latrobe City Council Economic Sustainability Strategy 2011</i>
Membership and Chair	Mayor (Chair) and two Councillors
Officer Representation	General Manager Economic Sustainability, Manager Economic Development and Coordinator Business Development
Highlights and Achievements	Presentations from the proponents of several current and proposed major projects
Process to Discontinue	No formal process required
Possible Impacts of Discontinuing Committee	Anticipated low impact as information is provided to Council through Councillor Bulletin and presentation to Councillors

Additionally Councillors have held discussions which have centred on:

- The benefits of applying a fresh and innovative approach to committees in the Economic Sustainability division of Council, including an opportunity to reduce the number of members to ensure committee size is not unwieldy;
- Reviewing the drivers for the advisory committees to ensure that they meet both the needs of Council and committee members ;
- Ensuring that the right people are on committees and that members feel that they are able to advise and inform Council;
- Designing committees to look at the future, not the past; and,
- The importance of councillor involvement in reviewing the design of the committees.

This report has been prepared in response to the 19 November 2012 Council resolution to investigate the role and functions of these Advisory Committees of Council and also responds to a request by Councillors for the development of an innovative and contemporary model for the provision of advice on Council's economic and natural environment sustainability strategies and policies.

ISSUES

Scope of the Current Advisory Committees

The four committees outlined above have been designed to provide advice to Council on a range of Council's policies, strategies and activities. The authorising policies and strategies that overarch the committees are:

- *Natural Environmental Strategy 2008;*
- *Positioning Latrobe City for a Low Carbon Emissions Future 2010; and, the*
- *Latrobe City Economic Sustainability Strategy 2011.*

These committees have evolved over time as a part of adopted strategies or at the request of the Council of the day. Council's resolution of 19 November provides an opportunity to develop an innovative and holistic approach to the four committees and their future form and function, and an opportunity to consider consolidation. The drivers for the consideration by Council of the creation of a consolidated committee are outlined below:

- There are strong sustainability, liveability and legacy links between the strategic objectives Natural Environment and Economy contained in 2026 The Community Vision for Latrobe Valley
 - *Strategic Objectives – Natural Environment* In 2026, Latrobe Valley enjoys a beautiful natural environment that is managed and protected with respect to ensure a lasting legacy for future generations.
 - *Strategic Objectives – Economic* In 2026, Latrobe Valley has a strong and diverse economy built on innovative and sustainable enterprise. As the vibrant business centre of Gippsland, it contributes to the regional and broader economies, whilst providing opportunities and prosperity for our local community.
- The strong links and synergies between the following adopted strategies:
 - *Natural Environmental Strategy 2008;*
 - *Positioning Latrobe City for a Low Carbon Emissions Future 2010; and*
 - *Latrobe City Economic Sustainability Strategy 2011.*
- A recognition that low carbon transformation will be achieved through:
 - Pursuing and realising opportunities including harnessing new opportunities that arise as a consequence from emission reduction schemes; and,
 - Working in partnership with other levels of government, community, businesses, industry and others to proactively plan for a smooth transition to a low carbon future.

- A recognition that there is a need to approach issues and opportunities differently than in the past.
- Latrobe City Council's regional city status and the need to develop a consolidated sustainability committee to provide expert economic, sustainability and liveability advice.
- A lack of a chamber of commerce or economic development committee that covers all of Latrobe City Council.
- The strengthening policy links between low carbon transition, economic development and the natural environment at all levels of government.
- Emerging links between waste management and economic development at all levels of government.
- Duplicated membership of the four existing committees.
- Significant economic, low carbon transitional and environmental challenges and opportunities facing Latrobe City.
- The changes in the broader policy context such as:
 - Failed contract for closure negotiations which were a key plank of the Clean Energy Package; and
 - Increased acceptance that the climate will change in line with scientific predictions. This in reality means the focus in a changing climate is adaptation rather than mitigation.

Role & Purpose of New Advisory Committee

It is proposed that the new consolidated committee would advise Council on economic, natural environment and low carbon transition opportunities and challenges in a changing climate. In short, it would monitor, inform and advise Council on natural environment and economic sustainability matters.

Working within Council's adopted policies and strategies, the Committee could identify economic and environmental sustainability issues and opportunities, as well as raising awareness within the community and stimulating debate about issues.

The Committee would work alongside Council to leverage off the competitive advantages of our municipality as well as ensuring that there is an economic and environmental sustainability legacy for future generations. These advantages include the fact that Latrobe City Council and the surrounding Gippsland region offer a mix of employment and investment opportunities together with lifestyle attractions including outstanding arts and cultural precincts, bushlands and a variety of attractive housing options.

Possible Twelve Month Agenda

If the four committees had continued to operate as planned the agendas would have included the following:

- Advice on the planned reviews of the Natural Environment Strategy 2008 and Positioning Latrobe City for a Low Carbon Emissions Future 2010;
- The provision of information and advice to Council in relation to economic development activities;
- Advice on and support with community education and engagement on issues such as low carbon transition, sustainability initiatives and investment attraction; and
- Community education on climate change through publications and forums focussed on the seven small towns in Latrobe City.

It is proposed that the new consolidated committee would

- Provide technical expertise, advice and information to Latrobe City Council on investment attraction, economic development opportunities, low carbon transformation and our natural environment.
- Review of the annual report cards on the implementation of the Natural Environmental Strategy 2008, Positioning Latrobe City for a Low Carbon Emissions Future 2010 and the Latrobe City Economic Sustainability Strategy 2011 prior to presentation to Council.
- Provide input into the planning and delivery of the Gippsland Major Projects Summit 2014.
- Act as a sounding board to major investment proponent as and when directed by Council.

Possible Membership of a Consolidated Committee

It is proposed that members would be leaders from key organisations in the local community and business sectors, committed to developing Latrobe's economy, pursuing opportunities in natural resources and helping to drive the low carbon transformation. It is suggested that the Committee comprise of between 8 and 10 members appointed by Council in addition to the Mayor and 2 Councillors.

It is also proposed that other key stakeholders such as representatives of:

- Government departments;
- Groups such as the Committee for Gippsland, Gippsland Climate Change Network, Victorian Farmers Federation, Gippsland Waste Management Group and others;
- Council committees such as the Latrobe City Tourism Advisory Board and Latrobe Regional Airport Board
- Local members of parliament may be invited by the Committee to attend meetings as required for a specific topic being considered.

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The Committee would be supported by the Economic Sustainability Division of Council.

Timing & Next Steps

If Council decided to proceed with the development of an economic and natural environment sustainability advisory committee it would by necessity require the discontinuance of the:

- Latrobe City Council Climate Change Consultative Committee;
- Latrobe City Low Carbon Emissions Future Transition Committee;
- Latrobe City Investment Advisory Committee; and the,
- Mayoral Investment Working Group.

Additionally the current Committees would need to be wound down and the members notified and thanked for their contribution.

In line with the high level discussions held by Councillors since the November Council resolution, which have centred on the need for a fresh and innovative approach as well as the importance of Councillor involvement in the review. It is proposed that a Councillor working party of the Mayor and two Councillors be established to guide the development of:

- a comprehensive terms of reference;
- selection criteria for members; and,
- timing and mechanics of next steps.

This work would then be returned to Council for endorsement.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014. This report is not considered to present a risk.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Engagement with existing committee members has not taken place though members have been advised that Council is undertaking a review.

OPTIONS

Council has the following options:

1. Endorse the formation of a high level advisory committee to monitor, inform and advise Council on natural environment and economic sustainability matters. Discontinue the Latrobe City Council Climate Change Consultative Committee, Latrobe City Low Carbon Emissions Future Transition Committee, Latrobe City Investment Advisory Committee and the Mayoral Investment Working Group. Endorse the development of a Councillor working party of the Mayor and two Councillors be established to guide the development of a comprehensive terms of reference, selection criteria for members and the timing and mechanics of next steps.
2. Not endorse the formation of a high level advisory committee to monitor, inform and advise Council on natural environment and economic sustainability matters. Continue the Latrobe City Council Climate Change Consultative Committee, Latrobe City Low Carbon Emissions Future Transition Committee, Latrobe City Investment Advisory Committee and the Mayoral Investment Working Group.
3. Request further information in relation to the formation of a high level advisory committee to monitor, inform and advise Council on natural environment and economic sustainability matters.

CONCLUSION

The advisory committees have evolved over time as a part of an adopted strategy or at the request of the Council of the day. The committees have been reviewed in the past but on an individual basis rather than holistically. Council's resolution of 19 November has provided an opportunity to develop an innovative and holistic approach to the four committees and their future form and function, and an opportunity to create a consolidated natural environment and economic sustainability advisory committee.

Attachments

Nil

RECOMMENDATION

- 1. That Council discontinue the Latrobe City Council Climate Change Consultative Committee, Latrobe City Low Carbon Emissions Future Transition Committee, Latrobe City Investment Advisory Committee and the Mayoral Investment Working Group.**
- 2. That the Mayor writes to the existing members of the Latrobe City Council Climate Change Consultative Committee and Latrobe City Low Carbon Emissions Future Transition Committee thanking them for their contribution and participation and encouraging them to apply for the new peak committee**
- 3. That Council endorse the development of a Councillor working party of the Mayor and Councillor X and Councillor Y to guide the development of a comprehensive terms of reference, selection criteria for members and the timing and mechanics of next steps for a consolidated committee.**
- 4. That a further report outlining the terms of reference, selection criteria and process be returned to Council for consideration.**

9.2 PROPOSED SALE OF LAND - FRANKLIN STREET, TRARALGON

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is for Council to consider an offer for the former Traralgon Early Learning Centre (TELC) site at 196 Franklin Street, Traralgon.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives

Governance

In 2026, Latrobe Valley has a reputation for conscientious leadership and governance, strengthened by an informed and engaged community committed to enriching local decision making.

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

An active connected and caring community

Supporting all

Strategic Direction - Governance

- Delegate appropriately and make sound decisions having regard to legislative requirements, policies, professional advice, sound and thorough research and the views of the community.
- Provide timely, effective and accessible information about Latrobe City Councils activities.
- Ensure that Latrobe City Council continues to meet the highest standards of financial probity and is financially sustainable.

Service Provision - Governance

Property and Statutory – Administer property management, advice and services of Latrobe City Council.

Legislation

Local Government Act 1989

Section 189 of the *Local Government Act 1989* gives Council the power to sell land however, before doing so, it must:

- (a) ensure that public notice of the intention to do so is given at least 4 weeks prior to selling or exchanging the land; and
- (b) obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the *Valuation of Land Act 1960* a valuation of the land which is made not more than 6 months prior to the sale or exchange.

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 may be heard are entitled to appear before a meeting of Council.

Policy – Sale of Council Owned Property Policy 11 POL-4

The principal 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.

It is Councils position that the sale of Council owned property will be via public auction unless circumstances exist that justify an alternative method of sale.

All sales of Council owned property shall be consistent with the Local Government Best Practice Guidelines for the Sale and Exchange of Land prepared by the Department of Planning and Community Development.

BACKGROUND

Council, at its ordinary meeting held on 5 March 2012, resolved to sell the former Traralgon Early Learning Centre by public auction.

Expressions of interest were sought from real estate agents in Traralgon to act on behalf of Council in the sale of the former TELC site with a public auction conducted on 27 July 2012. As no bids were received, resulting in the property being passed in, it was removed from the market pending a further report to Council.

Council further considered this matter at the ordinary meeting held on 20 August 2012 and resolved the following:

1. *That the former Traralgon Early Learning Centre site at 196 Franklin Street, Traralgon, be placed on the market for sale with a further report to be presented to Council should an offer to purchase the property be received.*

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

2. *That a further report be presented to Council by 31 March 2013 if no offers to purchase the former Traralgon Early Learning Centre site at 196 Franklin Street, Traralgon, are received.*

A further report was considered by Council at the ordinary meeting held on 18 March 2013 and Council resolved the following:

That Council defer considering this matter to the first meeting in September 2013.

ISSUES

Whilst Council had resolved to defer consideration of this matter until the first meeting in September 2013 an offer to purchase the former Traralgon Early Learning Centre was received on 26 March 2013.

Due to the timing of this offer officers determined it would be prudent to put it to Council for consideration.

The offer that has been received, via Council's appointed estate agent, is for \$925,000 plus GST and would be subject to the prospective purchaser obtaining a planning permit for the design and construction of a new corporate office on the site.

The sale would also be subject to the prospective purchaser entering into a Heads of Agreement with a new corporate business to establish an office in Traralgon.

It is proposed that an initial deposit of \$10,000 would be paid with the balance of the deposit payable once a planning permit has been issued and settlement would take place 60 days after this date.

As stated in previous reports the sale of the former Traralgon Early Learning Centre and part of the adjoining reserve were identified in the 2009/2010 budgetary process to partially finance the purchase of the new centre in Mapleson Drive. The purchase of the new centre was completed in early 2010 resulting in a deficit offset of \$1.2 million against unexpected funds carried forward for works to be completed in 2010/2011.

Council will be required to continue to carry this \$1.2 million deficit until the sale of the former Traralgon Early Learning Centre is finalised.

The offer that has been received will not address this deficit and it is also below the most recent valuation obtained in April 2012 that valued the property at \$1.1 million.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014.

As stated above, one of the key considerations in relation to the sale of the former Traralgon Early Learning Centre is the budget shortfall that exists should the sale of the property not be realised.

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

Council has previously resolved that the net proceeds from the sale of the former Traralgon Early Learning Centre are to be allocated towards the cost of purchasing and developing the new child care centre in Mapleson Drive.

The offer of \$925,000 that has recently been received will not adequately address this shortfall of \$1.2 million.

The most recent valuation of the former Traralgon Early Learning Centre was obtained in April 2012 valuing the property at \$1.1 million. Given the time that has elapsed it would be beneficial to obtain an updated valuation to gain a better understanding of the current market value of the property.

It should be noted that this is the first offer that has been received for the property since it was placed on the open market in August 2012.

INTERNAL/EXTERNAL CONSULTATION

Leading up to the auction conducted in July 2012 the former Traralgon Early Learning Centre was subject to an extensive marketing campaign by Council's appointed estate agent, including advertisements in the Latrobe Valley Express, Gippsland Times, Warragul Gazette and Pakenham Gazette together with various real estate websites.

The last community consultation regarding the proposed sale of the former Traralgon Early Learning Centre was undertaken in January 2012.

OPTIONS

The following options are available to Council:

1. Accept the current offer of \$925,000.00 plus GST for the former Traralgon Early Learning Centre subject to compliance with Section 189 of the *Local Government Act 1989*.
2. Reject the current offer of \$925,000.00 plus GST for the former Traralgon Early Learning Centre.

CONCLUSION

The former Traralgon Early Learning Centre at 196 Franklin Street, Traralgon, is no longer required for the provision of child care services and Council has previously determined that the property is surplus to both Council and community requirements.

As the offer that has recently been received from a prospective purchaser of \$925,000 plus GST, subject to conditions, is lower than the valuation obtained in April 2012 and it will not rectify the current budget shortfall of \$1.2 million it would be appropriate for Council to reject this offer.

Attachments
Nil

RECOMMENDATION

- 1. That Council note the resolution of 18 March 2013 to defer consideration of the proposed sale of the former Traralgon Early Learning Centre at 196 Franklin Street, Traralgon, to the first meeting in September 2013.**
- 2. That Council resolves to reject the offer of \$925,000.00 plus GST for the former Traralgon Early Learning Centre at 196 Franklin Street, Traralgon, and that the prospective purchaser, via Councils appointed estate agent, be advised accordingly.**

**9.3 PROPOSED ROAD DISCONTINUANCE OR ROAD BARRIER -
DEAKIN LANE, TRARALGON**

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to further consider the proposed placement of permanent barriers over Deakin Lane, Traralgon.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Governance

In 2026, Latrobe Valley has a reputation for conscientious leadership and governance, strengthened by an informed and engaged community, committed to enriching local decision making.

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

An active connected and caring community
Supporting all

Strategic Direction – Governance

- *Support effective community engagement to increase community participation in Council decision making.*
- *Delegate appropriately and make sound decisions having regard to legislative requirements, policies, professional advice, sound and thorough research and the views of the community.*
- *Provide timely, effective and accessible information about Latrobe City Council's activities.*

Legislation

Local Government Act 1989

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.”

Section 207 and Schedule 11 Clause 9 of the Local Government Act 1989 gives Council the power to place obstructions or barriers on a road permanently:

- (1) A Council may block or restrict the passage or access of vehicles on a road by placing and maintaining any permanent barrier or other obstruction on the road.
- (2) A Council must not exercise this power unless it has considered a report from the Roads Corporation concerning the exercise of this power.
- (3) The exercise of this power is subject to any direction of the Minister.
- (4) This clause does not apply to a freeway or arterial road within the meaning of the Road Management Act 2004, unless the Council has the consent of the Roads Corporation.

Both of these powers are 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.

Policy – Council does not have an adopted policy relating to the discontinuance of roads.

BACKGROUND

Council has received a request from the owners of 2 Deakin Street, Traralgon, for the discontinuance of Deakin Lane as shown on the attached plan and photographs, attachment 1.

Deakin Lane was originally created in 1957 on LP 41285 as *land appropriated or set apart for easements of way and drainage*. This lane is now described on Certificate of Title Volume 10246 Folio 309 as “*Road R1 on Plan of Subdivision 041285*”. The registered owners of the Road are also the owners of 2 Deakin Street, Traralgon (the applicant).

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

A copy of the Application Letter, Plan of Subdivision and Certificate of Title are attached (refer Attachments 2, 3 & 4).

Deakin Lane is fully constructed being four metres wide on the east/west alignment with a total length of 48 metres terminating at the southern boundary of 5-7 Church Street.

The laneway is listed on the Register of Public Roads in *Appendix 4 – Roads Not Maintained by Latrobe City Council* and there are Council drainage assets contained within the road reserve.

The owners of 2 Deakin Street have advised that they have experienced ongoing incidents of antisocial behaviour which has prompted them to make application to Council to have the laneway discontinued.

As the applicants are the registered proprietors of the road reserve, they are of the opinion that Council should discontinue the road and for the land to be transferred back to them for a nominal consideration where it would be retained as a private access laneway.

In examining this request, it has been found that Deakin Lane provides access to off-street parking at the rear of the office complex at 3 Church Street. This off-street car park was a requirement of Planning Permit 93/745/PO issued by the former City of Traralgon on the 7 September 1993 and an amended plan that was endorsed on the 10 May 1994.

Council initially considered the request to discontinue the lane way at the Ordinary Council Meeting held on Monday 17 December 2012 and resolved the following:

- 1. That Council gives public notice of its intention to consider the placement of permanent barriers over Deakin Lane, Traralgon, pursuant to Section 207 and Schedule 11 Clause 9 of the Local Government Act 1989.*
- 2. That Council considers any submissions received in relation to the proposed placement of permanent barriers over Deakin Lane, Traralgon, at the Ordinary Council Meeting to be held on Monday 18 February 2013.*

At the Ordinary Council Meeting held on Monday 18 February 2013 Council considered an objection on behalf of two adjoining property owners to this proposal and a request from the applicant that Council defer consideration of this matter for another month pending the provision of additional information. Council subsequently resolved:

That Council defer this item for one month.

ORDINARY COUNCIL MEETING AGENDA 22 APRIL 2013 (CM405)

Council again considered the matter at the Ordinary Council Meeting held on Monday 18 March 2013 Council resolved:

1. *That Council defers consideration of the proposed placement of permanent barriers over Deakin Lane, Traralgon, to the Ordinary Council meeting to be held on Monday 22 April 2013 pending assessment of additional information to be provided by the applicant.*
2. *That Beveridge Williams, acting on behalf of Petroleum Property Holdings Pty Ltd and Parody Glade Pty Ltd, and the applicant be advised accordingly.*

ISSUES

The initial expression of interest from the applicants requested that Council discontinue and transfer ownership of the land back to the applicant (attachment 2). As there are multiple properties that have carriageway and use rights over this lane, officers determined that it would not be feasible to formally discontinue the road. Officers therefore proposed to the applicants and obtained their support to recommend to Council that it considers undertaking the statutory process to allow the installation of lockable gates on the road reservation.

These permanent barriers would allow all adjoining property owners' access to Deakin Lane during normal business hours whilst still providing the security that the applicant is seeking outside of business hours. The use of locked gates proved very effective to resolve a similar problem at Tarwin Lane between 14 and 16 Tarwin Street Morwell.

Since receiving the initial application and the revised proposal to obtain consent to erect lockable gates, officers have had numerous discussions with the applicant's representative and Council has also received additional correspondence:

- Letter dated 14 December 2012 concerning the proposed development at 5-7 Church Street and how it effects the immediate area, in particular the reduction in size to the loading zone in Deakin Street.
- Email dated 20 December 2012 advising of an intention to erect a boundary fence at the rear of the 2 Deakin Street (applicants property) and 3 Church street; and
- Letter dated 18 January 2013 inviting Council to a meeting to discussion the applicant's position in regard to the Deakin Lane.
- Email dated 18 March 2013 which summarised legal advice obtained by the applicant supporting their claim to the laneway.

Based upon these documents and the discussions with the applicant's representative, officers believe it is now their intention to prevent adjoining property owners and the general public from having continued use of the lane by erecting a boundary fence at the rear of their property and gates across the front of the lane.

Current status of the laneway:

As stated above, Deakin Lane was created as an easement of way to service four lots that were created on Plan of Subdivision LP 41285. Three of these lots face Deakin Street (the applicants' property) with the fourth lot fronting Princes Street, being part of the decommissioned Caltex Petrol Station at 1 Church Street, and all have rights to use the easement of way for access.

Deakin Lane also provides access to the off street car park at the rear of 3 Church Street and a large door at the rear of 72 Princes Street. In acknowledging that Deakin Lane is being used to access adjoining properties, officers have formed the opinion that Deakin Lane has acquired the status of a public highway at common law.

Deakin Lane is considered to be a public highway as it satisfies the common law doctrine of *Dedication and Acceptance*. The land has been set aside as an easement of way (Dedication) on the 1957 plan of subdivision LP 41285 and is shown as Road R1 on Certificate of Title Volume 10246 Folio 309, and the laneway has been used by the public, adjoining property owners and occupiers for a substantial period of time (Acceptance).

Supporting Legal Advice:

The officer's assessment that Deakin Lane is a public highway is supported by legal advice previously obtained from Council's solicitors in relation to two similar matters. Relevant sections of this advice are summarised below:

Right of Access

At common law, an owner or occupier of land adjoining a public highway (road) has a right to access the road from their land.

A Public Highway is vested in Council

A road is a public highway at common law because there has been:

- *Dedication of the Road to the public when it was constructed; and*
- *Subsequent acceptance of the Road, by the public, through public use of the Road.*

As Deakin Lane is marked as a "road" on title, this is a clear indication that the road is a public highway at common law. In addition, Clause 1 of Schedule 5 in the Road Management Act 2004 (RMA) also has the effect of vesting in Council particular roads (including Deakin Lane).

The effect of this public highway classification is that the road remains open for the public to use, regardless of who owns the land underneath and the road is vested in Council.

Council has responsibility for use and control over Road

The general public's right to use a road (including a public highway) is confirmed by section 8 of the RMA. The RMA also places Council in control of roads because:

- by operation of section 37 of the RMA and division 2 of Part 9 of the Local Government Act 1989 (LGA) as well as Schedules 10 and 11 of the LGA; and
- The Road is on Council's register of public roads.

In light of the above, only Council is entitled to control access to a road by virtue of the powers conferred in both the RMA and LGA. Therefore, despite holding title to the land over which a road is constructed, the registered owner/s does not enjoy exclusive possession with respect to the road (as opposed to an ordinary parcel of land). It follows that Council maintains control and responsibility for a road, regardless of whether Council or another party holds title to the land over which the road is located.

Deakin Lane & Off Street Parking at 3 Church Street:

The former City of Traralgon issued Planning Permit 93/745 on the 8 September 1993 and later amended it on the 10 May 1994 for an office complex at 3 Church Street. This permit contained two conditions that relate specifically to Deakin Lane:

Condition 2 "the owner prior to the commencement of the use hereby permitted shall transfer to council, at his cost, a rear portion of the land abutting the rear laneway having a minimum width of 1.73 metres and length of 15.2 for the purpose of providing public vehicular access to the rear of the site."

Officer comment: This strip of land abuts the existing lane and was required to increase the width of the lane to approximately six metres at the rear of both 2 Deakin Street and 3 Church Street.

This road widening was to provide improved access to a proposed mid block off street car park that was identified to be constructed at the rear of premises fronting Church Street from Deakin Lane north through to Hotham Street. The assembly of land for the proposed mid block off street car has not progressed.

The transfer of the strip of land at the rear of 3 Church Street did not occur as required and officers have recently obtained a commitment from the current owner to arrange for the transfer of this piece of land.

Condition 3 "a plan detailing the construction and drainage of the parking area and driveway shall be submitted to the satisfaction of the responsible authority prior to the construction of the car parking area, and prior to occupancy of the premises."

Such driveway and car parking area shall be constructed with bituminous surface or reinforced concrete or block work to the satisfaction of the responsible authority.

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Minimum depth of pavement materials to be 150mm depth, and bituminous surface to be 30mm depth.”

Officer Comment: The section of land between the rear of 3 Church Street and 2 Deakin Street including the section of laneway and part of 2 Deakin Street was completely constructed with a concrete surface and line marked for car parking. It is assumed that this construction occurred as part of the office complex at full cost to the developer.

Previously Unconstructed Section of Laneway

In September 1999, the owner of 3 Church Street wrote to Council concerning the unmade east/west section of Deakin Lane from Deakin Street through to the section of constructed laneway and car park the rear of 3 Church Street and 2 Deakin Street, refer attachment 5 – photo of laneway. The photo was taken the 24 July 1999 and shows that the east/west section of the laneway was unconstructed and the surface was rough with a number of large potholes containing water.

The Deakin Street road file details that two meetings were held concerning the state of the lane in October 1999 and another in November 2000. The later meeting was between Council and representatives from Tripodi Fruit Supply and the Latrobe Regional Development Group. This meeting discussed the possibility of fully constructing the entire east/west area with reinforced concrete from building line to building line. Each party was requested to consider contributing \$6,000 towards the cost of this project.

The Latrobe Regional Development Group have stated that they fully funded the construction cost. At present it is unknown whether Council or any other party contributed towards the cost of this construction.

Current Position:

At the Ordinary Council Meeting held on Monday 18 February 2013 when Council considered an objection on behalf of two adjoining property owners, the applicant requested that consideration of this matter be deferred for another month to allow time to obtain additional information. This matter was further deferred by Council at the Ordinary Council Meeting held on Monday 18 March 2013 when it resolved that it “*defers consideration of the proposed placement of permanent barriers over Deakin Lane, Traralgon, to the Ordinary Council meeting to be held on Monday 22 April 2013 pending assessment of additional information to be provided by the applicant.*”

Despite repeated requests, the applicant has not provided a full copy of the legal advice that they have obtained regarding the status of Deakin Lane however, based upon a summary provided by the applicant via email dated the 18 March 2013, it is understood that their position is as follows:

- Deakin Lane is not a public road as it was privately created and no Council funds have been spent on the laneway.
- Deakin Lane was created as an “easement of way” and was only intended to benefit specified parties being the owners of the titles that abut the easement and have rights to use it.

ORDINARY COUNCIL MEETING AGENDA 22 APRIL 2013 (CM405)

- Deakin Lane is a “private road” defined in the Local Government Act 1958 as “a carriage-way accessible to the public from a public street or forming common access to lands and premises separately occupied, but not being a public highway”.
- No declaration of Deakin Lane as a public highway has been made.

Based upon these points, the applicant has concluded that Deakin Lane is not a public road and is therefore justified in restricting access and placing a fence across the boundary with 3 Church Street.

Additional Professional Advice:

Officers instructed and obtained further professional advice from The Public Land Consultancy, a firm specialising in matters relating to public land including roads. This advice (Attachment 7) confirmed the current position that Deakin Lane is a public highway.

Whilst Deakin Lane was initially created as an easement of way and drainage over time it has become a public highway through dedication and acceptance and, as such, vests in Council. This does not require a formal declaration however Council could undertake the statutory process to declare Deakin Lane a public highway pursuant to Section 204 of the *Local Government Act 1989*.

Section 204(1) of the *Local Government Act 1989* states the following:

“A Council may, by notice published in the Victoria Government Gazette, declare a road in its municipal district to be a public highway for the purposes of this Act.”

The statutory process can be undertaken when Council is not the registered owner of land (as in this instance) and involves Council giving public notice of the proposal, considering any submissions received and once determined placing a notice in the Victoria Government Gazette formally declaring Deakin Lane a public highway.

Once Deakin Lane has been declared a public highway the land vests in Council and Section 205 of the *Local Government Act 1989* states that *“Council has the care and management of all public highways vested in the Council”*.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014.

In the event Council was to complete the statutory process and consent to the applicants request to erect gates there is the risk that this decision would not be supported by the adjoining property owners of 1 and 3 Church Street. These property owners have previously lodged an objection concerning the proposed placement of permanent barriers over Deakin Lane.

Should Council not agree to the applicant requests and Deakin Lane remains an open public highway, there is the potential risk that the applicant may decide to place a barrier and/or a fence that blocks public use of the laneway or access to the off street car park at the rear of 3 Church Street. If this was to occur Council may need to take enforcement action to remove the gate/s and or dividing fence.

With respect to financial implications, if Council resolves to restrict access by allowing the placement of gates across Deakin Lane all costs associated with the construction of the gates and preparation of a formal agreement to cover installation, maintenance and third party rights to keys/access to the gates would be borne by the applicants. Alternatively, in the event Council declined to allow the proposed barriers and the applicant decided to place a barrier on the land, should this occur, Council may incur costs in taking enforcement action to have the barrier removed.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

- Public notices placed in the Latrobe Valley Express on Thursday 20 December 2012 together with Monday 7 and Thursday 10 January 2013.
- Letters sent to all adjoining property owners and occupiers together with VicRoads and Gippsland Water
- Notice displayed at the Traralgon Service Centre.
- Details placed on the Latrobe City Council website.

Details of Community Consultation / Results of Engagement:

In response to the public notices and correspondence one submission (attachment 6) was received from Beveridge Williams & Co Pty Ltd on behalf of Petroleum Property Holdings Pty Ltd Traralgon, owner of 1 Church Street and Parody Glade Pty Ltd owner of 3 Church Street Traralgon.

This submission “strongly objects” to the proposal to place gates across Deakin Lane for the following reasons:

- Petroleum Property Holdings Pty Ltd (1 Church Street) has existing rights over the lane.
- Petroleum Property Holdings Pty Ltd require permanent unimpeded access along Deakin Lane as it has plans for future redevelopment on the site.
- Parody Glade Pty Ltd (3 Church Street) requires continued access to the off-street car park at the rear of its office development. The provision of off-street car parking was a requirement of the planning permit issued for the office development constructed in 1994.

In addition to raising the above points in support of this objection, Beveridge Williams & Co have stated that the owners of Lots 1, 2 & 3 Deakin Street have indicated that “they wish a new fence be constructed along the eastern boundary of the property which would prevent access from the 1-3 Church Street site to Deakin Lane. Because Deakin Lane has been regarded as a public highway by Council, the owners of these lots cannot demand that a fence be constructed along this boundary.”

Beveridge Williams also state that “both our clients are very strong in their objection to the proposal to place gates across Deakin Lane or for any other action to be taken that denies them permanent access to Deakin Lane.”

Should Council resolve to undertake the statutory process to declare Deakin Lane a public highway it will be necessary to give public notice of the proposal and consider submissions in accordance with Section 223 of the *Local Government Act 1989*.

OPTIONS

Council may now:

1. Resolve to allow permanent barriers (lockable gates) to be erected over Deakin Lane, Traralgon subject to the applicant paying all costs associated with the construction and installation of Council approved gates, preparation of a formal agreement to define maintenance responsibilities and ensure third party rights to keys/access to the gates, or
2. Resolve to keep Deakin Lane open to public traffic, and
3. Resolve to undertake the statutory process to declare Deakin Lane, Traralgon, a *public highway* under section 204(1) of the *Local Government Act 1989* which formally vests the land in Council once the statutory process is finalised.

CONCLUSION

Council has previously resolved to defer consideration of the proposed placement of permanent barriers (lockable gates) over Deakin Lane, Traralgon, to enable the applicant to provide additional information that is relevant to the status of the laneway. The applicant has not provided a full copy of this advice, instead electing to email a summary of the advice received.

Based upon past legal advice obtained by Council and more recent professional advice received from The Public Land Consultancy, there is little doubt that Deakin Lane is a public highway at common law. Taking into consideration the objection on behalf of two adjoining property owners it is considered inappropriate for Council to allow a permanent barrier (lockable gates) over Deakin Lane. Further it also considered appropriate that Council commences the statutory process to formally declare Deakin Lane a public highway to remove any future confusion.

ORDINARY COUNCIL MEETING AGENDA 22 APRIL 2013 (CM405)

Attachments

1. Locality Plan, aerial image and photos of Deakin Lane, Traralgon
2. Application Letter & Legal Advice obtained by the Applicant.
3. Plan of Subdivision LP 041285
4. Deakin Lane Certificate of Title Volume 10246 Folio 309
5. Photo of unconstructed east/west section of Deakin Lane dated 24 July 1999.
6. Submission
7. Professional Advice from the Public Land Consultancy.

RECOMMENDATION

1. That Council determine that Deakin Lane created on LP41285 is reasonably required as a road for public use and resolves not to allow permanent barriers to be erected over Deakin Lane, Traralgon, pursuant to Section 207 and Schedule 11 Clause 9 of the Local Government Act 1989.
2. That Council give public notice of its intention to declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the Local Government Act 1989.
3. That Council considers any submissions in relation to the proposed declaration of Deakin Lane, Traralgon, as a public highway at the Ordinary Council Meeting to be held on Monday, 3 June 2013.
4. That all adjoining property owners be advised of Council's intention to commence the statutory process to declare Deakin Lane, Traralgon, a public highway pursuant to Section 204 of the Local Government Act 1989 and invited to submit submissions.
5. That the Applicant and Beveridge Williams, acting on behalf of Petroleum Property Holdings Pty Ltd and Parody Glade Pty Ltd, be advised accordingly.
6. That the Council require the owner of 3 Church Street, Traralgon transfer the strip of land in accordance with the city of Traralgon planning permit 93/745 dated on the 8th of September 1993 and later amended on the 10th of May 1994 for an office complex at 3 Church Street Traralgon i.e. *“Condition 2 that the owner prior to the commencement of the use hereby permitted shall transfer to Council, at his cost, a rear portion of the land abutting the rear laneway having a minimum width of 1.73 metres and length of 15.2 metres for the purpose of providing public vehicular access to the rear of the site.”*

9.3

PROPOSED ROAD DISCONTINUANCE OR ROAD BARRIER - DEAKIN LANE, TRARALGON

1	Locality Plan, aerial image and photos of Deakin Lane, Traralgon	47
2	Application Letter & Legal Advice obtained by the Applicant.	51
3	Plan of Subdivision LP 041285	55
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6	Submission	61
7	Professional Advce from the Public Land Consultancy.	67

Locality Plan, Aerial Image & Photos of Deakin Lane, Traralgon.

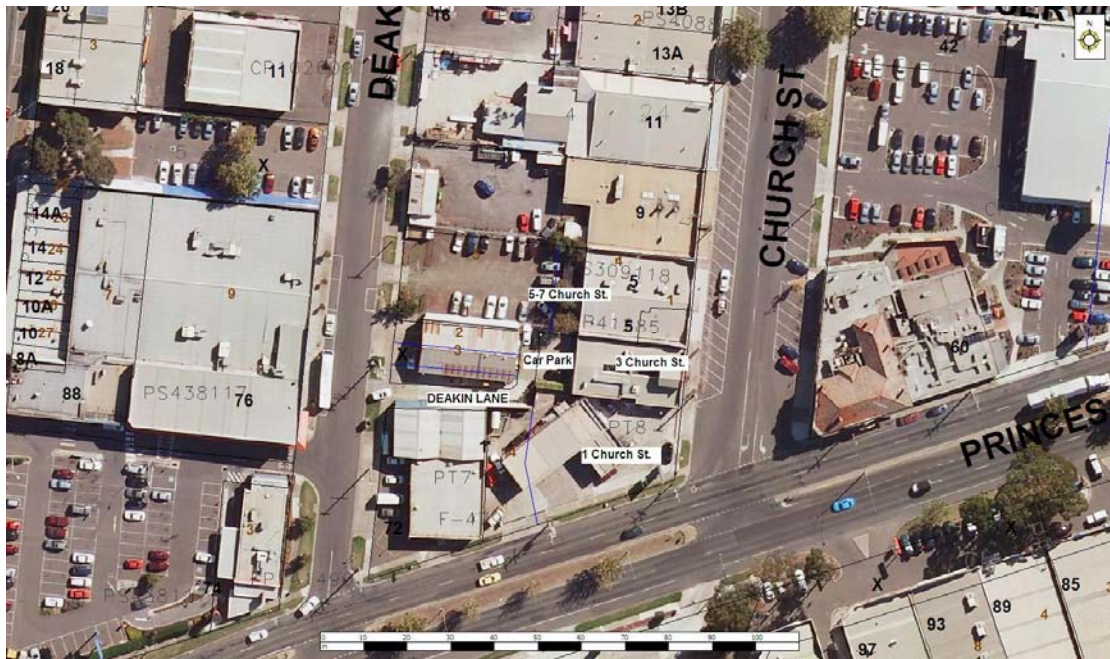
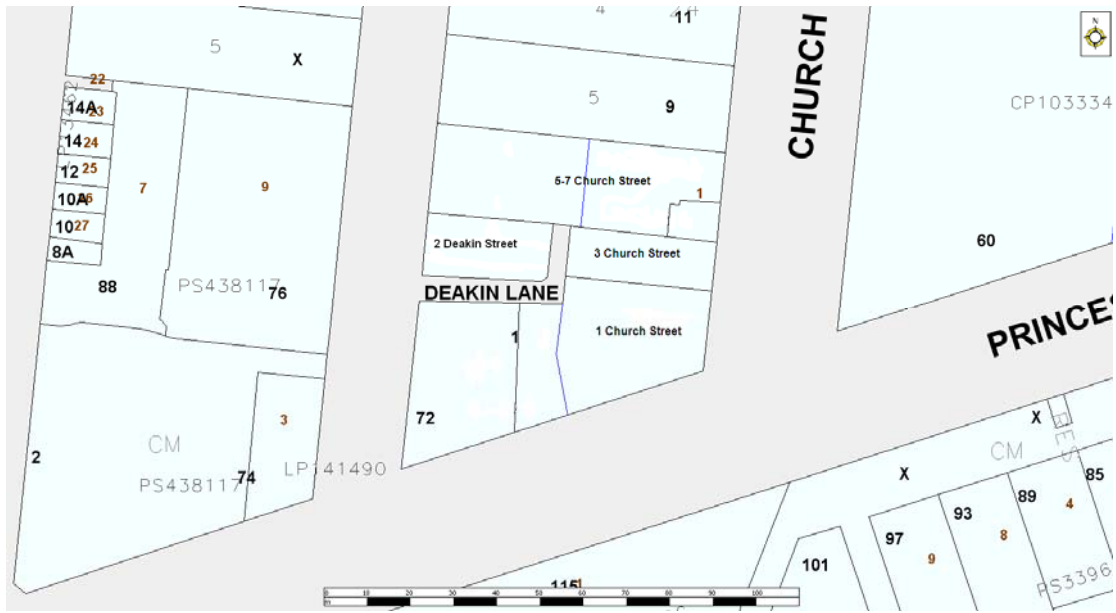


Photo taken from Deakin Street opposite Lane Entrance.



Close up of Lane Entrance



Off Street Car Park, rear 3 Church Street.





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■ Gino 0418 598 525 ■ Damian 0418 318 787

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18th January '13

To Whom It May Concern,

Re. Road R1 on plan of Subdivision 041285

With all our findings in regard to Road R1, we the Tripodi Family would like to meet with you, on site, that being the rear of 2 Deakin Street Traralgon.

The invitation is to all Councillors that wish to attend, the purpose of this meeting is to explain and demonstrate our findings from the research that we have undertaken in trying to resolve the issue of ownership of Road R1 on plan of Subdivision 041285.

Our results from our research you will find are correct and conclusive. We feel that it would be best if this matter was discussed in a private manner and not at a public Council meeting, as our findings may cause the public to arise to a wrong conclusion.

We would like to meet before the Council meeting in February 2013, we do stress, and however it would be in the Councils best interest to meet with us.

Please feel free to contact me at any time to discuss this matter and to organise an appropriate time to meet.

Thank you

Gino Tripodi
On behalf of
S&C Tripodi & Sons.

(ph 0418 598 525)

"As fresh as today, just as crisp as tomorrow"

Document 895418

JOHN MORROW LL.B.
COMMERCIAL CONSULTANT
BARRISTER & SOLICITOR

PHONE OFFICE: (03) 9482 9429
MOBILE: (0418) 362 744
AFTER HOURS: (03) 9482 2316
FAX: (03) 9482 1032
Email: jmorrow@tripodi.com
ADDRESS: 173 QUEENS PARADE,
CLIFTON HILL 3068 AUSTRALIA

17 January 2013

Mr Gino Tripodi
S & C Tripodi & Sons
PO Box 971
Traralgon VIC 3844

Dear Gino

**Re: Title Volume 10246 Folio 309 (Road R1 on Plan of Subdivision 041285)
(Herein referred to as Title R1)**

I refer to your instructions to investigate the easement of way relating to the above title.

The easement of way is created by and endorsed on the Plan of Subdivision, being Plan Number LP41285.

I confirm that I have searched Title R1 and the other titles registered in the Tripodi family names', being Lots 1, 2 and 3 on LP41285 together with the neighbouring title of 1-3 Church Street, Traralgon, being Lot 1 on Title Plan Number 532747M, being Title Volume 7263 Folio 425 registered in the name of Parody Glade Pty Ltd of 10 Grey Street, Traralgon (herein called Parody Glade).


I confirm that the result of these searches is as follows:-

1. Plan of Subdivision LP41285 identifies the land in Title R1 as being "appropriated or set apart for easements of way and drainage" for the benefit of all titles on the subdivision.
2. All of your titles to Lots 1, 2 and 3 are within the subdivision and are therefore entitled to the benefit of the easements of way and drainage.
3. The Parody Glade title is not part of subdivision LP41285 and therefore is not entitled to the benefit of the easements of way and drainage provided in LP41285 or to any other rights whatsoever over the land in Title R1.

Accordingly, it is within your legal rights to erect a fence on the boundary of Title R1 where it is contiguous to the Parody Glade title. It is further within your rights to erect a gate at the entrance to R1 on Deakin Street, on the basis that Parody Glade has no right of access to that road.

Please let me know if I can be of any further assistance to you in relation to this matter.

Yours faithfully



J.R. Morrow
Solicitor

Delivered by LANDATA®. Land Victoria timestamp 22/01/2013 15:46 Page 1 of 1

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LP 41285

EDITION 1
PLAN MAY BE LODGED 5/9/57

PLAN OF SUBDIVISION OF
PART OF CROWN ALLOTMENTS 7 & 8, SECTION 24
TOWNSHIP OF TRARALGON
PARISH OF TRARALGON
COUNTY OF BULN BULN

Measurements are in Feet & Inches

Conversion Factor
FEET X 0.3048 = METRES

- ✓ 4583 F 536
- ✓ 6343 F 795
- ✓ 7551 F 028

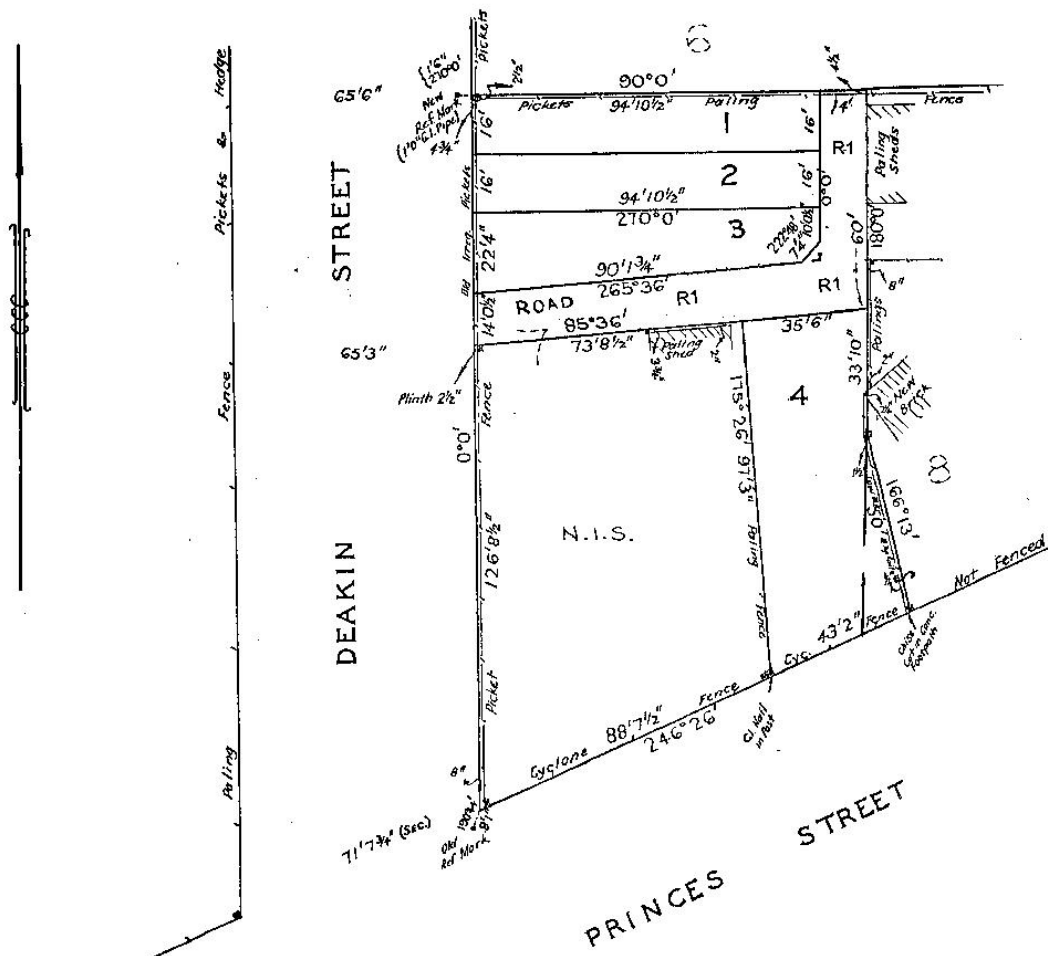
COLOUR CONVERSION

BROWN = R1

APPROPRIATIONS

THE LAND COLOURED BROWN IS APPROPRIATED OR SET APART FOR EASEMENTS OF WAY AND DRAINAGE.

~~PARISH TOWNSHIP BOUNDARY~~



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

Register Search Statement - Volume 10243 Folio 238

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10243 FOLIO 238

Security no : 124044527951G
Produced 22/01/2013 04:02 pm

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 041285.
PARENT TITLE Volume 08156 Folio 271
Created by instrument T741805V 26/06/1995

REGISTERED PROPRIETOR

Estate Fee Simple
TENANTS IN COMMON

As to 1 of a total of 4 equal undivided shares

Sole Proprietor

STEFANO TRIPODI of 10 MOORE ST. TRARALGON 3844

As to 1 of a total of 4 equal undivided shares

Sole Proprietor

CONCETTA TRIPODI of 10 MOORE ST. TRARALGON 3844

As to 1 of a total of 4 equal undivided shares

Sole Proprietor

DAMIANO TRIPODI of 10 MOORE ST. TRARALGON 3844

As to 1 of a total of 4 equal undivided shares

Sole Proprietor

GINO TRIPODI of 10 MOORE ST. TRARALGON 3844

U146141P 26/03/1996

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE U146142L 26/03/1996

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24 Subdivision Act 1988 and any other encumbrances shown or entered on the
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DIAGRAM LOCATION

SEE LP041285 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: DEAKIN STREET TRARALGON VIC 3844

DOCUMENT END

**Delivered from the Landata ® System by SAI Global Property Division Pty Ltd
Delivered at 22/01/2013, for Order Number 11244891. Your reference: Deakin Lane.**

**PHOTO AT THE ENTRANCE OF THE UNCONSTRUCTED EAST/WEST
SECTION OF DEAKIN LANE.
PHOTO DATED 24 JULY 1999.**



Beveridge Williams

Reference: 1200716

Office: Traralgon

16 January 2013

Mr Peter Schulz
Property and Statute Officer
City of Latrobe
PO Box 264
MORWELL VIC 3840

Dear Peter,

**RE: YOUR REFERENCE: R511973/00
PROPOSED PLACEMENT OF PERMANENT BARRIERS
DEAKIN LANE, TRARALGON**

We refer to your letter dated the 18th of December 2012 to Mr Leo DiFabrizio of the Latrobe Regional Development Group and advise as follows.

We act for the following registered proprietors in this matter:

- Parody Glade Pty Ltd who are the registered proprietors of the land described in certificate of title volume 7263 folio 425 being lot 1 on TP 532747M being located at 1-3 Church Street, Traralgon.
- Petroleum Property Holdings Pty Ltd who are the registered proprietors of the land described in certificate of title volume 8156 folio 270 being lot 4 on plan of subdivision LP 41285.

Copies of these titles are enclosed for your information.

As you are aware Deakin Lane was created in LP 41285 with lots 1, 2, 3 and 4 of that subdivision having way and drainage rights over the lane.

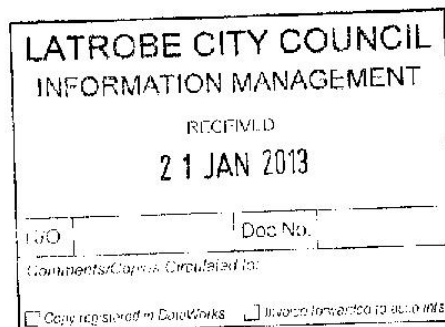
The land comprising Deakin Lane is described in certificate of title volume 10246 folio 309 being road R1 on plan of subdivision LP 41285.

We understand the proposal as stated in your letter dated the 18th December 2012 is for council to consider the place of permanent barriers across Deakin Lane.

We wish to advise that both our clients **strongly object** to this proposal.

Lot 4 on LP 41285, owned by Petroleum Property Holdings Pty Ltd has existing way and drainage rights over Deakin Lane because it is part of the original subdivision, LP 41285.

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PO Box 2205
Caulfield Junction Vic 3161
ph: 03 9528 4444

Bairnsdale

Shop 7 Riviera Plaza
80-88 Main St
Bairnsdale Vic 3875
Po Box 1799
Bairnsdale Vic 3875
ph: 03 5152 4708

Ballarat

96 Main Road
Ballarat Vic 3350
PO Box 1465
Bakery Hill Vic 3354
ph: 03 5327 2000

Geelong

52 Brougham St
Geelong Vic 3220
ph: 03 5222 6563

Leongatha

52A Bair St
PO Box 161
Leongatha Vic 3953
ph: 03 5662 2630

Sale

45 Macallister St
Sale Vic 3850
ph: 03 5144 3877

Traralgon

18 Hotham St
PO Box 684
Traralgon Vic 3844
ph: 03 5176 0374

Wonthaggi

134 Graham St
PO Box 129
Wonthaggi Vic 3995
ph: 03 5672 1505



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Melbourne

Petroleum Property Holdings Pty Ltd require permanent unimpeded access to continue to be provided along Deakin Lane because they have plans to develop their property (lot 4) in the future and will require the rear access that Deakin Lane provides.

The building at 1-3 Church Street Traralgon was constructed in 1994. The City of Traralgon required car parking for this facility to be provided at the rear of the building. The only access to this car parking area is via Deakin Lane, which council must have deemed to be a public highway, otherwise they would not have been in a position to require the car parking to be at the rear of the building.

We understand the registered proprietors of lots 1, 2 and 3 on LP 42185 have indicated that they wish a new fence be constructed along the eastern boundary of the property which would prevent access from the 1-3 Church Street site to Deakin Lane. Because Deakin Lane has been regarded as a public highway by Council, the owners of these lots cannot demand that a fence be constructed along this boundary.

Both our clients are very strong in their objection to the proposal to place gates across Deakin Lane or for any other action to be taken that denies them permanent access to Deakin Lane.

If possible we would like an opportunity to address council regarding this matter at the council meeting to be held on Monday 18th of February 2013.

If you have any queries please do not hesitate to contact us.

Yours faithfully

BEVERIDGE WILLIAMS & CO



PETER G DELL
DEVELOPMENT MANAGER – GIPPSLAND

Vic Property

Page 1 of 3

Doc id: 8156/270 Matter: 2223PGD Search generated on 04/07/2012 at 09:37

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08156 FOLIO 270

Security no : 124042363569V
Produced 04/07/2012 09:38 am

LAND DESCRIPTION

Lot 4 on Plan of Subdivision 041285.

PARENT TITLES :

Volume 04583 Folio 536 Volume 06349 Folio 795 Volume 07551 Folio 028
Created by instrument A318161 10/04/1957

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

PETROLEUM PROPERTY HOLDINGS PTY LTD of 388 RAYMOND ST SALE 3850
V361058H 08/04/1998

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE V361060E 08/04/1998

NATIONAL AUSTRALIA BANK LTD

LEASE C554022 01/08/1966

Expiry Date 29/03/1973

CALTEX OIL (AUSTRALIA) PTY LTD

LEASE E915459 25/07/1973

Expiry Date 29/03/1978

CALTEX OIL (AUSTRALIA) PTY LTD

LEASE H292020 02/11/1978

Expiry Date 29/03/1983

CALTEX OIL (AUSTRALIA) PTY LTD

CAVEAT AG109227R 29/09/2008

Caveator

PETER JOHN MINSTER

Capacity PURCHASER/FEE SIMPLE

Lodged by

MCDONOUGH & CO

Notices to

MCDONOUGH & CO of 68 SEYMOUR STREET TRARALGON VIC 3844

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DIAGRAM LOCATION

SEE LP041285 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

<https://secure-acs.urbispro.com.au/cgi-bin/landata/docimage?dtype=title&>

4/07/2012

Vic Property

Page 1 of 2

Doc id: 7263425 Mailer: 2222PGD Search generated on 04/07/2012 at 09:39

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 07263 FOLIO 425Security no : 124042363599N
Produced 04/07/2012 09:40 amLAND DESCRIPTION

Lot 1 on Title Plan 532747M (formerly known as part of Crown Allotment 8
Section 24 Township of Traralgon Parish of Traralgon).
PARENT TITLE Volume 07263 Folio 424
Created by instrument 2203845 24/03/1949

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

PARODY GLADE PTY LTD of 10 GREY ST TRARALGON 3844
S934246N 14/02/1994

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE S934247K 14/02/1994
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24 Subdivision Act 1988 and any other encumbrances shown or entered on the
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SEE TP532747M FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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TITLE PLAN	EDITION 1	TP 532747M						
<p>Location of Land</p> <p>Parish: TRARALGON Township: TRARALGON Section: 24 Crown Allotment: 8(PT) Crown Portion:</p> <p>Last Plan Reference: Derived From: VOL 7263 FOL 425 Depth Limitation: NIL</p>	<p style="text-align: center;">Notations</p> <p style="text-align: center;">ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>							
<p style="text-align: center;">Description of Land / Easement Information</p>		<p>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY LAND VICTORIA FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</p> <p>COMPILED: 29/05/2000 VERIFIED: SOC</p>						
<table border="1" style="width: 100%;"> <tr> <th colspan="2" style="text-align: center;">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2" style="font-size: small;">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2" style="font-size: small;">PARCEL 1 = CA 8 (PT)</td> </tr> </table>			TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CA 8 (PT)	
TABLE OF PARCEL IDENTIFIERS								
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962								
PARCEL 1 = CA 8 (PT)								
LENGTHS ARE IN FEET & INCHES	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets						

Vic Property

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10246 FOLIO 309

Security no : 124044466544D
Produced 16/01/2013 03:22 pm

LAND DESCRIPTION

Road R1 on Plan of Subdivision 041285.
PARENT TITLE Volume 08156 Folio 271
Created by instrument T741807P 26/06/1995

REGISTERED PROPRIETOR

Estate Fee Simple

TENANTS IN COMMON

As to 1 of a total of 4 equal undivided shares

Sole Proprietor

STEFANO TRIPODI of 10 MOORE STREET TRARALGON 3844
As to 1 of a total of 4 equal undivided shares

Sole Proprietor

CONCETTA TRIPODI of 10 MOORE STREET TRARALGON 3844
As to 1 of a total of 4 equal undivided shares

Sole Proprietor

GINO TRIPODI of 10 MOORE STREET TRARALGON 3844
As to 1 of a total of 4 equal undivided shares

Sole Proprietor

DAMIANO TRIPODI of 10 MOORE STREET TRARALGON 3844
U146141P 26/03/1996

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE U146142L 26/03/1996

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SEE LP041285 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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THE PUBLIC LAND CONSULTANCY
Independent professional advice and support for managers and users of public land

Peter Schulz
Property & Statute Officer
Latrobe City Council
141 Commercial Rd,
Morwell 3840

22 March 2013

Dear Peter

Deakin Lane, Traralgon

I write in response to your emailed request of 18 March concerning the proposed discontinuation of Deakin Lane, Traralgon. Your request goes to the essence of the matter:-

In brief, Deakin Lane is a road reserve that remains in private ownership and the registered proprietor now wishes to place gates over it to restrict access however it is required for access to an adjoining property. The registered proprietor has obtained legal advice that it is not a public highway and he is therefore able to remove access and any attempts by Council to remove obstructions would be trespassing.

Our advice (attached below) is based on background materials you have supplied to us. Those materials include extracts from what you describe as 'legal advice received by the applicant' and from which you provide a summary of 'key points.'

We emphasise that we have not viewed a complete version of this legal advice – but it appears to make some fundamental (and somewhat surprising) errors in relation to the law governing roads in Victoria. We could elaborate on this observation if provided with the full advice.

It appears from this partial legal advice that the proponents of the discontinuation are contemplating the construction of a fence or fences across the lane, restricting access to other abutting properties.

Any suggestion that such a fence may be constructed prior to the decision of council should be viewed as provocative, and any attempt to actually construct such a fence should be treated as warranting council and/or Police intervention.

If there is any fear that events might proceed in such a direction, you should seek further legal advice, which we would be happy to facilitate. In such circumstances we would provide details of precedents for councils and/or the Police taking direct action to remove unauthorised obstructions.

If we can be of further assistance, please contact me.



David Gabriel-Jones
Principal

The Public Land Consultancy
ABN 69 067 045 520
Principal: David Gabriel-Jones
Email: dgj@publicland.com.au

57/151 Fitzroy Street
St Kilda, VIC 3182
phone: (03) 9534 5128

postal: PO Box 2251
St Kilda West, VIC 3182
fax: (03) 9593 9085
www.publicland.com.au

Advice relating to Deakin Lane, Traralgon

The documents you have provided show Deakin Lane to be a road, created by subdivision in 1957. The plan showing this subdivision is LP 41285, on which Deakin Lane is marked 'ROAD R1.' The corresponding title is Volume 10246 Folio 271, which also describes the land as 'Road R1' and lists four members of the Tripodi family as its registered proprietors.

It is an unfortunate feature of the law relating to roads in Victoria that title documents cannot be relied upon. This fact is well documented in the judgment in *Calabro v City of Bayside*, Victorian Supreme Court, 1999, where Justice Balmford commented "I do not wish to suggest that this is a satisfactory situation."

The essence of the problem is this: if a road becomes a 'public highway' then it vests in fee simple in the relevant council, without that fact being recorded on title. This is the consequence of section 203 of the Local Government Act 1989, which between 1993 and 2004 read as follows:-

203. Public highways to vest in Councils

(1) A public highway vests in fee simple in the Council of the municipal district in which it is located on the date section 22 of the Local Government (Miscellaneous Amendments) Act 1993 comes into operation (if it is not already vested in the Council), or on it subsequently becoming a public highway.

Although this provision has been in place since 1993 (having been transferred from the Local Government Act 1989 to the Road Management Act 2004) affected titles remain uncorrected. Land Registry has no effective way of knowing whether a road has become a public highway, and therefore no basis on which to update the title.

A road can become a public highway by various means, of which the common law doctrine of dedication and acceptance is relevant here. The doctrine holds that if a competent landowner manifests an intention to dedicate land as a public road, and there is an acceptance by the public of the proffered dedication, then the land becomes a 'highway' – more usually described as a 'public highway.'

The annotation 'road' on the Plan of Subdivision can be taken as clear evidence of dedication. The fact that the original owner and successors in title have, over a period of half a century, acquiesced in allowing public access to the road can be taken as confirming an intention to dedicate. From what we understand, usage of the road has been by 'the public' – including persons accessing several properties fronting Deakin Street, Church Street and Princes Street. The consequence of this fact is that the road no longer vests in its registered proprietors, but in Council.

If doubts persist, and Council perceives a need to put the matter beyond question, the road may be declared to be a public highway under section 204(1) of the Local Government Act 1989.

As a public highway Deakin Lane is a municipal road within the meaning of the Road Management Act 2004, and Council is empowered to deal with it accordingly.

* * * * *

9.4 SUPER TRADE MISSION TO INDIA 2013

General Manager

Economic Sustainability

For Decision

PURPOSE

The purpose of this report is to present to Council outcomes of participation in the Victorian Government Super Trade Mission to India.

DECLARATION OF INTEREST

The Manager Economic Development declared a direct interest under section 77B of the *Victorian Local Government Act 1989*.

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives -

In 2026, the Latrobe Valley has a strong and diverse economy built on innovative and sustainable enterprise. As the vibrant business centre of Gippsland, it contributes to the regional and broader economies, whilst providing opportunities and prosperity for our local community.

In 2026, Latrobe Valley celebrates the diversity of heritage and cultures that shape our community, with activities and facilities that support the cultural vitality of the region.

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

Gippsland's Regional City
Strengthening our profile

Positioned for a Low Carbon Future
Advancing industry and innovation

Strategic Direction – Economic Sustainability

Facilitate investment attraction of new firms to contribute to economic diversification, employment creation and to meeting the challenges of a carbon constrained economy.

Strategic Direction - Culture:

Foster greater awareness, understanding and respect for other cultures through the promotion of international relationships.

Service Provision –

In conjunction with the Victorian and Australian Governments, facilitate the attractions of large investments to Latrobe City for the creation of sustainable jobs.

Major Initiatives -

Deliver “Positioning Latrobe City for a Low Carbon Emissions Future” to maximise the opportunities for alternative technologies and non traditional uses for coal, through support of the Low Carbon Emissions Future Transition Committee.

Deliver Year 2 actions from the Latrobe City International Relations Plan 2011-2014 to enhance cultural and economic benefits.

Strategy – Latrobe City Economic Sustainability Strategy 2011-2015

Latrobe’s Economic Sustainability Strategy 2011-2015 identifies the following service provision elements:

Economic Development: In conjunction with the Victorian and Federal Governments, facilitate the attraction of large investments to Latrobe City for the creation of sustainable jobs.

Regional Partnerships: Provide regional leadership and facilitate a successful transition for Latrobe City to a low carbon future.

Latrobe City’s Economic Sustainability Strategy 2011-2015 also describes strategies that Latrobe City Council plans to undertake to contribute to robust and sustainable economic development and to assist our municipality in transitioning to a low carbon future. Of particular relevance are the strategies of *Strategic Business Development* and *Latrobe City Investment Brand*.

Strategic Business Development aims to support existing businesses to grow and increase their competitiveness and to attract new businesses and industries to Latrobe City. The Economic Sustainability Strategy states:

Opportunities for new investment that bring new capital into the local economy, align with the strengths of Latrobe City, complement existing industries and serve to diversify the economy will be proactively identified and aggressively pursued during the 2011-2015 period.

ORDINARY COUNCIL MEETING AGENDA 22 APRIL 2013 (CM405)

Of particular interest are the following opportunities that the Economic Sustainability Strategy highlights including:

- *International investment: building on the international relations program and sustained international market interest in Latrobe City to attract international investment;*
- *Low emissions and renewable energy technologies: securing Victoria's next major power development in Latrobe City. Latrobe City will harness its competitive strengths in power generation and heavy engineering in order to build on, and further enhance our reputation as Victoria's energy heartland;*
- *Alternative coal use: promoting the development of coal derivative technologies including fertiliser production, coal to oil and coal to gas technologies; and*
- *Soil carbon programs: building regional capacity for production of carbon offsets through forestry, bio-char and/or soil carbon management for sale into local and international markets along with development of aligned services (e.g. brokerage agencies) located in Latrobe City's commercial hub;*
- *Shared Services: harnessing the strengths of Latrobe City to attract call centres and business services seeking affordable, accessible and well serviced central office locations. Latrobe City will mobilise its skilled workforce and infrastructure capacity to be a key shared services hub in Australia;*
- *Aviation industries: attracting aviation related businesses including aerospace industries, adventure tourism firms, aviation trading facilities and related service providers to establish or expand their operations on the expanding Latrobe Regional Airport site.*

BACKGROUND

In December 2012, advice was received that the Victorian Government planned a Super Trade Mission to India during March 2013. The Mission was to be focussed on a range of targeted industry sectors including:

Automotive	Aviation and aerospace
CleanTech	Education
Film	Financial services
Food and beverage	ICT
Life sciences	Sustainable urban design
Tourism	

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

The program aimed to strengthen industry and government relationships, introduce Victorian companies to India, develop collaboration and partnership projects between Victoria and India, increase Victorian exports to India and increase the flows of investment from India to Victoria.

The Super Trade Mission is recognised as a cost effective way to progress the range of opportunities relating to India by utilising funding support and the influence of the Victorian Government as a mission delegate.

The following outline of the Super Trade Mission is provided on the Victorian Government Department of Business and Innovation website.

The trade mission will be Australia's largest ever mission to India and will cover strategic sectors including: education, ICT, aviation and aerospace, automotive, sustainable urban design, clean tech, food and beverage, and tourism.

The Premier said the mission will strengthen the Australian investment relationship with India significantly and generate substantial new opportunities for Victorian businesses, as well as additional exports and jobs for Victoria.

Of the sectors participating in the mission, CleanTech, Aviation, Education and Food and Beverage were seen as the most consistent with Council's target sectors as defined in the Economic Sustainability Strategy and are complementary to Latrobe's currently business profile. Applications, subject to Council approval, were submitted for each of these sectors.

Initial advice received from Victorian Government Officers indicated that participation in the Education and Food and Beverage streams would not be advisable as these Missions would be specifically tailored for firms with a product to sell into the Indian market.

At its Ordinary Meeting on 4 February 2013, Council resolved the following:

1. *That Council approve a delegation consisting of the General Manager and/or Manager of Economic Sustainability to the Super Trade Mission to India.*
2. *That no councillor or officer travel to China.*
3. *That following the Super Trade Mission to India, a report outlining the key outcomes and opportunities resulting from the mission be presented to Council for consideration within 30 days of returning from the mission.*

Following the resolution, advice was received from the Department of Business and Innovation that Council was unlikely to derive significant benefit from participation in the CleanTech Stream as the mission was primarily focussed on business to business matching. Of the 13 participating organisations in the CleanTech Stream only one firm had an interest in brown coal, that firm was Exergen.

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

Given that the focus of the Stream is specifically focussed on clean technology and the organisations listed to attend include companies such as hot water system manufacturers and water technology firms it was deemed unlikely that participation in the CleanTech Stream will offer sufficient benefit to Council.

Officers contacted Exergen and offered assistance with information for the Exergen visit to India.

ISSUES

The Manager Economic Development represented Council on the Super Trade Mission to India between the 10 and 16 March plus time to travel to and from India. Specific benefits to Latrobe City through participation in the Mission are outlined below.

Demonstration to Mahindra Aerospace of our commitment to facilitating the continued expansion of Mahindra at the Latrobe Regional Airport.

A key outcome of participation in the Victorian Government Super Trade Mission to India was an opportunity to meet with a range of Mahindra personnel. It became apparent during three formal meetings and a range of informal discussions with Mahindra representatives held during the Mission that the Latrobe City "GippsAero" facility is well known by Mahindra staff across a range of levels in the hierarchy of the organisation and appears to be supported as a valuable boutique development and production facility.

Detailed discussions were held with the following Mahindra Aerospace executives:

- Air Marshall J S Gujral, Senior Advisor Aerospace;
- Stephen Roebuck, CEO Aerostructures Division;
- Dayanand Guddin, General Manager Human Resources;
- Narendra Shanbhag, Head- Programs; and
- Swapnill Soudagar, Manager Corporate Strategy and Marketing, System Sector.

Topics discussed included:

- the ongoing significant support being provided to the development of Mahindra Aerospace at Latrobe Regional Airport by all three levels of Australian government;
- the willingness to proactively assist the company to resolve identified issues with the potential to impede expansion plans and, in particular the ability to source sufficient skilled labour locally; and
- in conjunction with Gippsland's other key airports, the potential of Latrobe Regional Airport to increase overall capability in the Aerospace sector and, in particular, the opportunity to develop a local aerospace supply chain capability.

ORDINARY COUNCIL MEETING AGENDA 22 APRIL 2013 (CM405)

The Mission provided the opportunity to present to Mahindra Aerospace a framed presentation recognising the importance of the company to Latrobe City.

This presentation was well received and was immediately placed within the main office area of the Mahindra Aerospace headquarters. A picture of the gift is provided below:



A DVD, which detailed the facilities at the Airport and reinforced Council's and the Latrobe Regional Airport Board's commitment to Mahindra was presented to senior executives.

It was made clear by Mahindra representatives that Council's decision to send an officer to India with the objective of encouraging Mahindra Aerospace to remain and grow within Latrobe City delivered a clear and strong message of support for the company to remain and grow at Latrobe Regional Airport.

Furthermore, a key outcome of the series of meetings was a commitment by Dayanand Guddin, General Manager Human Resources, Mahindra Aerospace to allocate time for a half day meeting with officers during his planned visit to Victoria in April 2013. It is understood that this will be Mr Guddin's first visit to Australia and will present an opportunity to demonstrate the capability and competitive strengths of Mahindra Aerospace's Latrobe City location.

In addition, the Mission enabled an improved understanding of Mahindra's growth plans and where the Latrobe Regional Airport facility fits within this planning.

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

Continuing to forge an improved working relationship with the Victorian Government.

Participation in the Victorian Super Trade Mission to India has been instrumental in forging relationships with senior officers of the Victoria Government Business Office in Mumbai and Bangalore, and to establish relationship with Australian Government officials including the Australian Deputy Consul-General for Southern India, Stuart Campbell.

The Mission has enabled a range of discussions, both formal and informal to be held with representatives of the Victorian Government participating in the Mission, at Ministerial and officer level, and demonstrated Latrobe City Council's commitment to pursuing international investment opportunities.

The Mission provided good access to the Victorian Minister for Technology and Minister for the Aviation Industry, Gordon Rich-Phillips and his advisers further promoting Latrobe City Council's commitment to supporting efforts to attract international industry to Victoria.

Additionally, the Mission provided an opportunity to outline Council's economic development objectives to the President of the Australia India Business Council reinforcing that Latrobe City Council is proactively seeking opportunities for Indian investment in the City.

Further building a solid foundation for progressing international investment opportunities and effectively engaging with decision makers;

The Victorian Government Super Trade Mission to India enabled a range of proactive discussions to be held with representatives and relevant key decision makers within government and industry in both India and Australia.

Participation in the Mission provides a solid foundation for progressing investment opportunities as they arise and in particular offered an opportunity to continue to be proactive in encouraging the continued expansion of Mahindra Aerospace at Latrobe Regional Airport.

The Mission offered an effective and cost efficient way to gain an improved understanding within Council's Economic Sustainability Division of the opportunities and constraints for the Latrobe City business community being presented by India.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014.

A grant of \$3,000 has been committed by the Victorian Government for participation in the Mission. The cost of participation was approximately \$4,500, resulting in a net cost to Council of approximately \$1,500 from the adopted 2012- 2013 Economic Sustainability budget.

INTERNAL/EXTERNAL CONSULTATION*Engagement Method Used:*

Consultation has been held with the Victorian Government regarding Council participation in the Victorian Government Super Trade Mission to India. Approximately 50 local businesses were advised of the Mission.

OPTIONS

1. Note the outcomes of Council's participation in the Victorian Government Super Trade Mission to India.
2. Seek further information in respect to Council's participation in the Victorian Government Super Trade Mission to India.

CONCLUSION

Participation in the Victorian Government Super Trade Mission to India provided a significant opportunity to progress the implementation of key components of the Council Plan 2012-2016 and the Economic Sustainability Strategy 2011-2015.

The Mission provided the opportunity to deliver a clear and vital message of the ongoing support and commitment of Latrobe City Council to the continued growth of Mahindra Aerospace at Latrobe Regional Airport.

Participation also provided an opportunity to continue to demonstrate to the Victorian Government, Council's proactive approach to pursuing economic development outcomes.

Attachments
Nil

RECOMMENDATION

- 1. That Council notes the outcomes of participation in the Victorian Government Super Trade Mission to India.**
- 2. That a media release outlining the outcomes of the Victorian Government Super Trade Mission to India be prepared and distributed.**
- 3. That the Mayor writes a letter of thanks to the Victorian Premier and Minister for Aviation for the support provided to Latrobe City Council enabling participation in the Victorian Government Super Trade Mission to India.**
- 4. That the Mayor writes a letter of appreciation to the CEO of Mahindra Aerospace acknowledging the efforts of senior Mahindra Aerospace staff in meeting with Council's representative during the Victorian Government Super Trade Mission to India.**

CORRESPONDENCE

10. CORRESPONDENCE

10.1 REQUEST FOR 'FREEDOM OF ENTRY TO THE CITY'

General Manager

**Recreation, Culture &
Community Infrastructure**

For Decision

PURPOSE

The purpose of this report is to seek approval to grant the ceremonial right of 'Freedom of Entry to the City' to the Traralgon Fire Brigade in the township of Traralgon on Saturday 9 November 2013 in recognition of the 125 years of service of the brigade to the Traralgon and District community.

DECLARATION OF INTEREST

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

OFFICER COMMENTS

On 23 February 2013, a written request was received from Terry Goodwin, Secretary, Traralgon Fire Brigade on behalf of the '125 year Organising Committee', requesting approval from Council to hold a 'Freedom of Entry to the City' parade. The Brigade unit wishes to acknowledge its 125 years achievement by being granted the ceremonial right of 'Freedom of Entry to the City' during a weekend of celebrations to be held on the 8, 9 & 10 of November, 2013.

The term "Freedom of Entry to the City" is awarded in circumstances that reflect a special relationship between a local Emergency Services Unit or an Australian Defence Force unit and the community in which they serve. The granting of a "Freedom" may be conferred by a civic or municipal authority, large or small, and may be offered to a unit, regiment, corps or brigade. The municipal authority and the requesting 'unit' should decide the restrictions applicable to any particular 'freedom'.

The ceremony is to take the following form:

1. The unit, moves on parade without Colour and the official party arrives
2. The Mayor inspects the parade and band
3. The Mayor addresses the parade and the CEO reads the Scroll
4. The Scroll is accepted by the parade Commander. The parade Commander and highest ranked officer make addresses.
5. Colours are marched on parade.
6. The unit, advances in review order and give a general salute to the citizens of the city and municipality.
7. The unit parades, is challenged and exercises its 'freedom of entry'.
8. The unit disperses.

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

The last Freedom of Entry to the City was granted in 1999. In the past Freedom of the City has been exercised by various units of the Australian Armed Forces in Latrobe, City of Traralgon and the City of Moe.

In the past Latrobe City has awarded Freedom of Entry to the City to Military organisations, and this could be the first time a Brigade has requested this honour. However after Black Saturday the Fire Brigades and Emergency Services in the Kinglake area were awarded this honour.

Some desktop research has revealed that many Councils bestow Freedom of the City awards. Manningham City Council bestow awards in three categories;

1. **Freeman or Freewoman of the City** is awarded to individuals who have made an outstanding contribution to community groups and organisations benefiting the Manningham community.
2. The **Key to the City** acknowledges the contribution of an individual, group or organisation for outstanding achievement in sport, entertainment or humanitarian work at the local, national or international level.
3. **Freedom of Entry to the City** is awarded in circumstances that reflect a special relationship between a local Emergency Services Unit or an Australian Defence Force unit and the Manningham community.

There are no financial implications in respect to the granting of Freedom of Entry to the City, however, a community event grant application is expected from the organising committee to assist in the overall 125 year celebration and council officers are providing assistance in respect to the traffic management implications of the parade.

Attachments

1. Letter - Traralgon Fire Brigade re Request for Freedom of the City

RECOMMENDATION

That Council resolve to confer Honorary Freedom of Entry to the City to the Traralgon Fire Brigade on 9 November 2013 in the township of Traralgon to mark the 125th Anniversary of the Brigade and to recognise the dedication of service to the Latrobe City Community.

10.1

Request for 'Freedom of Entry to the City'

- 1 Letter - Traralgon Fire Brigade re Request for Freedom of the City 85**

Traralgon Fire Brigade



"Always Ready"
In service since 1888

PO Box 135
Traralgon 3844
Telephone
Station (03) 5174 2177
ABN 39 255 319 010

Latrobe City
Att Wendy Hrynyszyn
PO Box 264
Morwell
Vic 3840

LATROBE CITY COUNCIL
INFORMATION MANAGEMENT

RECEIVED

26 FEB 2013

R/O:

Doc No:

Comments/Copies Circulated to:

Copy registered in DataWorks Invoice forwarded to accounts

February 23rd 2013

Dear Mayor and Councillors,

On the weekend of the 8th, 9th, and 10th of November 2013, the Traralgon Urban Fire Brigade will be celebrating 125 years of service to the Traralgon and District community. On behalf of the organising committee, I have been asked to write to Council to ask if it's possible for the brigade to be granted "Freedom of the City of Traralgon/Keys to the City of Traralgon". A Torch Light Procession is planned for the Saturday night and this would be an ideal time to perform the presentation if this request is successful.

We await council's response,

Yours Faithfully

Terry Goodwin
Secretary
Traralgon Fire Brigade

On behalf of the 125yr Committee.

PRESENTATION OF PETITIONS

11. PRESENTATION OF PETITIONS

Nil reports

CHIEF EXECUTIVE OFFICER

12. CHIEF EXECUTIVE OFFICER

Nil reports

ECONOMIC SUSTAINABILITY

13. ECONOMIC SUSTAINABILITY

13.1 TOURISM ADVISORY BOARD ANNUAL REPORT 2012

General Manager

Economic Sustainability

For Information

PURPOSE

The purpose of this report is to present the Tourism Advisory Board Annual Report 2012 for consideration and information.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Economy

In 2026, the Latrobe Valley has a strong and diverse economy built on innovative and sustainable enterprise. As the vibrant business centre of Gippsland, it contributes to the regional and broader economies, whilst providing opportunities and prosperity for our local community.

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

Gippsland's Regional City

Strengthening our profile

Positioned for a Low Carbon Future

Advancing industry and innovation

Attract, retain, support

Enhancing opportunity, learning and lifestyles

Strategic Direction – Economy: sustainability

Promote and support the development of the tourism and events sector.

Support the skill development requirements of local industry.

Strengthen the economic sustainability of the region by actively encouraging partnerships with other local governments, industry and with community agencies.

ORDINARY COUNCIL MEETING AGENDA 22 APRIL 2013 (CM405)

Service Provision – Implement recommendations from the Tourism Product Audit and Visitor Information Centre Review.

Strategy – Economic Sustainability Strategy 2011

An excerpt from the Strategy is provided below:

“Play a substantive role in promoting and supporting the development of the tourism and events sector in Latrobe City:

- *Support the Latrobe City Business Tourism Association to attract visitors to Latrobe City, expand its industry membership base and build industry capability and skills*
- *Support Destination Gippsland in promotion of the boarder region.*
- *Implement the recommendations of the Tourism Product Audit to further Latrobe City’s position as a centre of business and events tourism:*
 - o *Position Latrobe City as the events and conferencing centre for broader Gippsland*
 - o *Investigate an opportunity for establishment of an iconic event for Latrobe City*
 - o *Promote a cohesive effort by the three major centres to secure funding and events of mutual benefit”*

BACKGROUND

First established in 1999, the Latrobe Tourism Advisory Board (the Board) is an official committee of Latrobe City Council. The Board’s purpose as per the current Terms of Reference is to:

1. Provide advice to Council on policies and strategies for furthering the development of tourism within Latrobe City;
2. Provide advice on tourism related issues that also have an impact on the wider community;
3. Act as the primary conduit for representation of the tourism industry to Council; and
4. Provide guidance, support and an avenue for consultation and exchange between Council and the Latrobe City Business Tourism Association Inc.

The current Terms of Reference (September 2012) were adopted by Council in October 2012 and are included as attachment 1 to this report.

In accordance with the Latrobe Tourism Advisory Board adopted Terms of Reference (September 2012), the responsibilities of the Board include reporting the activities of the Board to Council annually.

ISSUES

The Tourism Advisory Board Annual Report 2012 was compiled with consultation and contribution from the Board members.

Additionally, statistics and activities have been included from across the broader tourism sector to provide an understanding of the significance of tourism and the context in which the Board operates.

Highlights for the Board for 2012 include:

- The continued partnership and collaboration with the Latrobe City Business Tourism Association;
- Input into initiatives and projects including the City Image Strategy and Events Strategy;
- Presentation to Council and Destination Gippsland; and
- Endorsement of the application to council regarding the Gippsland Heritage Walk.

The Board also plays a key role in monitoring emerging trends and issues within the local tourism industry and sector more generally. Trends and issues identified by the Board in the Report include:

- Tourism is a significant industry for Latrobe City contributing \$83 million annually;
- Latrobe City's tourism market share of Gippsland has increased to 20.5% (total number of visitors);
- Events contribute significantly to the local economy;
- Website and facebook are becoming more important in disseminating information to visitors;
- Visitor numbers to the information centre have shown an increase since October 2012 against the declining trend however some of this may be attributed to the sale of tickets for major events in Latrobe City;
- A diverse range of promotional activities have been undertaken
- The Latrobe City Business Tourism Association plays an important role supporting and encouraging business development and quality service through hosting of the People's Choice Awards; and
- The implementation of the Events Strategy and the development of a Tourism Strategy and Action Plan in 2013 will provide opportunities for leveraging off Latrobe City's strengths and a strong future for the industry.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014.

There are no significant financial implications as a result of this report. Officer time to attend meetings and provide administrative support to the Latrobe Tourism Advisory Board will continue to be accommodated as part of normal activities and within the recurrent budget.

INTERNAL/EXTERNAL CONSULTATION*Engagement Method Used:*

The Latrobe Tourism Advisory Board Annual Report 2012 has been prepared with consultation and contribution by the members of the Tourism Advisory Board.

OPTIONS

That Council has the following options:

1. Accept the Latrobe Tourism Advisory Board Annual Report 2012;
2. Not accept the Latrobe Tourism Advisory Board Annual Report 2012; or
3. Request further information relating to the Latrobe Tourism Advisory Board Annual Report 2012.

CONCLUSION

The Tourism Advisory Board Annual Report 2012 provides a comprehensive report on activities of the Board in the context of the broader tourism environment.

Attachments

1. Latrobe Tourism Advisory Board Terms of Reference September 2012
2. Annual Report 2012 Latrobe Tourism Advisory Board

RECOMMENDATION

That Council notes the Tourism Advisory Board Annual Report 2012.

13.1

Tourism Advisory Board Annual Report 2012

- 1 Latrobe Tourism Advisory Board Terms of Reference
September 2012 103**
- 2 Annual Report 2012 Latrobe Tourism Advisory Board 107**



LATROBE TOURISM ADVISORY BOARD

TERMS OF REFERENCE – September 2012

1. STATEMENT OF PURPOSE

The Latrobe City Tourism Advisory Board is a committee to Latrobe City Council. The Board's purpose is to:

- Provide advice to Council on policies and strategies for furthering the development of tourism within Latrobe City;
- Provide advice on tourism related issues that also have an impact on the wider community;
- Act as the primary conduit for representation of the tourism industry to Council; and
- Provide guidance, support and an avenue for consultation and exchange between Council and the Latrobe City Business Tourism Association Inc.

2. RESPONSIBILITIES

- Provide strategic direction to Council in regard to tourism related issues.
- Assist Latrobe City and the tourism industry to establish positive working relationships with other Gippsland Tourism bodies and state governing bodies such as Tourism Victoria and the Victorian Tourism Industry Council and ensure that tourism development in Latrobe City is in line and in partnership with regional, state and federal strategies.
- Act as a sounding board/think tank for potential strategies for Latrobe City.
- From time to time, Board members may be requested to represent the Latrobe City at events such as award evenings and other tourism related proceedings.

3. MEMBERSHIP

(a) The Board shall consist of nine members:

- Two Councillors, appointed by Council;
- Two Council Officers – Manager Economic Development and Manager of Cultural Liveability or delegates (no voting rights);
- One representative from the Latrobe City Business Tourism Association or delegate;
- Four tourism industry representatives appointed by Council;
- One State Government representative as invited for specific projects (no voting rights); and
- The Tourism Coordinator and other Council Officers as required will provide professional advice and administrative support(no voting rights)

- (b) Membership for four industry representatives shall be selected through an Expression of Interest process. Expressions of Interest will be sought by advertisement in the local media and applications evaluated in regards to the applicant's abilities, experience, enthusiasm and commitment to the industry by the nominated Councillors and Council Officers. Recommendations will be put forward for the consideration of Council.
- (c) Representation from State Government will be by invitation from the Board.
- (d) The representative for the Latrobe City Business Tourism Association will be nominated by the Latrobe City Business Tourism Association.
- (e) Board members will be appointed for a two (2) year term which will commence from the date the resolution is passed to endorse the members. Members are eligible to re-apply for a position on the Board for subsequent terms.
- (f) In the instance that a Board member resigns prior to the completion of the tenure, Council may appoint a person to fill the consequent vacancy in accordance with the composition of the board. The newly appointed member will complete the balance of the resigning member's term (not the full two years).
- (g) Board members are required to attend a minimum of seven (7) meetings annually. A member unable to attend the required number of meetings may forfeit their position on the Board at the discretion of the Chair.

4. MEETINGS

The Board will hold and conduct meetings in accordance with the following provisions:

- a) The Board will meet monthly with the aim of meeting 10 times annually according to the agenda items set;
- b) Meeting days and times will be determined by consensus of the Board members;
- c) The meeting duration will be no longer than one and a half hours without the consensus of the Board members;
- d) All meetings will be chaired by a Latrobe City Councillor or their delegate;
- e) Written and/or electronic notice of each Board meeting will be provided to all members at least two weeks before the date of the scheduled meeting;
- f) Members are required to notify the Administrative Officer of their attendance or absence prior to date of the scheduled meeting;
- g) Following a call for agenda items, the agenda will be approved by the Chairperson and distributed to the Board members one week prior to the meeting;

- h) Annually, the Board will hold a workshop to review the 12 months preceding, and update strategies and key objectives for the coming year;
- i) A quorum for the meeting will comprise a simple majority of the members eligible to attend;
- j) The Chairperson will submit the minutes of each Board meeting to the next meeting of the Board for confirmation;
- k) If a matter before the Board requires a decision in the absence of consensus, a motion must be made, seconded and put to the board for a vote. The voting method will normally be a showing of hands or an alternative method as determined by the Chairperson. A motion will be considered carried if a simple majority of voting members in attendance vote in the affirmative. The Chairperson will have a casting vote; and
- l) All meetings of the Latrobe Tourism Advisory Board are open to members of the public. The Chair has full discretion to close the meeting to the public at any time in order to consider any item of business. Members of the public in attendance at the time the Chair designates the meeting as closed to the public will be required to leave the meeting.

5. RECORD OF MEETINGS

- a) Minutes of the meeting will be recorded and stored in accordance with Council procedures.
- b) The minutes will be approved by the Chairperson and distributed to Board members within one week of the meeting.

6. REPORTING

- a) Formal recommendations from the Board to the Latrobe City Council will be coordinated through the General Manager, Economic Sustainability.
- b) The Tourism Advisory Board will report its activities to Council on an annual basis in February.
- c) All public statements of the Board will be managed by Council's Community Relations department in consultation with the Chairperson.

Latrobe Tourism Advisory Board

Annual Report 2012 to Latrobe City Council



February 2013

For more information please contact
Linda Brock, Tourism Coordinator
Phone 5128 5655 or Email Linda.Brock@latrobe.vic.gov.au





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Image front cover: *Narkoojee Winery Long lunch in the Vines*

Images previous page: *Bev's Wonder World of Dolls Morwell, 'Lars Compitalis' sculpture Victory Park Traralgon, Old Brown Coal Min Museum Yallourn North, Morwell River Falls, Peterson's Lookout, Boolarra Folk Festival, Waterwheel Orchard Boolarra, Lake Narracan, alfresco dining Traralgon, Hazelwood Pondage, Morwell Centenary Rose Garden, Art Trail Moe, Red Hot Summer Tour Traralgon, Lake Hyland Churchill.*

MESSAGE FROM THE CHAIR



Cr Darrell White

The Tourism Advisory Board is pleased to present the Board's Annual Report for 2012. The document outlines the highlights and achievements of the board, and importantly, provides a tourism snapshot of Latrobe City. Tourism is a significant industry for Latrobe City estimated to generate \$83 million per annum and make up approximately 6% of the City's employment.

The activities of the Tourism Advisory Board contribute to the Community vision for Latrobe City, LATROBE 2026, which identifies economic sustainability as one of the nine pillars underpinning the community's future.

The Latrobe City Council Economic Sustainability Strategy 2011 which incorporates tourism, and the Events Strategy and Action Plan 2013 – 2017 provides the framework by which Council will work with our community to cultivate sustainable economic development in Latrobe City. The strategy aims to strengthen community pride and wellbeing through the provision of high quality and well presented programs, events and facilities that reflect and celebrate cultural diversity and heritage and contribute to the delivery of the liveable, vibrant and enterprising region described in the Latrobe 2026 community vision.

Tourism has many aspects of positive influence in our community – diverse cultural experiences, through business and personal development, economic stimulus and employment. Tourism also enhances liveability through improved sporting and leisure facilities.

Tourism is an industry which thrives on strong relationships, collaboration, and partnerships with the local community and business industry, regional, State and Federal Government departments. The Tourism Advisory Board has a strong affiliation with the Latrobe City Business Tourism Association ensuring representation on the Board and has actively sought to strengthen relationships with Destination Gippsland Ltd (DGL) and appropriate organisations.

DGL is a product of the Gippsland Local Government Network (GLGN), an alliance of six Gippsland Councils, Tourism Victoria and Parks Vic. As the independent peak tourism organisation for the Gippsland, DGL's role is to serve the tourism sector and work in partnership with the industry and government to deliver rewarding and lasting economic, environmental and social outcomes.

The participation by members of the Board with their invaluable input and commitment has contributed significantly to the progress and effectiveness of the Board and tourism in Latrobe City.

The Board wishes to thank Cr Dale Harriman as the outgoing Councillor Representative and welcome Cr Christine Sindt to the Board.

The development of a Tourism Strategy in 2013 will provide the direction to capitalise on the strengths and tourism opportunities for Latrobe City.

The Tourism Advisory Board is committed to continuing the leadership and advisory role to Council on tourism related issues and will strive towards Latrobe City being acknowledged for its uniqueness and being recognised as a tourism destination.



Cr Darrell White
Chair



*Gippsland Multicultural
Festival Morwell*



*Immigration Park,
Morwell*



*Peterson's Lookout
Tyers*



*Retail Therapy
Traralgon*

LATROBE TOURISM ADVISORY BOARD

The Latrobe Tourism Advisory Board is an official committee to Latrobe City Council

The Tourism Advisory Board is recognised as an authority in providing advice and guidance on tourism related issues

TERMS OF REFERENCE

The Board's purpose is to:

- Provide advice to Council on policies and strategies for furthering the development of tourism within Latrobe City;
- Provide advice on tourism related issues that also have an impact on the wider community;
- Act as the primary conduit for representation of the tourism industry to Council; and
- Provide guidance, support and an avenue for consultation and exchange between Council and the Latrobe City Business Tourism Association Inc.

Membership:

- Two Councillors appointed by Council - Cr Darrell White and Cr Christine Sindt;
- Two Council Officers Manager Economic Development - Geoff Hill and Manager of Cultural Liveability - David Elder or their delegates (no voting rights);
- One representative from the Latrobe City Business Tourism Association - Terry Sumner;
- Four tourism industry representatives appointed by Council – Janine Hayes, Matthew Addison, Michael Fozard and Christine Lee;
- One State Government representative invited for specific projects (no voting rights);
- The Tourism Coordinator - Linda Brock, other Council Officers and Visitor Information Centre Team Leader will provide professional advice and administrative support as required (no voting rights).

HIGHLIGHTS AND ACHIEVEMENTS

- Continued partnership and collaboration with the Latrobe City Business Tourism Association Inc. which was established by the Board to assist with business tourism development;
- Reviewed the Terms of Reference, adopted October 2012;
- Provided advice and comment:
 - Community Relations City Image Project, Tourism branding for Latrobe City
 - Contribution to the development of the Events Strategy
 - Endorsed the application to Council for the Gippsland Heritage Walk project around Kernot Lake
 - Recommendations for road signage to Emergency Management Team (Freeway Closure);
- Presentation of the 2011 Annual Report to Councillors 14 May 2012; and
- Presentation to Destination Gippsland Ltd to strengthen partnerships 29 June 2012

THE LATROBE TOURISM ADVISORY BOARD - going forward

The Latrobe Tourism Advisory Board will continue to provide advice to Council on tourism related issues.

Continue a strategic role with stakeholders such as - Tourism Victoria, Destination Gippsland Ltd, Latrobe City Business Tourism Association, other Gippsland tourism regions, and local business.

Contribute to, and endorse, the implementation of the Tourism and Events Strategies.



Park Lane Holiday Park Traralgon



Century Inn Traralgon



Brigadoon Cottages Newborough



Morwell National Park



Grand Strzelecki Track



Gippsland Plains Rail Trail

LATROBE CITY TOURISM SNAPSHOT

Latrobe City is well known for hosting many state, national and international sporting challenges. The events team attract, develop and promote a diverse and exciting events calendar incorporating cultural, sporting, and community events. Latrobe City's tourism assets include the Latrobe Regional Gallery, Latrobe Performing Arts Centre, Hazelwood Pondage, arcYinnar, Immigration Park, Lake Narracan, Morwell Centenary Rose Garden, Old Gippsdown, six golf courses, Morwell National Park, numerous tracks and trails including Grand Strzelecki Track.

Latrobe City's central location makes it an ideal base to explore Gippsland's inspiring nature based and heritage attractions, including Tarra Bulga and Mt Baw Baw National Parks, Walhalla and the rail trails.

Tourism is an \$841* million industry to Gippsland

Tourism contributes \$83* million annually to Latrobe City

*Data from the National Visitor Survey (NVS), International Visitor Survey (IVS) and the Holiday Tracking Survey (HTS) for the period year ended December 2007 to year ended December 2012 has been used. Phillip Island has been excluded for this data.

Visitation to Latrobe City **

- Total visitation to Latrobe City was officially 1.09 million (as of 30 September 2012) This represents a 45.7% increase since 2009
- Latrobe City's market share of Gippsland visitation has increased from 16.6% to 20.5% since 2009 (total number of visitors)
- The purpose of visitors to Latrobe City for overnight visitors is 17.4% holiday, 62.7% Visiting Friends and Relatives (VFR), 15.5% Business, 4.3% Education. The VFR and Business markets are above the Gippsland average.
- The Latrobe City visitation increase is above the average for Gippsland as a whole which has grown by 1.6% since 2009.
- Visitation in Gippsland over this period was affected by fires in 2009, and algal blooms and floods in 2001 and 2012.
- Note that approximately 85% of Latrobe City visitors are day trippers and 15% stay at least overnight. The daytrip market has driven the overall growth in visitation and is above the Gippsland average. Daytrip visitors support attractions, retail and food and beverage businesses, however, are lower yield compared with overnight visitors that support the accommodation sector.
- These figures do not include visitors staying in holiday homes.

Further reading: www.destinationgippsland.com.au, Resources, Research and Statistics.

** Data supplied by Destination Gippsland Ltd source National and Integration Visitor Survey Data, Tourism Research Australia Dec 2012.

EVENTS TEAM

Major events contribute significantly to the local economy

\$48:\$1 – The recent Latrobe City Strategy calculated that for every \$1 invested by Council, a further \$48 was generated in the community.

Major events 2012

- 2012 Latrobe VCL Gala championships (Soccer) total economic impact \$1,375,296
- The Southern University Games 2012 – 1,500 participants over four days in July from South Australia, Victoria and Tasmania economic impact to Latrobe City \$2,185,440
- The Great Victorian Bike Ride - 4,000 riders over two days in November
- FIBA Oceania Youth basketball tournament 2012 - eight nations, 16 teams over nine days economic impact \$1,059,312

Major events 2013

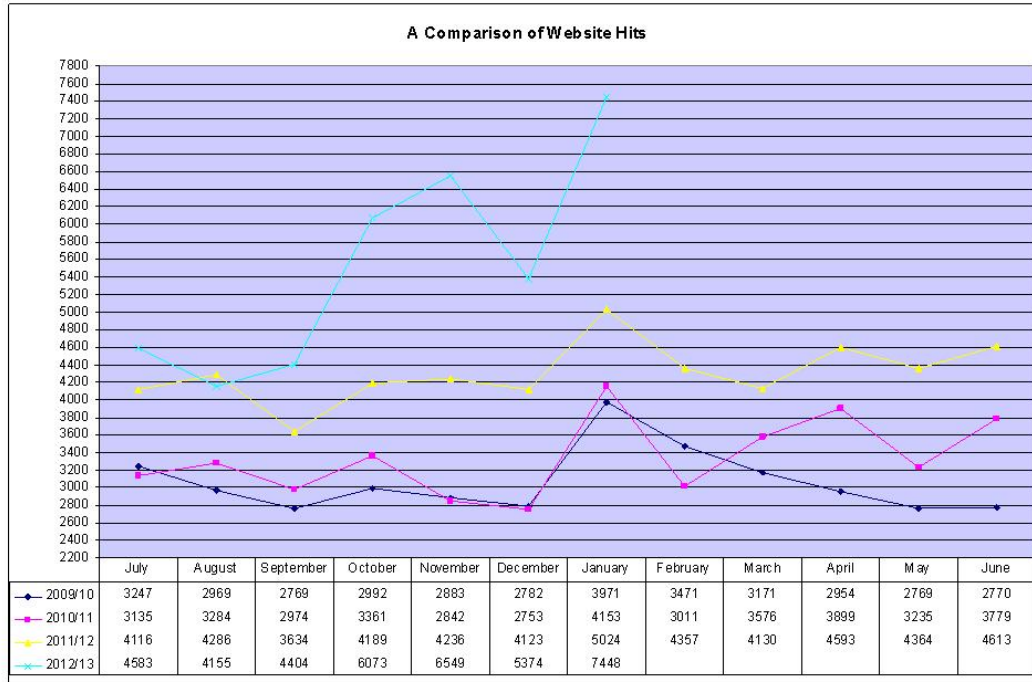
- 2013 Traralgon Junior Tennis International - \$1,529,112
- Red Hot Summer Tour Victory Park Traralgon – 3,500 people attended
- Gippsland Home and Leisure Expo Kernot Hall Morwell – 20,000 people attended
- Nitro Circus Latrobe Sports & Entertainment Stadium – 8,000 attended



Great Victorian Bike Ride Traralgon

TOURISM TEAM

Website



Website Searches

The most consistently searched words are: Hazelwood Pondage, Lake Narracan, Lake Narracan Caravan Park, Latrobe Valley, and specific events *eg Monster Trucks*.

How visitors arrived at the website:

- 8.7% came directly to the website
- 17.8% were from referring sites
- 73.4% arrived directly through a search engine (61% Google)

Top webpages viewed:

1. Home Page
2. Events
3. Fishing
4. Attraction & Activities
5. Accommodation
6. Hazelwood Pondage

Where web visitors were from:

94% Australia, 1.8% United States, 4.2% Other Countries including *New Zealand, United Kingdom & South Africa*.

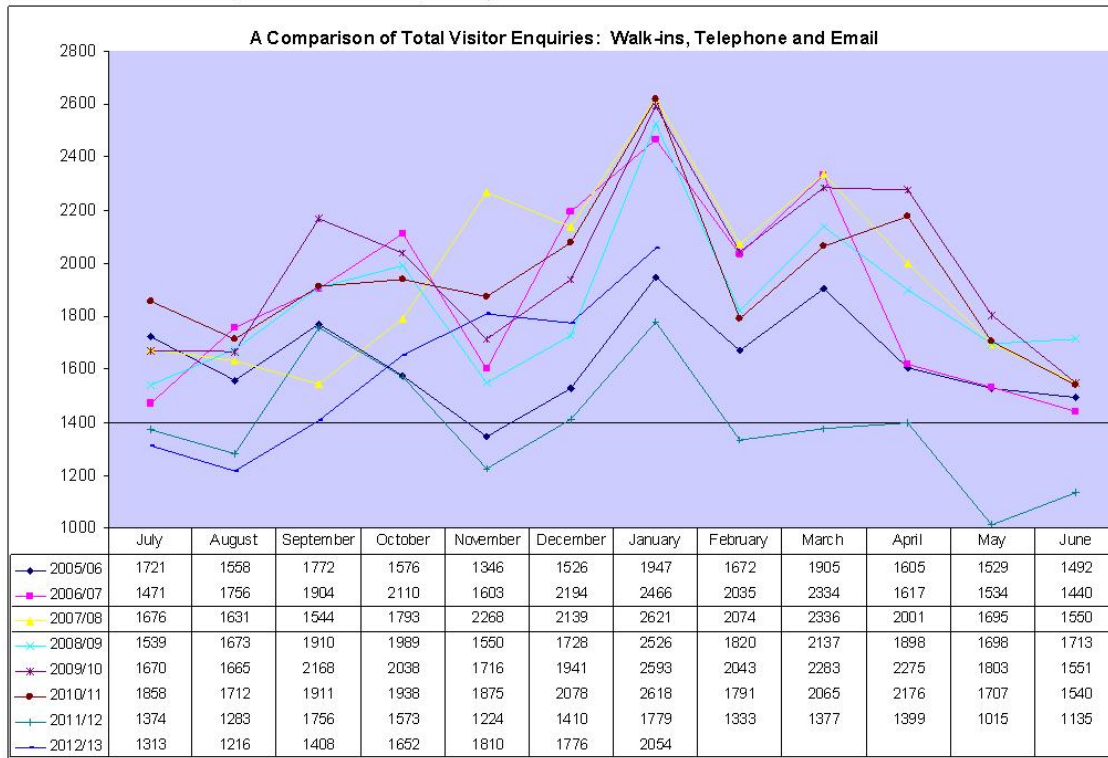
Facebook

Facebook page for Latrobe Events and Tourism commenced in July 2012. Further training and experience will ensure improved utilisation of this forum in the future.



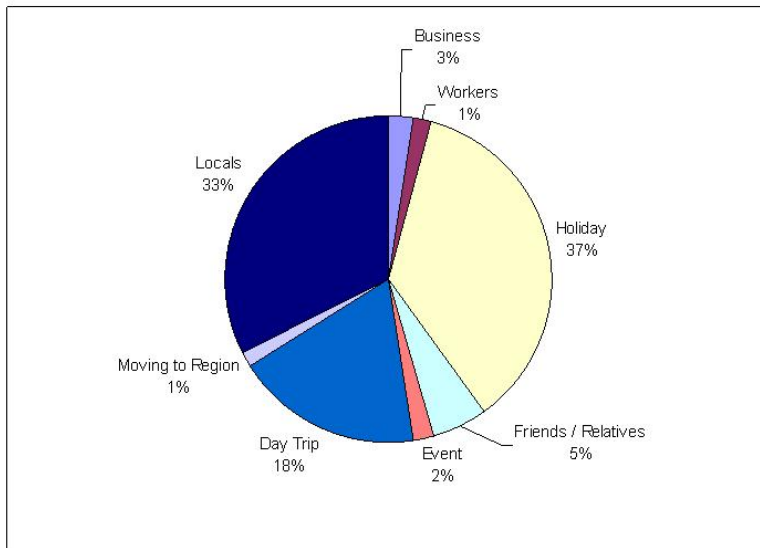
Visitor Information Centre Statistics

Total Visitor Enquiries: Walk-ins, Telephone and Email

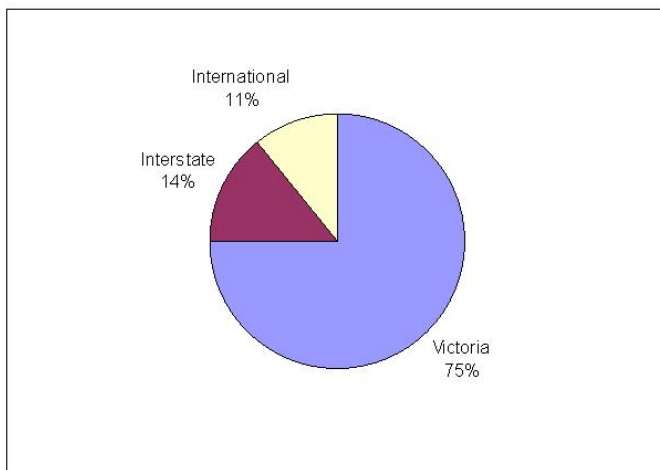


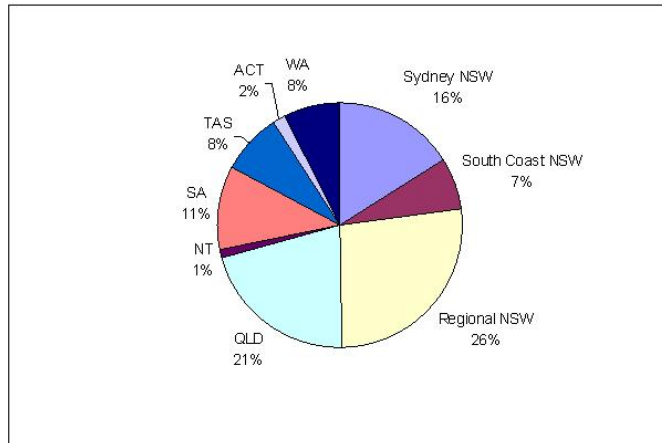
Visitor Information Centre Statistics (2011-2012)

Visitors to the information centre – Purpose of visit to Latrobe City



Visitors to the information centre – Where visitors were from



Visitors to the information centre – Interstate visitors**Visitors to the information centre – International visitors**

Country	Percentage
Germany	16.6%
United Kingdom	15.8%
Canada	10.8%
New Zealand	8.2%
USA	6.5%
Switzerland	5.7%
Other Countries	36.4%

TOURISM ACTIVITIES 2012**Promotional Activities**

- Maintenance and update of tourism website www.visitlatrobe.com
- Facebook page for Events and Tourism commenced July 2012
- Central Gippsland Official Visitor Guide 2012 (in collaboration with Wellington Shire)
- Latrobe City promoted at the Caravan, Camping and Great Outdoors Super Show and National 4X4 and Fishing Show
- 'Meeting Mart' Albert Park Melbourne - trade show for conference organisers
- Cartoscope Coastal Drive and website editorial
- Volunteers escorted a tour for Coffs Harbour Travel Club
- Volunteers assisted at Great Vic Bike Ride
- Display stand at Traralgon stadium for the Victorian Basketball Tournament
- Display stand and volunteers at International Junior Tennis Tournament
- Display stand and souvenirs at Churchill Leisure Centre for the FIBA Oceania Youth Basketball
- Display stand and volunteers at the royal Exchange Hotel Cork Club Good Friday Fund Day
- Brochures and information for several conferences and special interest events (Probus, nursing conference, international students, Gippsland Garden Club forum and many others)
- Staff member provided meet and greet at Melbourne airport for international youth basketball players
- Ticket sales for two major events, Red Hot Summer Tour and Nitro Circus
- Event Marketing – Calendar of Events
- Events Prospectus, DVD, promotional brochures

Destination Gippsland Ltd promotional activities that Latrobe participated in:

- Journalist visit to Latrobe City (PR)
- Gippsland Cycling and Walks brochures and apps
- Commenced Accessible Tourism project - Accessible Tourism Plan and brochure

Events/networks

- Gippsland Tourism Conference Lakes Entrance
- Australian Tourism & Events Conference
- Gippsland Visitor Information Centre Network
- Gippsland Regional Tourism Network
- Manager Cultural Liveability is a member on the Destination Gippsland Ltd Marketing Committee
- Latrobe City Business Tourism Association
- Official opening of the Grand Strzelecki Track
- Small Business Victoria/VECCI business development
- Latrobe City Business Tourism Association's People's Choice Awards

Product development

- Development of the Grand Strzelecki Track
- Commencement of the Gippsland Heritage Walk, Immigration Park Morwell
- Gippsland Plains Rail Trail upgrade, Glengarry to Cowwarr
- Hazelwood Pondage \$1 million facilities upgrade

LATROBE CITY BUSINESS TOURISM ASSOCIATION

Council and the Latrobe Tourism Advisory Board supported the establishment of the Latrobe City Business Tourism Association (LCBTA) in 2006 which provides the leadership, marketing and development of tourism in the region and acts as the link between local business associations, the Council, key stakeholders and other regional tourism organisations.



The part time project officer manages communication and facilitation of co-operative marketing, business development and networking for members while strengthening partnerships with Destination Gippsland Inc.

A major project for the LCBTA is hosting the 'Telstra Business Centre Traralgon' People's Choice Awards. Now in its fourth year, the awards were developed to stimulate community and business pride and encourage enhanced service delivery



2012 People's Choice Awards Finalists and Winners.

FUTURE OPPORTUNITIES

Tourism Product Audit and Review of Visitor Information Centre Services

The adoption of the Tourism Product Audit and Review of the Latrobe Visitor Information Centre Services reports in May 2011 provides the foundation for Latrobe City to respond to the changing tourism environment, develop tourism opportunities, establish Latrobe City's tourism identity and grow this sector to its full capacity ensuring continued investment and job creation.

Council initiated the projects to assist in identifying strengths and opportunities and redefining the role the municipality may play in tourism in the future in both tourism development and the provision of visitor services.

Key Recommendations

- Position Latrobe City for the business traveller segment as the primary target market
- Position Latrobe City as a regional hub facilitating travel beyond the region but retaining the yield via accommodation, restaurants, retail and tours
- Develop an Events Strategy to position Latrobe City as the events capital for Eastern Victoria
- Develop a plan to transition from a Visitor Information Centre delivered service to a web-based visitor information service
- Develop an integrated visitor services plan to compliment a web-based information service
- Prepare a communications plan to actively engage key stakeholders in the process

Next Steps

- Development of a Tourism Strategy and Action Plan due for completion by April 2014
- Integrate with the Latrobe Valley Tourism Industry Plan, an initiative of the Latrobe Valley Industry and Roadmap (incorporates Baw Baw and Wellington Shires)

For Consideration/Opportunities

- Influences – low carbon future. Tourism is seen as an opportunity to diversify employment in Latrobe City
- Enhance the perception of Latrobe City
- Implementing of the adopted Events Strategy 2013-2017 which recommends significant further investment in attracting events for increased visitation and yield
- Implementing the recommendations of the Tourism Product Audit and Review of Visitor Information Centre Service
- Leverage hub and spoke touring. Latrobe City is well recognised as a central location from which to appreciate Gippsland's attractions
- Sustainability of tourism attractions

- Improved uptake by the tourism industry to participate in cooperative marketing, networking, business and personal development
- Use of technology in all facets to maximise marketing, communication, upskilling, business efficiencies
- New Infrastructure for Latrobe City: Performing Arts/Conference Centre, enhanced facilities at Lake Narracan and Hazelwood Pondage
- Completion of the Gippsland Plains Rail Trail to Traralgon
- Converting daytrip market to overnight



Latrobe Regional Gallery



Old Gipps town Moe



Monash University Auditorium

The future's looking great!

The Events and Tourism strategies will guide the future positioning of Latrobe City as a destination in Gippsland.

We will capitalise on our assets to grow the tourism yield through events, the corporate and conference market, tourism attractions and our central location for hub and spoke touring.

The economic benefits to our city will strengthen employment options and assist to diversify our employment base as we move towards a low carbon emissions future.

Latrobe City will be to Gippsland what Melbourne is to Victoria.

A vibrant, vital, energetic destination known for hosting major events, conferences, complemented by natural and cultural attractions and regarded as integral to the Gippsland visitor experience and a great place to live.



Long Lunch in the Vines, Narkoojee Winery

RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE

14. RECREATION CULTURE AND COMMUNITY INFRASTRUCTURE

14.1 PROPOSED SPECIAL CHARGE SCHEME TO SEAL O'HARAS ROAD, HAZELWOOD

General Manager

Recreation, Culture &
Community Infrastructure

For Decision

PURPOSE

The purpose of this report is to seek Councils approval to give Notice of Intention to Declare a Special Charge Scheme for the construction of a sealed roadway in O'Haras Road, Hazelwood in accordance with Section 163 of the *Local Government Act* 1989 and the Council's Contributory Scheme Policy 11 POL-3.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

In 2026, Latrobe Valley benefits from a well planned built environment that is complementary to its surroundings and which provides for a connected and inclusive community.

Latrobe City Council Plan 2012 - 2016

Promote the integration of roads, cycling paths and footpaths with public transport options and public open space networks to facilitate passive recreation and enhance the liveability and connection of Latrobe City.

Support and advocate for integrated transport solutions that improve accessibility to and within Latrobe City.

Promote and support private and public sector investment in the development of key infrastructure within the municipality.

Ensure public infrastructure is maintained in accordance with community aspirations.

Shaping Our Future

An active connected and caring community
supporting all

Legislation

Local Government Act 1989

Provides Council with powers to implement a Special Charge Scheme.

Contributory Scheme Policy 11 POL-3

Sealing of Rural Unsealed Roads Policy 11 POL-4

BACKGROUND

O'Haras Road, Hazelwood is an unsealed rural local road servicing rural living properties and used by milk trucks, cattle trucks, semi trailers, grain trucks and metal trucks. This road is currently maintained by Council in accordance with the Road Management Plan, as detailed in attachment 1.

Appendix A of the Sealing of Rural Unsealed Roads Policy (attachment 2) outlines a clear process as to how to progress a request to seal a rural unsealed road.

The section of road proposed to be sealed will run the length of O'Haras Road, starting from Yinnar Road (refer attachment 1).

In February 2012, an enquiry was received from a property owner requesting that Council investigate sealing of O'Haras Road sealed.

On 23 April 2012 letters and feedback forms were sent to all four property owners in O'Haras Road, to gauge their interest to participate in a special charge scheme.

The responses to the feedback forms were as follows:

Responses		
For	Against	No Reply
3	1	N/A

The responses to the feedback forms are attached (attachment 3).

As the majority of property owners indicated support to contribute to a Special Charge Scheme to seal O'Haras Road, Hazelwood, a meeting of property owners was held on 12 December 2012 to progress this matter.

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)****ISSUES**

Two Council policies are applicable to this matter. These policies are Sealing of Rural Unsealed Roads Policy and the Contributory Scheme Policy.

The Contributory Scheme Policy requires that prior to the implementation of a Special Charge Scheme under Section 163 of the *Local Government Act 1989*; Council staff initiates Stage 1 of the public consultation process in accordance with Appendix 1 – Initial Consultative Process of the Contributory Scheme Policy.

The Sealing of Rural Unsealed Roads policy outlines a maximum contribution of \$5,000 per rateable property (subject to CPI annually).

The Stage 1 public consultation process commenced on 12 December 2012 with a meeting of property owners chaired by the South Ward Councillor, Cr Darrell White.

This meeting of property owners was attended by six people representing four property owners.

The meeting discussed a number of issues including the process to prepare a Special Charge Scheme, the design concept plan/design standards, timelines and the next steps in the process. A copy of the meeting notes is included as attachment 4 to this report.

Property owners of A21 (Mr & Mrs O'Bryan) queried why they would be required to contribute, as their property access is from Yinnar road, and the property is unable to be subdivided. On further investigation with the Planning Division, it was determined that the property cannot be subdivided, and the property owners will gain no benefit from O'Haras Road being sealed. The property owners have been advised that they will be excluded from any future consultation and having to make a contribution

There are now a total of three rateable properties that are eligible to be included in this Special Charge Scheme, pending Council approval.

The concept design presented at the meeting provided for a 5.5 metre wide seal on a 6.5 metre wide pavement with curve widening as appropriate. A copy of the plan is included in attachment 1.

If Council agrees to commence Stage 2 of the consultative process there will be an opportunity for property owners who wish to object to the proposed Special Charge Scheme to make a submission to Council for consideration.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014.

The detailed design and cost estimate to seal O'Haras Road, Hazelwood is approximately \$165,000.

The total maximum contribution from the property owners would be \$15,000, with Council's contribution being \$150,000.

Council has established a reserve to assist in the funding of sealing of rural unsealed roads. There is \$904,000 in this reserve which is available for Council to allocate funds to this and future projects. \$250,000 is also referred to capital budget each year to ensure projects can be completed in the future.

The Sealing of Rural Unsealed Roads policy includes evaluation criteria to assist in the prioritisation of approved Special Charge Scheme projects. There are several evaluation criteria which determine project priority, including:

- Traffic volumes
- Safety considerations
- Owner contribution
- Number of properties to benefit

This would be implemented if further roads are approved resulting in Council's contribution exceeding the available budget. To date Council have declared Special Charge Schemes for:

- Taylors Road, Koornalla
- Austin Street, Boolarra
- Hourigan Drive, Traralgon
- Retreat Road, Traralgon
- Manuel's Road, Yallourn North
- Morrows Road, Boolarra

In the event that ultimately a Special Charge Scheme was declared for O'Haras Road, the sealing of the road would still be referred to a future capital works budget process and would be at the discretion of the Council to allocate Council's contribution towards the project. Proceeding with the Contributory Scheme Policy public consultation process Stage 2 – Statutory Procedure under the *Local Government Act* 1989 does not commit Council to providing funding at any time in the future.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

There has been a range of community consultation activities completed in preparation for this report, including letters, feedback forms and a community meeting.

As part of the Stage 1 – Initial consultative process of the Contributory Scheme Policy, the concept plans were displayed for two weeks (08/02/13 to 22/02/13) at Council Offices and Stakeholders notified.

Details of Community Consultation / Results of Engagement:

The response to feedback forms sent to the three properties after the Community Meeting is as follows

Responses		
For	Against	No Reply
3	Nil	Nil

A summary of comments from the feedback forms is included as attachment 5 to this report.

OPTIONS

The following options are available to Council:

1. Proceed with the Contributory Scheme Policy public consultation process Stage 2 – Statutory Procedure under the *Local Government Act 1989*; or
2. Take no further action.

CONCLUSION

All property owners in O’Haras Road, Hazelwood have indicated their willingness to contribute to the construction costs associated with the sealing of this rural unsealed road.

The stage 1 Initial Consultation process in accordance with the Contributory Scheme Policy 11 POL-3 has now been completed and having regard to the favourable response from those who attended the meeting together with the majority of positive written responses received to date, it would now be appropriate for Council to proceed to Stage 2 - Public Consultation Process.

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)****Attachments**

1. Plan of O'Haras Road, Hazelwood
2. Appendix A of Council's Sealing of Rural Unsealed Roads Policy
3. Property Owner Responses - March 2010
4. Property Owner Meeting Notes - 12 December 2012
5. Summary of comments on feedback forms following Community Meeting

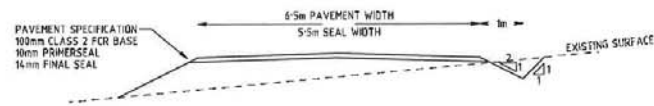
RECOMMENDATION

1. That in accordance with section 163 of the *Local Government Act 1989*:
 - (a) Council declares its intentions to levy a Special Charge Scheme at the Ordinary Council Meeting on 8 April 2013 for funding expenses for the construction of a sealed roadway in O'Haras Road, Hazelwood; and
 - (b) Council gives public notice of its intention to make a declaration of a Special Charge Scheme; and
 - (c) Council notifies persons liable to pay the \$5000 special charge by sending a notice.
2. That Council, in accordance with section 223 of the *Local Government Act 1989* consider any submissions received in relation to the declaration of its intention to levy a Special Charge Scheme to seal O'Haras Road, Hazelwood at the Ordinary Council Meeting on 3 June 2013.

14.1

Proposed Special Charge Scheme to Seal O'Haras Road, Hazelwood

1	Plan of O'Haras Road, Hazelwood.....	135
2	Appendix A of Council's Sealing of Rural Unsealed Roads Policy	137
3	Property Owner Responses - March 2010	139
4	Property Owner Meeting Notes - 12 December 2012	145
5	Summary of comments on feedback forms following Community Meeting	149



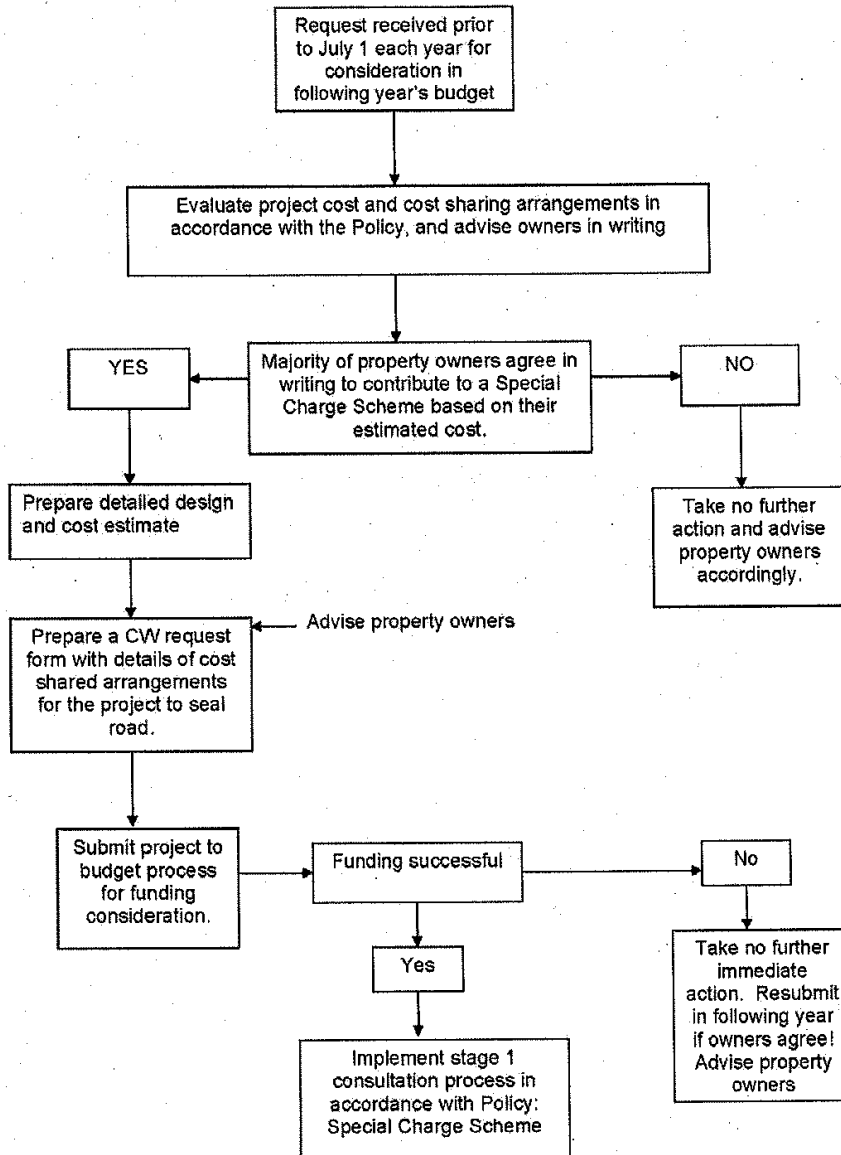
TYPICAL SECTION
RURAL ACCESS ROAD

CONCEPT

	REFERENCES Survey File No. C/2012/001 Survey File No.	CONSULTANT'S CERTIFICATION DATE CITY AUTHORIZATION DATE	Latrobe City O'HARAS ROAD, HAZELWOOD OFF YINNAR ROAD SEALING OF GRAVEL ROAD	DRAWING NO. RS10370/01
	DRAWN BY: LJ NELSON CHECKED BY:	DATE: 15/12/2012 SHEET: A OF		

Appendix A

**COUNCIL POLICY SEALING OF UNSEALED RURAL ROADS
PROCESS CHART/PROCEDURE**



789154

Feedback Form

Our Ref: SCS 2012/2

Mr G E O'Hara

Returning Officer: Sarah Duncan

Dear Resident/Owner

LATROBE CITY COUNCIL
 INFORMATION MANAGEMENT
 RECEIVED
 08 MAY 2012

R/O: _____ Doc No: _____

Comments/Copies Circulated to:

Copy registered in DataWorks Invoice forwarded to accor.



Please tick the box that reflects your opinion in relation to the sealing of O'Haras Road, Hazelwood. Please return this form to Latrobe City Council in the reply paid envelope by 21 May 2012.

agree disagree

- 1. I agree/disagree to participate in a Special Charge Scheme to seal O'Haras Road and contribute a maximum of \$5,000 per rateable property

General Comments or Concerns:

PRESENTLY :- WINTER - WET & SLIPPERY
 :- SUMMER - CORRUGATION
 & DUST.

(Use other side if insufficient space)

Property Address: 80 OHARAS ROAD

Signed: [Signature] Date: 6-5-12

Name (please print): GRAEME OHARA

Please return your completed form to Latrobe City Council by 21 May 2012.

785097

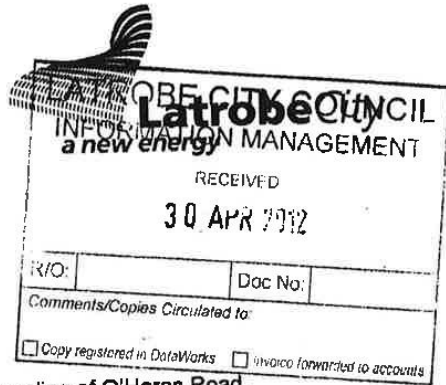
Feedback Form

Our Ref: SCS 2012/2

Mr P T Rennie & Mrs S N Rennie

Returning Officer: Sarah Duncan

Dear Resident/Owner



Please tick the box that reflects your opinion in relation to the sealing of O'Haras Road, Hazelwood. Please return this form to Latrobe City Council in the reply paid envelope by 21 May 2012.

agree disagree

1. I agree/disagree to participate in a Special Charge Scheme to seal O'Haras Road and contribute a maximum of \$5,000 per rateable property

General Comments or Concerns:

VERY HAPPY TO PROCEED

(Use other side if insufficient space)

Property Address: 53 O'HARAS ROAD YINNAM

Signed: [Signature] Date: 27/4/2012

Name (please print): PETER THOMAS RENNIE

Please return your completed form to Latrobe City Council by 21 May 2012.

793576

Feedback Form

Our Ref: SCS 2012/2

Mr D A Forys & Mrs L K Forys

Returning Officer: Sarah Duncan

Dear Resident/Owner

LATROBE CITY COUNCIL
INFORMATION MANAGEMENT

RECEIVED
17 MAY 2012

R/O: _____ Doc No: _____

Comments/Copies Circulated to:

Copy registered in DataWorks Invoice forwarded to accounts



Please tick the box that reflects your opinion in relation to the sealing of O'Haras Road, Hazelwood. Please return this form to Latrobe City Council in the reply paid envelope by 21 May 2012.

agree disagree

- 1. I agree/disagree to participate in a Special Charge Scheme to seal O'Haras Road and contribute a maximum of \$5,000 per rateable property

General Comments or Concerns:

Option 2 payments (ie installments)

(Use other side if insufficient space)

Property Address: 45 O'HARAS ROAD, HAZELWOOD

Signed: [Signature] Date: 10/5/12

Name (please print): DAVID A. FORYS

Please return your completed form to Latrobe City Council by 21 May 2012.

791162

Feedback Form

Our Ref: SCS 2012/2

Ms F D Bryan

Returning Officer: Sarah Duncan

Dear Resident/Owner

LATROBE CITY COUNCIL
 INFORMATION MANAGEMENT

RECEIVED
 14 MAY 2012

R/O: _____ Doc No: _____

Comments/Copies Circulated to:

Copy registered in DataWorks Invoice forwarded to accounts



Please tick the box that reflects your opinion in relation to the sealing of O'Haras Road, Hazelwood. Please return this form to Latrobe City Council in the reply paid envelope by 21 May 2012.

agree disagree

1. I ~~agree~~/disagree to participate in a Special Charge Scheme to seal O'Haras Road and contribute a maximum of \$5,000 per rateable property

General Comments or Concerns:

Sealing of O'Haras Road is of no benefit whatsoever to us at 533 Yinnar Road. There is no access at all to our property from O'Haras Road - i.e. no gates or driveways. We are not affected by noise or dust. Entry to our property is off Yinnar Rd, via an

(Use other side if insufficient space)

Property Address: 533 Yinnar Road

Signed: F Bryan Date: 12/5/12

Name (please print): FAYE BRYAN

Please return your completed form to Latrobe City Council by 21 May 2012.

791162

unmade service track at the extreme northern end of the property and has been for over 100 years.

Sealing of the road seems to be an overkill as the road services only 3 properties, not 4 as per your proposal.

Sealing of the road would mainly benefit the dairy farm which has instigated this proposal.

This is an adequate road for normal traffic - i.e. passenger vehicles. The only damage that would be caused is from milk tankers and grain trucks which service only the dairy farm.

Proposed Sealing of O'Haras Road, Hazelwood

Wednesday, 12 December 2012
7.00pm
Latrobe City Council Headquarters, Morwell

Meeting Notes

Attendees: Cr Darrell White (Chair), Damian Blackford, Neil Churton, Carol Stokes (Latrobe City Council), Arthur Bryan, Faye Bryan, David Forsy, Laberta Forsy, Peter Rennie, Graeme O'Hara

Apologies: NIL

1. Welcome and introduction

Welcome comments and introductions were made by Cr Darrell White.

2. Sealing of Unsealed Rural Roads and Contributory Scheme Policies

The policy documents were discussed including:

- Stages of the Special Charge Scheme;
- Evaluation criteria;
- Council process, and
- Time lines

The results of the initial Feedback Form were as follows:

Number of properties affected	Responses		
	For	Against	No reply
4	3	1	N/A

As majority agreed to participate we have moved to this meeting which is Stage 1 – Initial Consultative Process.

3. Contributions

Concept : Attached is an aerial photo showing the extent of the road to be considered under this scheme.

Cost estimate: Details of the estimated cost to seal O'Haras Road were presented as follows:

\$165,000 estimated cost to seal O'Haras Road
\$ 20,000 owner's contribution (4 rateable properties x \$5,000 each)
\$145,000 Latrobe City Council contribution

These estimates include widening where required, building the road base and sealing. The owner's contribution is \$5,000 (which is subject to CPI) and will not increase, regardless of what the confirmed actual costs are.

4. Next Steps

1. Property Owners will receive another Feedback Form to formally indicate their support for a Special Charge Scheme, after receiving and reviewing the proposal.
2. If a clear majority are still willing to contribute to a Special Charge Scheme, concept plans will be displayed at Council offices for a period of 2 weeks.
(If there is no longer a clear majority in support of a Special Charge Scheme, the Scheme will not proceed, and property owners will be advised accordingly.)
3. If supported, the scheme is then referred to Council for consideration and referral to the Capital Works Program.

5. General discussion/questions

The following comments were expressed by the residents at this meeting:

- Residents in attendance indicated a strong need for the road to be sealed due to dust and safety issues.
- Dust on pastures is causing damage.
- The road is used daily by milk trucks, cattle trucks, semi's, grain trucks & metal trucks
- Q. Is the road proposed to be constructed suitable to carry the abovementioned trucks?
A. The road will be constructed to cater to the existing traffic requirements, and will be maintained by Council as is the current practice.
- Q. Will the seal extend into the driveways of properties?
A. No. Rural roads are not sealed into property driveways.
- Q. Property owners of A21 (Mr & Mrs O'Bryan) queried why they would be required to contribute - their property access is from Yinnar Road, and the property is unable to be subdivided.
A. On further investigation with the Planning Division, it was determined that the property cannot be subdivided, and the property owners will gain no benefit at all from O'Haras Road being sealed. A letter will be sent to the property owners confirming that they will be excluded from any future consultation, and as a result there will now be 3 properties to be included in the proposed special charge scheme:

\$165,000 estimated cost to seal O'Haras Road
\$ 15,000 owner's contribution (3 rateable properties x \$5,000 each)
\$150,000 Latrobe City Council contribution

The meeting was closed by Cr Darrell White at 7.25pm

Frequently Asked Questions

Who will maintain the road once it is sealed?

All roads sealed under the Special Charge Scheme will be maintained by Latrobe City Council.

Are there payment options?

Yes, two options:

Option 1 - Lump Sum; one off payment

Option 2 - 20 equal quarterly instalments over a 5 yr period
(Current interest rate will apply)

What impact will the sealed road have on my rates?

The impact on rates is an estimated \$4.30 per \$1,000 that the sealed road increases the property price by.

Example: the sealing of the unsealed road increased the property value by \$5,000; this would mean that the rate increase would be around \$21.50.

To what standard will the road be sealed?

The road standard depends on the current zoning of the property and the description of the road under the road hierarchy.

Rural Zone - Local Road—Typically 5.5m seal on a 6.5m wide pavement, earth formed drainage.

Rural Zone - Collector Road – Typically 7m seal on a 8m wide pavement earth formed drainage.

LDR Zone - Local Road—Typically 5.5m seal on a 6.5m wide pavement with piped and earth formed drainage.

LDR Zone - Collector Road – Typically 7m seal on a 8m wide pavement with piped and earth formed drainage.

Residential – Minor –5m pavement between kerb & channel on both sides

Residential – Major –7m pavement between kerb & channel on both sides

****NOTE: These are typical descriptions only; each road, during the detailed design, is reviewed and local issues are taken into account.**

How are the projects evaluated and considered for funding

Projects that have 60% or greater support will be given priority; when there is more than 1 project with this priority the assessment table in the Sealing of Rural Unsealed roads Policy will be used. Criteria that is considered when evaluating each project is:

- Traffic Volumes
- Strategic significance
- Maintenance Considerations
- Safety considerations
- Resident contributions
- Number of houses
- Distance of houses to road
- Domestic water supply
- Owner/occupier concerns

Proposed Special Charge Scheme to seal O'Haras Road, Hazelwood***Summary of comments on Feedback Forms – Letters sent 19/12/12****Responses collated 23/01/13*

Number of properties affected	Responses		
	For	Against	No reply
3	3		N/A

For

Property	Name & Address	Comments
45 O'Haras	David Forys	We have an extensive vegetable garden, berry patch and orchard. The dust negatively impacts quality and food hygiene of the produce.
53 O'Haras	Peter Rennie	Happy to proceed
80 O'Haras	Graeme O'Hara	Food producing access farm road. High dust component in dry conditions settling on pastures. Corrugated and slippery during wet conditions.

Against

Property	Name & Address	Comments

14.2 LATROBE REGIONAL MOTORSPORTS COMPLEX**General Manager****Recreation, Culture &
Community Infrastructure****For Decision****PURPOSE**

The purpose of this report is to provide Council with an update on the proposed Latrobe Regional Motorsport Complex project and for Council to consider the future of this project.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley***Strategic Objectives - Recreation***

In 2026, Latrobe Valley encourages a healthy and vibrant lifestyle, with diversity in passive and active recreational opportunities and facilities that connect people with their community

Strategic Objectives – Our Community

In 2026, Latrobe Valley is one of the most liveable regions in Victoria, known for its high quality health, education and community services, supporting communities that are safe, connected and proud.

Latrobe City Council Plan 2012 - 2016*Strategic Direction – Strategic Direction – Recreation*

- *Foster the health and well-being of the community by promoting active living and participation in community life.*
- *Assess and evaluate recreational trends and opportunities to address community aspirations for passive and active recreational activities.*
- *Promote and maximise the utilisation of recreational, aquatic and leisure facilities and services to ensure they meet the needs of the community.*
- *Provide diverse and accessible recreational, leisure and sporting facilities that are financially sustainable.*
- *Develop and maintain high quality recreational, leisure and sporting facilities in accordance with community aspirations.*
- *Support and develop partnerships and collaboration with user groups, friends of and committees of management for recreational, aquatic, public open spaces, parks and gardens.*
- *Continue to develop and enhance recreational and leisure facilities in order to attract and facilitate events of regional, national and international significance.*

Strategic Direction – Built Environment

- *Develop high quality community facilities that encourage access and use by the community*
- *Ensure proposed developments and open space areas are complimentary to their surrounds*

Service Provision – Built Environment

- *Provide Recreation and Open Space planning for Latrobe City*

BACKGROUND

The proposed development of a Latrobe Regional Motorsport Complex project has a long history, with the first public meeting about the project convened in 1995. The Latrobe Valley Motorsport Complex Committee was formed to guide the initial planning phase of the facility, through to its formative years. The committee comprised of the following representatives:

- Gippsland Car Club
- Gippsland Go-Kart Club
- Latrobe Valley Aero Club
- Moe Speedway Club

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

- Latrobe Drag Club
- Latrobe Regional Chamber of Commerce
- Council Officer
- Any other person (by invitation)

Meetings were held on a regular basis, with the committee securing funding for an initial feasibility study.

A number of studies were undertaken during this time to support the initial feasibility study, reviewing a number of different options for a motorsport complex. These reports included:

- An Engineering Feasibility Study - 1998
- Economic Impact and Job Creation Study – 2001
- Detailed site evaluation survey – 2003
- Concept plans – 2003
- Detailed design 2004

The reports focused on three possible sites:

- Haunted Hills Road Race Circuit, based on the Haunted Hills Road, De Campo Drive, Coach Road and Bill Schultz Drive area in Yallourn Heights;
- Marretts Road, Hernes Oak;
- Road Race Circuit, Yallourn Heights.

The site at Marretts Road, Hernes Oak owned by Yallourn Energy (now Energy Australia) was identified as the preferred site and at the 2 December 2002 meeting, Council resolved:

That Council endorses the proposal to proceed with further investigation and planning for the development of the site in Marrett's Road for a motorsports complex, and that further report be presented to Council upon completion of such investigation.

Latrobe City Council negotiated with Yallourn Energy (Energy Australia) in relation to the lease for the proposed site of the Motorsport Complex at Marretts Road and Blacks Track, Hernes Oak. The lease arrangements were agreed upon and signed by both parties in 2004. It is noted that this lease has since expired.

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

The original design for the Marretts Road site incorporated the following components:

- Blue Rock Motorcycle Club Track – 13.3 hectares
- Bike Speedway Track
- Junior bike Speedway Track
- Motor Car Speedway Track – 7.7 hectares
- Competitor parking for motorbikes
- Competitor parking for motor cars
- Competitor parking for motor cycles
- Spectator areas and Spectator mounds for main tracks

A planning permit was prepared for the development and construction of the project during 2005/2006, with a planning permit approved by Latrobe City Council in September 2006.

This decision was subsequently challenged by objectors at the Victorian Civil Administrative Tribunal (VCAT) by local residents. The objectors concerns related primarily to noise, traffic and parking, dust and impact on fauna. In November 2007, VCAT set aside Council's decision to issue a Notice of Decision to Grant a Permit and ordered that a Notice of Refusal be issued.

At this time, Council were encouraged to modify the submitted plans to counter some of the concerns raised through the VCAT objection process. Due to conflicting Council priorities and re-allocation of resources (increased focus on outdoor recreation plans), these options weren't pursued and in effect the project was abandoned.

The Latrobe Regional Motorsport Complex Advisory Committee has not met since 2008 and is no longer a Special Committee of Council, as this was revoked in February 2009 by a decision of Council. It is however still on Council's committee register as an advisory committee. The Councillor representatives at Councillor Middlemiss and Councillor Gibson.

At the Ordinary Council meeting of 17 September 2012, Council resolved the following:

That Council confirms its' previous commitment to the establishment of a Latrobe City Motor Sports Complex.

To this end, Council officers will;

- *Immediately seek renewal of the lease on the previously chosen site for the complex near Hernes Oak and then seek the necessary planning approval for use of this site.*
- *Approach all organisations that have previously expressed an interest in using such a Complex, or organisations, which may now have such a Complex, or organisations, which may now have such an interest, seeking their current intentions and requirements.*

ORDINARY COUNCIL MEETING AGENDA 22 APRIL 2013 (CM405)

- *Request comments of all organisations that express an interest in using such a Complex as to the adequacy of the current complex design.*
- *Prepare a report outlining the advantages, design and operation of such a complex, including costings of construction and operations. This report to include options and possible availability of funding and it consider 'in kind' construction assistance from user groups, including staged constructions. This report to be presented to Council by April 2012.*

ISSUES

The following is a list of stakeholders who have previously been involved with the projects or expressed an interest in the motorsport project:

- Gippsland Car Club
- Gippsland Go-Kart Club
- Latrobe Valley Aero Club
- Moe Speedway Club
- Latrobe Regional Chamber of Commerce
- Latrobe Drag Club (now Latrobe Valley Street Machines)
- Moe Field & Game Club
- Morwell Field & Game Club
- Blue Rock Motorcycle Club
- Gippsland Speedway Motorcycle Club

Council Officers contacted or attempted to contact each representative of the organisations previously involved with the project and asked whether their group/association had a current commitment to the project and whether they would like to be involved in discussions relating to a proposed new facility. The following table (Table 1) provides each organisations/clubs commitment to the Latrobe Regional Motorsport Complex project.

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

Table 1

Stakeholder	Contact name/s	Commitment to project
Gippsland Car Club	John Bryant (Secretary)	Advised that although the club had a world standard hill climb venue, it still supported the construction of a 5.6 km road racing circuit which was in the original design for the complex.
Gippsland Speedway Motorcycle Club	John Ferguson	Advised that the Gippsland Speedway Motorcycle Club fully supported the original design for the Latrobe Regional Motorsport Complex.
Morwell Field & Game Club	Graeme Dinsdale	Council officers left several messages but no response has been received.
Moe Field & Game Club	The President	Council officers left several messages but no response has been received.
Gippsland Go-Kart Club	Glenn Wall	Advised that the Go-Kart club were still interested in the project.
Latrobe Valley Aero Club	The President	Council officers left several messages but no response has been received.
Moe Speedway Club	Edie Tatterson	Council officers have been unable to contact this club, however in previous meetings with Council officers, the Moe Speedway Club have indicated a full commitment to the project.
Latrobe Regional Chamber of Commerce		This entity is no longer operating.
Latrobe Drag Club		This club is no longer operating.

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

Latrobe Valley Street Machines	Paul Grieve	Indicated that the Latrobe Valley Street Machines are still interested in this project. He indicated that the club would like an 8 th mile drag strip for drag racing and a asphalt or grass area for members to host car shows.
Blue Rock Motorcycle Club	Gavin Dunn	Indicated that the Blue Rock Motorcycle Club were still interested in the project, but any further commitment would need to be reviewed in light of any financial commitment.

The stakeholders contacted in the preparation of this report were positive about the possibility of a motorsports complex, but not necessarily the original scope for the project.

A number of the stakeholders contacted have now developed facilities to service the need of their particular discipline. The following provides a snapshot of current facilities:

Bryant Park Hill Climb (Gippsland Car Club)

The Gippsland Car Club was formed in the early 1960's by a group of local motor sporting enthusiasts. The club has conducted hill climb events for many years, as well as organising other types of events, including rallies, treasure hunts, motorkhanas and spring meetings.

From 1972 to 2008, the Gippsland Car Club based it hill climbs at the Latrobe Road Morwell track. The track ceased operating when it was required by Energy Australia (formerly Yallourn Energy) for its coal production.

The Gippsland Car Club renegotiated a new lease for its hill climb at Bill Schultz Drive in Yallourn Heights, and the track opened in 2008. It is now considered to be of an international standard, hosting a range of club, national and state based events.

Morwell Gun Club

The Morwell Gun Club is situated in Old Melbourne Road Morwell, between Toners Lane and Latrobe Road Morwell. The land is leased from Energy Australia. The club currently operate their competitions from this venue.

Blue Rock Motorcycle Club

The Blue Rock Motorcycle Club, situated in Coach's Road Yallourn Heights is a purpose built and single use facility for motorcycle racing. The club moved to this current site in 2008 after the old Morwell Hill Climb closed. The club currently hosts local and regional events at the facility.

Latrobe Go-Kart Club

The Latrobe Go-Kart Club is situated on the corner of Tramway Road and Princes Drive in Morwell. The club owns the site and is the only user of the facility. The representative contacted in relation to this report indicated that the club was currently trying to negotiate the lease/purchase of a larger site to suit the growth of the club.

Latrobe Drag Club (Latrobe Valley Street Machines)

The club no longer operates as the Latrobe Drag Club, but representatives from the Latrobe Valley Street Machines have indicated that members would like to see an 8th mile drag strip developed if a motorsport facility was being progressed. The Street Machine club require a large hard stand area to show their cars. The club is currently doing this by hiring facilities, such as Gaskin Park in Churchill.

Based on the above information, it would be prudent to re-engage with key stakeholders to ascertain what their current needs are in respect to the proposed motor sport complex.

Lease with Energy Australia

Council officers wrote to Energy Australia (formerly TRUenergy Yallourn) on 2 October 2012 to determine the availability of the land on the corner of Black's Track and Marretts Road Hernes Oak.

Energy Australia's response dated 25 October 2012 (Attachment 1) confirms that the above-mentioned parcel of land is no longer available for a motor sport complex and that they did not have any other land available for the project.

As the original site at Marretts Track/Blacks Track Hernes Oak is no longer available, an investigation into potential sites would need to be undertaken in the first instance. The site would need to satisfy a number of requirements, including:

- Site size
- Closeness to major roads/freeway
- Distance to residential developments
- Geographic/geologic requirements

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

All reports previously completed as part of the project are site specific to the Marretts Road/Blacks Track site, which is no longer available to lease.

The reports, particularly the Economic Impact Study (2001) are now 12 years old and makes assumptions that the proposed motorsport facility will host a round of the V8 Supercars at the Marretts Road/Blacks Track site, which is no longer available.

It is reasonable to assume that the landscape of motorsports at a local, regional, state and national level has changed considerably in the past 12 years. For example, rather than expanding V8 Supercars into Regional Australia, that particular organisation has expanded its racing program internationally into markets such as New Zealand, United Arab Emirates, Bahrain and China.

In addition to this, work is expected to begin soon on a \$30 million Cardinia Motor Recreation and Education Park, with the facility to open in January 2016. This facility has similar elements to some of those suggested in the Latrobe Valley complex and includes facilities for car, motorcycle and go-kart clubs.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014.

As recommended in the report, initial discussions with key stakeholders can be undertaken which will require officer resources only. This can be accommodated within the current work load of staff.

In a future phase, there is potential for significant cost to Council in terms of officer time and direct cost to Council for the re-scoping of the project. This could include pieces of work such as a feasibility study, business case, master planning and designs.

If the investigations progress to a point where Council wishes to develop a Motor Sports Complex in Latrobe City, significant capital investment would be required. There is no current provision in Council's budget or the adopted 10 Year Long Term Financial Plan to progress this project further than initial consultation with the relevant users.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Latrobe City Council has made contact with the majority of stakeholders who have previously had an interest in this project.

The following clubs or organisations were contacted regarding the project:

- Gippsland Car Club
- Gippsland Go Kart Club
- Latrobe Valley Aero Club
- Moe Speedway Club
- Latrobe Valley Street Machines (formerly Latrobe Drag Racers)
- Blue Rock Motorcycle Club
- Gippsland Speedway Motorcycle Club

Officers have been unable to contact the Moe Speedway Club, Moe Field and Game Club or the Morwell Field and Game Club, despite calling and leaving messages on a number of occasions.

However, the Moe Speedway Club has previously met with Council Officers and has indicated total commitment to the Latrobe Regional Motorsports Complex project.

Details of Community Consultation / Results of Engagement:

The results of community consultation conducted as part of this report are detailed in the Issues section of the report.

OPTIONS

Council has the following options in relation to this report:

- Reconvene the Latrobe Regional Motorsports Complex Advisory Committee to investigate current levels of commitment to the motor sport complex and to identify the facilities desired by interested parties.
- Not reconvene the Latrobe Regional Motorsports Complex Advisory Committee to investigate current levels of commitment to the motor sport complex and to abort the project.

CONCLUSION

The Latrobe Regional Motorsport Complex project requires significant re-scoping to proceed. At this time, the project does not have suitable land for the development of the previously scoped project.

Key stakeholders have developed significant infrastructure at other venues in Latrobe City, however there are still clubs such as the Gippsland Speedway Motorcycle Club and the Moe Speedway Club that have indicated that they have a lack of quality facilities.

The reports that were prepared to support the previous development and planning application are dated and require a significant review. Most of the reports rely upon the Marretts Road/Blacks Track site, which is no longer available.

It is proposed that Council invites all previously involved stakeholders of the Latrobe Regional Motorsport Complex Advisory Committee to meet as soon as practicable and discuss the project with the following points to be discussed:

- Which stakeholders have a commitment to the project?
- What motorsport infrastructure/facilities are required in light of existing facilities?
- How much land is required to support the required infrastructure/facilities?
- What resources will be required to investigate the project?
- What are the site options for this proposed facility?
- Capacity to contribute to the development of a new facility.

Following this meeting a further report to Council will be presented detailing the outcomes from the meeting and the potential next steps for the project.

Attachments

1. Correspondence.

RECOMMENDATION

1. That Council reconvene the Latrobe Regional Motorsports Complex Advisory Committee to investigate current levels of commitment to the Motor Sport Complex and to identify the facilities desired by interested parties.
2. That prior to November 2013, a report is provided to Council detailing the outcomes from the meetings and a recommendation for the future of the project.

14.2

LATROBE REGIONAL MOTORSPORTS COMPLEX

1	Correspondence.....	163
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EnergyAustralia

EnergyAustralia
Yallourn Pty Ltd
ABN 47 065 325 224

Eastern Road
Yallourn Victoria 3825

PO Box 444
Moe Victoria 3825

Phone *61 3 5128 2000
Facsimile *61 3 5128 2200

energyaustralia.com.au

25 October 2012

Mr Paul Buckley
Chief Executive Officer
Latrobe City Council
PO Box 264
MORWELL VIC 3825

Dear Mr Buckley

RE: PROPOSED MOTORSPORTS COMPLEX, CORNER OF BLACK'S TRACK AND MARROT'S ROAD

I have reviewed your letter dated 2 October 2012 concerning Council's response to my advice that EnergyAustralia (previously TRUenergy) no longer has the land available for this project.

Currently EnergyAustralia has the land leased on a long term contract and reserves the block as a potential site for developments linked to our extensive brown coal resource.

Whilst we note Council's "notice of motion", our position has not changed and the land is no longer available for the Valley Motorsports Complex.

Please contact me on 0418567284 or by email ron.mether@truenergy.com.au if you wish to discuss.

Yours sincerely

RON METHER
Manager Mining
TRUenergy Yallourn

LATROBE CITY COUNCIL INFORMATION MANAGEMENT RECEIVED 30 OCT 2012	
R/O:	Doc No:
Comments/Copies Circulated to:	
<input type="checkbox"/> Copy registered in DataWorks <input type="checkbox"/> Invoice forwarded to accounts	

COMMUNITY LIVEABILITY

15. COMMUNITY LIVEABILITY

Nil reports

GOVERNANCE

ORDINARY COUNCIL MEETING AGENDA 22 APRIL 2013 (CM405)

16. GOVERNANCE

16.1 ASSEMBLY OF COUNCILLORS

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to present to Council, the Assembly of Councillors forms submitted since the Ordinary Council Meeting held 8 April 2013.

DECLARATION OF INTEREST

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

OFFICER COMMENTS

The following Assembly of Councillors took place between 26 March 2013 and 27 March 2013 inclusive:

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
26-Mar-13	Local Members of Parliament Briefing As per attached Agenda	Cr Kam, Cr Gibbons, Cr Gibson, Cr Sindt (arrived 2.25pm) and Cr Harriman (arrived 2.25pm) Paul Buckley, Carol Jeffs, Allison Jones, Grantley Switzer	Cr Kam declared an indirect interest under S.'s 78 & 78A of LGA 1989 in Item 4 – MRPRP – Update. Cr Harriman declared an indirect interest under S. 78C of LGA 1989 in Item 4 – MRPRP – Update.
27-Mar-13	Clean Coal Victoria Advisory Committee Councillor Briefing Overview of role of the Clean Coal Victoria Advisory Committee, coal seam gas update, social licence for brown coal community engagement, media and communications	Cr Darrell White, Cr O'Callaghan (in her capacity as CCV Advisory Committee Chair), Cr Peter Gibbons, Cr Dale Harriman, Cr Graeme Middlemiss and Cr Christine Sindt Allison Jones	NIL

Attachments

1. Local Member of Parliament Briefing
2. Clean Coal Victoria Advisory Committee

RECOMMENDATION

That Council note this report.

16.1

Assembly of Councillors

- 1 Local Member of Parliament Briefing 175**
- 2 Clean Coal Victoria Advisory Committee 179**



Assembly of Councillors Record

Assembly details: Local Members of Parliament Briefing

Date: 26 March 2013

Time: 2.00pm – 3.00pm

Assembly Location: Nambur Wariga Meeting Room, Corporate Headquarters, Morwell

In Attendance:

Councillors: Cr Kam, Cr Gibbons, Cr Gibson, Cr Sindt (arrived 2.25pm) and Cr Harriman (arrived 2.25pm)

Officer/s: Paul Buckley, Carol Jeffs, Allison Jones, Grantley Switzer

Matter/s Discussed: As per attached Agenda

Are the matters considered confidential under the Local Government Act: NO

Conflict of Interest Disclosures: (refer 3. over page)

Councillors:

Cr Kam declared an indirect interest under Sections 78 and 78A of the Local Government Act 1989 in relation to Item 4 – Moe Rail Precinct Revitalisation Project – Update.

Cr Harriman declared an indirect interest under Section 78C of the Local Government Act 1989 in relation to Item 4 – Moe Rail Precinct Revitalisation Project – Update.

Officer/s:

NIL

Times that Officers / Councillors left/returned to the room:

Cr Kam and Cr Harriman both left the room at 2.40pm and returned at 2.42pm.

Completed by: CAROL JEFFS



Assembly of Councillors Record Explanation / Guide Notes
Required pursuant to the Local Government Act 1989 as amended.

1. Section 80A requirements (re: Written Record to be made by Council staff member):

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

"At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending under subsection (3);
- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly."

The above required information is:

- to be reported to an Ordinary meeting of the Council; and
- incorporated in the minutes of that Ordinary meeting.

2. Section 76AA definition:

"**Assembly of Councillors** (however titled, e.g: meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

Brief Explanation:

Some examples of an *Assembly of Councillors* will include:

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

providing at least 5 Councillors and 1 Council staff member are present and the matter/s considered are intended or likely to be subject of a future decision by the Council **OR** an officer decision under delegated authority.

Effectively it is probable, that any meeting of at least 5 Councillors and 1 Council staff member will come under the new requirements as the assembly will in most cases be considering a matter which will come before Council or be the subject of a delegated officer's decision at some later time. If you require further clarification, please call the Manager Council Operations – Legal Counsel.

Please note: an Advisory Committee meeting requires only one Councillor to be in attendance. An advisory committee is defined as any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

3. Section 80A and 80B requirements (re: Conflict of Interest):

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

Section 80A(3)

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly."

Section 80B

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.



Latrobe City Council Local Members of Parliament Briefing

'Conduct quarterly briefing sessions with parliamentarians representing the municipal area to provide advice, promote and advocate for local and regional priorities.'

Agenda

Tuesday, 26 March 2013
2.00 pm – 3.00 pm
Nambur Wariga

Item	Resp.
1. Welcome Attending: <ul style="list-style-type: none"> • Russell Northe • Darren Chester • Philip Davis • Cr Sandy Kam, Mayor • Cr Peter Gibbons • Cr Dale Harriman • Cr Christine Sindt • Cr Sharon Gibson • Cr Darrell White • Paul Buckley • Grantley Switzer • Carol Jeffs • Allison Jones • Michael Edgar Apologies: <ul style="list-style-type: none"> • Russell Broadbent • Edward O'Donohue • Peter Ryan • Cr Michael Rossiter • Cr Graeme Middlemiss 	Cr Kam (Mayor)



2.	Councillor & Members of Parliament General Discussion <ul style="list-style-type: none"> • <i>Water Pricing</i> • <i>Monash University</i> 	All
3.	Members of Parliament Update <ul style="list-style-type: none"> • Key initiatives and policy update 	
4.	Latrobe City Council Major Projects/Initiatives Update <ul style="list-style-type: none"> • Traralgon bypass • Escalating costs of landfill operation <ul style="list-style-type: none"> ◦ Closed landfill rehabilitation • Gippsland Regional Aquatic Centre – project update • Moe Rail Precinct Revitalisation – project update • SE Melbourne Airport • Gippsland Freight Strategy • Regional Growth Plan 	Paul Buckley
5.	Close	Mayor

Next Meeting: Friday, 24 May 2013

Assembly of Councillors Record

Assembly details: Clean Coal Victoria Advisory Committee Councillor briefing

Date: Wednesday, 27 March 2013

Time: 10.00 am - 1.30 pm

Assembly Location: Century Inn

In Attendance:

Councillors: Cr Darrell White, Cr O'Callaghan (in her capacity as CCV Advisory Committee Chair), Cr Peter Gibbons, Cr Dale Harriman, Cr Graeme Middlemiss and Cr Christine Sindt

Officer/s: Allison Jones

Matter/s Discussed:

Overview of role of the Clean Coal Victoria Advisory Committee, coal seam gas update, social licence for brown coal community engagement, media and communications

Are the matters considered confidential under the Local Government Act: NO

Conflict of Interest Disclosures: (refer 3. over page)

Councillors: NIL

Officer/s: NIL

Times that Officers / Councillors left/returned to the room: N/A

Completed by: Allison Jones

Assembly of Councillors Record Explanation / Guide Notes
Required pursuant to the Local Government Act 1989 as amended.

1. Section 80A requirements (re: Written Record to be made by Council staff member):

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

“At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending under subsection (3);
- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly.”

The above required information is:

- to be reported to an Ordinary meeting of the Council; and
- incorporated in the minutes of that Ordinary meeting.

2. Section 76AA definition:

“**Assembly of Councillors** (however titled, e.g: meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

Brief Explanation:

Some examples of an *Assembly of Councillors* will include:

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

providing **at least 5 Councillors and 1 Council staff member are present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

Effectively it is probable, that any meeting of at least 5 Councillors and 1 Council staff member will come under the new requirements as the assembly will in most cases be considering a matter which will come before Council or be the subject of a delegated officer's decision at some later time. If you require further clarification, please call the Manager Council Operations – Legal Counsel.

Please note: an Advisory Committee meeting requires only one Councillor to be in attendance. An advisory committee is defined as any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

3. Section 80A and 80B requirements (re: Conflict of Interest):

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

Section 80A(3)

“If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly.”

Section 80B

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.

16.2 REVIEW OF COUNCIL POLICY

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to present the Council Policy Development Policy 11 POL-5 for consideration by Council.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Governance

In 2026, Latrobe Valley has a reputation from conscientious leadership and governance, strengthening by an informed and engaged community, committed to enriching local decision making.

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

Gippsland's Regional City
Strengthening our profile

Strategic Direction – Governance

Conduct regular review of Latrobe City Council policies to ensure that they reflect the aspirations of the community.

Ensure that Council decision-making considers adopted policies.

Service Provision – Risk and Compliance

Policy - Council Policy Development Policy 11 POL-5

Policy development has a key role to play in the good governance of Latrobe City Council. Policy sets the broad parameters for guiding and setting the boundaries to influence the actions and operations of the organisation. Policies are designed to provide clear, unambiguous guidelines and to provide continuity and a consistent point of accountability. Policy-making shall therefore follow set procedures to ensure the efficiency of the process and the overall policy framework.

BACKGROUND

Policy development has a key role to play in good governance of Latrobe City Council. Policy sets the broad parameters for guiding and setting the boundaries to influence the actions and operations of the organisation.

It is therefore important to review the current policies of Council from time to time to ensure each policy provides clear and unambiguous guidelines and remains relevant.

The *Council Policy Development Policy 11 POL-5* stipulates that a formal review of all policies must be conducted by a newly-elected Council within six months of the election and then programmed for internal review at least on an annual basis thereafter.

In 2011-2012 the Council Policy Review Program, a staged two year program was approved by Council in order to systematically review all current policies.

To ensure that all policies continue to remain current and relevant a new staged policy review program over the term of the current Council is recommended to be implemented.

ISSUES

As a result of the ongoing review of all policies the *Council Policy Development Policy 11 POL-5* has been amended. The amendment reflects that it is no longer necessary for all Council policies to be reviewed within six months of an election, but instead can be reviewed through the ongoing program.

Specifically, the policy amendment involves the deletion of:
Item 6: *A newly elected Council will conduct a formal review of all policies within six months of being elected*, has been deleted.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

There are no direct financial implications in relation to the review of Council Policies.

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014 and is in itself a risk mitigation measure to ensure all of Council's policies are current and reflect best practice.

INTERNAL/EXTERNAL CONSULTATION*Engagement Method Used:*

The policy selected for review and presented to Council for consideration has been subject to internal consultation.

OPTIONS

The following options are available to Council:

1. Adopt the policy as presented; and
2. Amend and adopt policy;
3. Not to adopt or revoke policy;
4. Seek further information on policy.

CONCLUSION

It is recommended that Council adopts the Council Policy Development Policy document [13 POL-6] as presented.

Attachments

1. Attachment A - Council Policy Development Policy 13 POL-6

RECOMMENDATION

That Council adopts the policy as presented:

- **Council Policy Development Policy [13 POL-6]**
- **That the revised Council Policy Manual [13 POL-1] be produced and made available to the Public.**

16.2

REVIEW OF COUNCIL POLICY

- 1 Attachment A - Council Policy Development Policy 13
POL-6 187**

Document Name: **Council Policy Development Policy**

13 POL-6

Adopted by Council: **Date of Council Meeting**

Policy Goals

Policy development has a key role to play in the good governance of Latrobe City Council. Policy sets the broad parameters for guiding and setting the boundaries to influence the actions and operations of the organisation. Policies are designed to provide clear, unambiguous guidelines and to provide continuity and a consistent point of accountability. Policy-making shall therefore follow set procedures to ensure the efficacy of the process and the overall policy framework.

Relationship to Latrobe 2026 & Council Plan

This policy relates to the following Strategic Objectives contained within Latrobe 2026: The Community Vision for Latrobe Valley and the Council Plan:-

Governance

Latrobe 2026:

In 2026, Latrobe Valley has a reputation for conscientious leadership and governance, strengthened by an informed and engaged community, committed to enriching local decision making.

Council Plan:

- Conduct regular review of Latrobe City Council policies to ensure that they reflect the aspirations of the community.
- Ensure that Council decision-making considers adopted policies.
- Delegate appropriately and make sound decisions having regard to legislative requirements, policies, professional advice, sound and thorough research and the views of the community.

Regulation and Accountability

Latrobe 2026:

In 2026, Latrobe Valley demonstrates respect for the importance of rules and laws to protect people's rights, outline obligations and support community values and cohesion.

Council Plan:

- Ensure that Latrobe City Council meets all relevant legislative obligations and is positioned to respond to legislative change in a manner which inspires community confidence.

Policy Implementation

1. All policies will be placed before the Council for comment and or adoption following the recommendation of the Chief Executive Officer.
2. The Council, Chief Executive Office or Council officers can identify the need for new policies.
3. Whenever possible, policies should be developed in response to the potential for future use or in advance of an event rather than in response to an event, crisis or problem.
4. Except in special circumstances, a policy would not normally be introduced by the Council without informing the staff who has a responsibility to implement the policy.
5. All policies will be programmed for internal review, which is to be carried out by the respective General Managers in consultation with the Managers and other relevant staff.
6. All changes to policies are to be referred to the Council for comment and adoption prior to implementation.
7. The master copy (control copy) of the policy manual, as amended from time to time, will be retained within the Governance division.
8. All current policies of Latrobe City Council will be available to the public via the Council website. Access to past policies of Council will be available upon request.

This policy has been reviewed after giving proper consideration to all the rights contained within the *Charter of Human Rights and Responsibilities Act 2006*; and any reasonable limitation to human rights can be demonstrably justified.

Signed : _____
Chief Executive Officer

Date : .

**16.3 PLANNING PERMIT APPLICATION 2012/190 DEVELOPMENT OF
FIVE (5) DWELLINGS ON A LOT, LOT 5 GODRIDGE ROAD,
MORWELL**

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to determine Planning Permit Application 2012/190 for the development of five (5) dwellings at Lot 5 Godridge Road, also known as Lot 5 on Plan of Subdivision 140015.

DECLARATION OF INTERESTS

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objective – Built Environment

- In 2026, Latrobe Valley benefits from a well planned built environment that is a complementary to its surroundings and which provides for a connected and inclusive community.

Shaping Our Future

An active connected and caring community

Supporting all

Latrobe City Council Plan 2012 – 2016

Strategic Objectives – Built Environment

- Promote and support high quality urban design within the built environment; and
- Ensure proposed developments enhance the liveability of Latrobe City, and provide for a more sustainable community.

Legislation

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

BACKGROUND

SUMMARY

Land: Lot 5 Godridge Road, Morwell known as Lot 5 on Plan of Subdivision 140015.

Proponent: Latrobe Valley Drafting P/L

Zoning: Mixed Use Zone

Overlay: Environmental Audit Overlay

A Planning Permit is required for the construction of two or more dwellings on a lot in accordance with Clause 32.04-5 of the Mixed Use Zone.

PROPOSAL

The application is for the construction of five dwellings on a lot.

Dwelling 1 will contain 2 bedrooms, a kitchen, living and dining area and bathroom. It is located 6.7 metres from the Godridge Road frontage, with the entrance addressing the Godridge Road frontage and garage access achieved via the proposed common property driveway. A single garage space has been provided for the dwelling. The floor area of proposed dwelling will be 118.55m².

Proposed dwellings 2 to 4 will have the same floor plan and will contain 2 bedrooms, a kitchen, living and dining area and bathroom. A single garage space has been provided for each dwelling. The entrances and garages will address the common property and access will be provided via the common property crossover. The floor area of the individual dwellings will be 119.34m².

Proposed dwelling 5 will contain 2 bedrooms, a kitchen, living and dining area and bathroom. A single garage space has been provided for the dwelling. The entrance and garage will address the common property and access will be provided via the common property crossover. The floor area of the dwelling will be 125.03m².

Each of the dwellings will be constructed with a range of materials, including face brickwork, cement tiled roofing, aluminium windows with brick sills and rendered porches.

A visitor car space as required is included in the front setback from Godridge Road.

A copy of the plans can be found at Attachment 1.

Subject Land:

The subject site is rectangular in shape and has frontage onto Godridge Road. Godridge Road has a four metre wide sealed surface with 0.5 metre wide gravel shoulders and no kerb and channel. A 0.5 metre deep open drain is located along each side of the road adjacent to the road shoulder.

The subject lot is one of three parcels of land that are currently part of the overall property of 43 Catherine Street. The subject lot has a length of 60 metres and a width of 24 metres. There is no easement identified on title, there is however sewerage infrastructure that runs along the northern boundary of the site. The site is relatively flat and has timber paling fences along the eastern and western boundaries. There is no front or rear fencing on site. The site is currently vacant and does not have any significant vegetation.

The site is located approximately 1.5 kilometres road distance from the Morwell Principal Activity Centre.

Surrounding Land Uses:North:

- Toners Lane Reserve

The land area to the north is owned by Latrobe City Council and has split zonings between Residential 1 Zone, Farming Zone and Public Park and Recreation Zone. The land directly north of the site is zoned Residential 1 Zone and is covered by the Development Plan Overlay Schedule 5

South:

- 31 – 39 Catherine Street

Parkinsons Wholesale Foods Pty Ltd operates directly south of the subject site. This is an industrial area bounded by Catherine Street to the west, Mary Street to the south, Toners lane to the east and Godridge Road to the north.

East:

Directly east of the subject site is a vacant allotment which is also one of the three lots that encompass the property known as 43 Catherine Street. Further to the west there are single dwellings on lots 41, 43 and 45 Catherine Street.

West:

The adjoining allotment at 6 Godridge Road has an existing dwelling on the allotment. There are two further vacant allotments to the west to the north of Godridge Road.

The lots along Godridge Road were created in 1982. It appears the area of land north of Godridge Road has been transitioned away from Industrial zoned land to its current Mixed Use Zoning over a number of decades. A summary of this transition is identified below:

1981

Morwell Planning Scheme identifies the land as being within:

- Industrial D Zone
- Brown Coal Buffer Area

1988

The land is identified as being within:

- Industrial D Zone
- Future Urban Zone

1981-1988

The Coal Buffer was lifted from the subject area

1993

The land is identified as being within:

- Industrial 5 Zone
- Future Urban Zone

2000

The land is identified as being within:

- Mixed Use Zone.

The Mixed Use Zone was a new zone which was implemented as part of the new format planning schemes.

A locality plan can be found at Attachment 2.

HISTORY OF APPLICATION

The history of the assessment of planning permit application 2012/190 can be found in Attachment 3.

The relevant provisions of the Scheme relevant to this application are in Attachment 4.

LATROBE PLANNING SCHEME

State Planning Policy Framework

The proposal has been considered against the relevant clauses under the State Planning Policy Framework.

The State Planning Policy Framework Clause 15.01-1 'Urban Design' requires development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.

Clause 15.01-4 'Design for safety' has a number of outlined strategies including to "Support initiatives that provide safer walking and cycling routes and improved safety for people using public transport."

Clause 16 'Housing' has a purpose that includes the following "New housing should have access to services and be planned for long term sustainability, including walkability to activity centres, public transport, schools and open space."

Clause 16.01-1 'Integrated Housing' encourages an increase in the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.

Clause 16.01-2 Location of Residential Development states that new housing should be located in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport. A strategy listed to achieve this is to "*Encourage higher density housing development on sites that are well located in relation to activity centres, employment corridors and public transport*".

The objective of Clause 16.01-4 'Housing Diversity' is to provide for a range of housing types to meet increasingly diverse needs. Strategies to achieve this objective include ensuring planning for growth areas provides for a mix of housing types and higher housing densities in and around activity centres; and encouraging the development of well-designed medium-density housing which respects the neighbourhood character, improves housing choice, makes better use of existing infrastructure and improves energy efficiency.

Clause 18.02-1 'Sustainable personal transport' outlines that development should ensure "opportunities to create more sustainable transport options such as walking, cycling and public transport."

The proposal is considered to be inconsistent with the policy outlined above. Although the application proposes medium density development in an area zoned suitable for residential development, it is considered that the proposal is an inappropriate response to the subject site and that the design of the dwellings is not reflective of the neighbourhood character of the area. This is further added to by the minimalist design of Godridge Road, lack of a pedestrian connection with Catherine Street, lack of street lighting and known issues for waste service collection along the street. This will be discussed further in the 'Issues' section of this report.

Local Planning Policy Framework

The proposal has been considered against the relevant clauses under the Local Planning Policy Framework.

Within the Local Planning Policy Framework Clause 21.04-2 'Settlement Overview' has objectives to contain urban development within distinct boundaries and to encourage a wider variety of housing types, especially smaller and more compact housing, to meet the changing housing needs of the community.

The site is identified as 'future residential' on the Morwell Structure Plan in the Latrobe Planning Scheme. Clause 21.05 Main Towns states that well designed infill development throughout the existing urban area, especially in locations close to activity centres, areas of open space and areas with good public transport accessibility should be encouraged. Higher density housing in the Transit City Precinct and existing and future neighbourhood clusters in Traralgon should also be encouraged.

It is considered that the proposal does not satisfy this policy direction and that the intensity of the proposed development is unsuitable for the subject site. This will be discussed further in the 'Issues' section of this report.

Zoning

The site is located within a Mixed Use Zone. The purpose and decision guidelines of the Mixed Use Zone have been taken into account as part of the assessment of this application and it is considered that the application does not fully comply with the zoning provisions.

These elements will be further discussed in the 'Issues' section of this report.

Overlays

The south east corner of the site is covered by the Environmental Audit Overlay. Before a sensitive use (which includes residential use) commences or before the construction or carrying out of buildings and works in association with a sensitive use commences, either:

- A certificate of environmental audit must be issued for the land in accordance with Part IXD of the Environment Protection Act 1970, or
- An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Part IXD of that Act that the environmental conditions of the land are suitable for the sensitive use.

An Environmental Audit Report was completed on 21 February 2002 by Environmental Auditor appointed by the EPA. As a result the application is considered to be consistent with the requirement of the Environmental Audit Overlay.

Particular Provisions

Clause 52.06 Car Parking:

The proposal has been assessed against Clause 52.06 and found to comply. One car parking space is required to be provided for a dwelling comprising two bedrooms. All of the 5 dwellings are provided with one car parking space in accordance with this clause.

One visitor car parking space is also required to be provided for every five dwellings. A visitor car space will be provided in accordance with the clause.

Clause 55 Two or More Dwellings on a Lot:

The application has been assessed against Clause 55 and it is considered there are a number of areas where the application is not fully compliant with the applicable standards. These elements will be discussed later in this report.

Decision Guidelines (Clause 65):

The relevant decision guidelines have been considered. As previously mentioned there are a number of areas where the application is not considered acceptable. These are outlined in the 'Issues' section of this report.

ISSUES

Strategic direction of the State and Local Planning Policy Frameworks:

It is considered that the development of the site for multi-dwellings satisfies State and Local Planning Policy Frameworks in that the site is an appropriate location for multi-dwelling development as it is located within a Mixed Use Zone area of Morwell. However the proposal is inconsistent with these policy frameworks as the design of the proposed dwellings is not respectful of the surrounding neighbourhood and the area along Godridge Road currently lacks basic infrastructure such as footpaths and street lighting and only has a 4 metre wide sealed road for access that is shared with industrial traffic. As a result the proposal is not considered to be supported to by relevant planning policy.

Neighbourhood Character

The State and Local Planning Policy Frameworks emphasise that development must be respectful of neighbourhood character and be responsive to its context in terms of natural and built form. This is reinforced under the Mixed Use Zone provisions and Clause 55 of the Scheme.

The objectives of Clause 55.02-1 Neighbourhood Character are:

- *To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.*
- *To ensure that development responds to the features of the site and the surrounding area.*

The character of Godridge Road is mixed due to industrial and residential uses being present along the same street. Given the proposal is for residential development, it is considered appropriate in this case that the proposal addresses the characteristics of the residential area to the east which has been identified as follows:

- Dwellings are generally single storey brick structures in detached built form.
- Lots range in area from 600m² to 1200m².
- Site coverage ranges on average between 20% to 30%.
- Spaciousness of the area is retained through generous landscaped front setbacks, rear setbacks, and side setbacks from at least one side boundary.
- Low or no front fencing assists in retaining a spacious feel to the streetscapes.
- Front yards are generally well maintained, with ample landscaping opportunities.
- Private open space is generally located at the rear of dwellings.

- Dwellings generally have attached garages which are visible from the street.

In contrast the proposed development is considered to be inconsistent with the neighbourhood character with regard to:

- Consists of a 5 dwelling development on a single allotment.
- Site coverage is over 42% which is not characteristic of the area.
- Limited areas of private open space.
- The proposed design which does not provide a high quality or imaginative design.
- The proposal not providing a 'preferred neighbourhood character' in its design response as it is not considered a high quality urban design outcome.

It is considered that the design of the proposal has not responded to the prevailing characteristics of the surrounding neighbourhood and as such is not appropriate for this site.

Access to Facilities and Services

Location of site

The site is identified in a "future residential development" area on the Morwell Structure Plan in the Latrobe Planning Scheme. Clause 21.05 Main Towns states that well designed infill development throughout the existing urban area, especially in locations close to activity centres, areas of open space and areas with good public transport accessibility should be encouraged. Higher density housing in the Transit City Precinct and existing and future neighbourhood clusters in Morwell should also be encouraged.

The subject site area does not have an existing neighbourhood cluster and is not within the Transit City Precinct which surrounds the Morwell Primary Activity Centre. It is noted that the subject site is located approximately 1.5 kilometres from the centre of the Primary Activity Centre, and the nearest bus stop is on Latrobe Road which is 770m south east of the subject site.

While it is noted that the area to the north and west of Godridge Road is covered by the Development Overlay-Schedule 5 *Residential Growth Areas*, it is considered that the proposed development, whilst appropriate in specific locations within the Morwell urban area, is not appropriate for the subject site. It has not been strategically identified due to its distance from the Principal Activity Centre, lack of nearby public transport and deficient physical infrastructure.

Infrastructure

Godridge Road

At the Ordinary Meeting of 2 November 2009, Council declared a Special Charge Scheme for the purpose of recouping costs associated with the sealing of Godridge Road, Morwell. This was as a result of complaints from adjoining land owners.

Godridge Road has a four metre wide sealed surface with 0.5 metre wide gravel shoulders and no kerb and channel. A 0.5 metre deep open drain is located along each side of the road adjacent to the road shoulder. There is no street lighting and no footpaths on either side of the road. As a result the site is constructed to a limited access road standard rather than the required access street engineering standards for urban subdivision areas.

Clause 55.02-4 (B4) states the following that '*Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads*' and '*In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure*'. In this case Godridge Road is not considered to be of a sufficient standard to support such a level of intensification for a sensitive use.

Similarly Clause 55.02-5 (B5) outlines '*Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility*'. There are no pedestrian linkages proposed as a result of this proposal. This added to the lack of street lighting and minimum sealed surface area of Godridge Road means that the proposal is inconsistent with this standard. Similarly Clause 55.03-9 (B14) has a number of decision guidelines to be considered including '*Traffic flows in the street and the safety of motorists and pedestrians*'. Due to the aforementioned infrastructure deficiencies it is considered at this stage that supporting the proposal is contrary to this decision guideline.

It is further outlined at Clause 55.06-4 (B34) '*To ensure that site facilities are accessible, adequate and attractive*'. In this case it has been identified by the Coordinator of Waste Services that waste collection along Godridge cannot be done in a safe and effective manner currently as trucks can enter in a forwards direction but there is no court bowl at the end of Godridge Road to allow trucks to exit Godridge Road in a forwards direction. As a result all waste storage bins will have to be placed at the end of Godridge Road at the junction with Catherine Street. Currently there is no formal location to place these waste containers prior to collection. It is considered that the proposal as a result is not consistent with the standard or objectives of this clause.

Detailed Design

It is considered the proposal is basic in design with little in the way of architectural features that would result in a good urban design outcome.

The applicant has detailed that they have responded to the character of the area through their design response. However there are no verandahs or eaves in the proposed design that are characteristic of the wider residential area or any other appropriate design features. Window proportions are also different to the other dwellings in the area. As a result the proposal is not considered characteristic of the wider built environment or provides for a preferred design response for the area.

Clause 65 (Decision Guidelines):

The relevant decision guidelines have been considered as part of the assessment of this planning application and have been discussed in this report.

OBJECTORS' CONCERNS

Following advertising, the application received 5 submissions in the form of objections. The following issues raised in the objections can be summarised as follows:

- 1 The structural capacity of Godridge Road to sustain the increased vehicle movement as a result of the proposed 5 dwelling development

Comment:

Council's Development Engineer has detailed Godridge Road is used for deliveries by trucks up to semi-trailer size to the industrial properties south of Godridge Road as well as to provide access to the Mixed Use Zone of Godridge Road. Due to the constructed width of the road, parking vehicles along Godridge Road is currently not possible. The proposed development would generate an extra 50 vehicle movements from the site per day (approximately). It is considered that this increase in traffic is not a suitable level of intensification due to the existing standard of Godridge Road and requesting the applicant to upgrade Godridge Road to the access Street Level standard is not appropriate in this case.

- 2 Lack of pedestrian connectivity (footpaths) from the proposed development area to Catherine Street.

Comment:

There are no footpaths connecting Godridge Road with Catherine Street and there is no street lighting currently in Godridge Road. The applicant has detailed they are unwilling to provide any pedestrian connection from the subject site to Catherine Street.

- 3 Concerns of how industrial traffic and residential traffic will be accommodated.

Comment:

Godridge road has been designed to Council's Access Street Level Standards but has not been constructed as such which is evident by the width of the sealed area of the road, lack of kerb and channel, no footpaths provided and no street lighting.

It is considered that without an upgrade of Godridge Road that allowing the proposed development to go ahead would not result in a good orderly planning outcome at this time as appropriate vehicular and pedestrian connections are not in place.

- 4 Difficulties in rubbish collection due to Godridge Road being a 'dead end street'.

Comment:

It has been detailed by Council's Waste Services team that *'kerbside waste collection can not be provided due to the lack of an appropriately constructed turning area for the collection trucks to safely exit the road after collection. There are several properties in Godridge Road that have a kerbside collection; however their bins must be presented at the beginning of Godridge Road near Catherine Street'*. As detailed previously there is no formal area at the junction of Godridge Road and Catherine Street for the placement of bins from Godridge Road properties for collection.

- 5 The design of the development is not consistent with the neighbourhood character of the area.

Comment:

As detailed previously in the issues section the proposal is not considered consistent with the character of the area.

- 6 The site is located too far away from the Morwell Primary Activity Centre.

Comment:

Concerns were raised that the site is not well located in relation to the Morwell Primary Activity Centre and the development would be better suited in a location close to shops, services and recreation facilities. This objection is reflected in the Local Planning Policy Framework of the Latrobe Planning Scheme which states that higher density housing should be encouraged in and around the Primary Activity Centre and in existing and future neighbourhood clusters where facilities are within walking distance.

- 7 Assurance from Council requested that land owners will not be requested to upgrade Godridge Road as a result of the proposed development.

Comment:

Contributions from landowners towards the upgrading of Godridge Road are not considered a relevant planning consideration in the assessment of this application.

- 8 The speed limit should be reduced from 50 kmh to 30 kmh if the development goes ahead.

Comment:

VicRoads has the ultimate authority in granting changes to speed limits. However, on Council roads, Council can however make requests and recommendations to VicRoads to use in their decision making. This however would need to be undertaken outside of this planning permit process. It has been detailed in discussions with the Engineering Department that reducing the speed limits along Godridge Road is not considered necessary if the development were to proceed.

- 9 The development should only be allowed for private use-rental or sale, not a 'half way house'.

Comment:

The planning system cannot control the tenancy of individual dwellings and this matter is beyond the jurisdiction of Council to consider.

- 10 Lack of car parking available and no bicycle parking provided.

Comment:

The applicant has provided 1 car space for each two bedroom unit and a visitor car space as required under Clause 52.06. It is reasonable to consider that there is also sufficient area within the individuals unit including their private open space, to provide for bicycle parking.

- 11 Concerns regarding the constraints that the intensification of residential development in this area will have on the industrial area to the south.

Comment:

The industrial land south of Godridge Road has a number of existing industrial sites. There is no buffer area between this area and the land north of Godridge Road. A Mixed Use Zone, which is the zoning of the lots north of Godridge Road, allows an 'as of right' for a single dwelling on a lot. Therefore as a result, there are currently 4 vacant lots that have an 'as of right' for a dwelling development in the area.

It is considered however that the level of intensification proposed for a sensitive use on the subject site is not appropriate given the proximity of the site to the industrial sites south of Godridge Road.

- 12 The boundary fence is not 1.8m therefore overlooking may occur and also given the location of the private open space areas to the north of the proposed units there will be noise impact to an existing dwelling.

Comment

A condition of any permit could ensure that the boundary fence must be installed that is 1.8m in height. It is reasonable to consider that any noise impacts to the existing dwelling at 6 Godridge Road will be related to standard residential use.

- 13 The site is a designated bushfire prone area therefore shouldn't be allowed to intensify to such an extent

Comment:

The site is identified within a Bushfire Prone Area. The requirements of the Bushfire Prone Areas relate to building requirements only. The Bushfire Management Overlay (which is a planning consideration) does not cover the subject site.

FINANCIAL, RISK 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).

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014.

INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Notification:

The application was advertised pursuant to Section 52(1)(a) and Section 52(1)(d) of the Act. Notices were sent to all adjoining and adjacent landowners and occupiers and an A3 notice was displayed on each site frontage for 14 days. The Notice of Application was also published in the Latrobe Valley Express for one issue.

External:

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

Internal:

Internal officer comments were sought from Council's Infrastructure Planning Team who gave consent to the granting of a planning permit subject to appropriate conditions and notes.

It is noted that the comments of the internal referral team only relate to part of the assessment process and do not necessarily direct the final recommendation of Council.

Details of Community Consultation following Notification:

Following the referral and advertising of the application, 5 submissions in the form of objections were received.

A mediation meeting was held on 7 February 2013. None of the objections were withdrawn.

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)****OPTIONS**

Council has the following options in regard to this application:

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

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

CONCLUSION

The proposal is considered to be:

- Inconsistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Inconsistent with the 'Purpose' and 'Decision Guidelines' of the Mixed Use Zone;
- Inconsistent with Clause 55 Two or More Dwellings on a Lot and Residential Buildings;
- Inconsistent with Clause 65 (Decision Guidelines);

Attachments

1. Development Plans
2. Subject Site
3. History of application
4. Relevant Ordinance

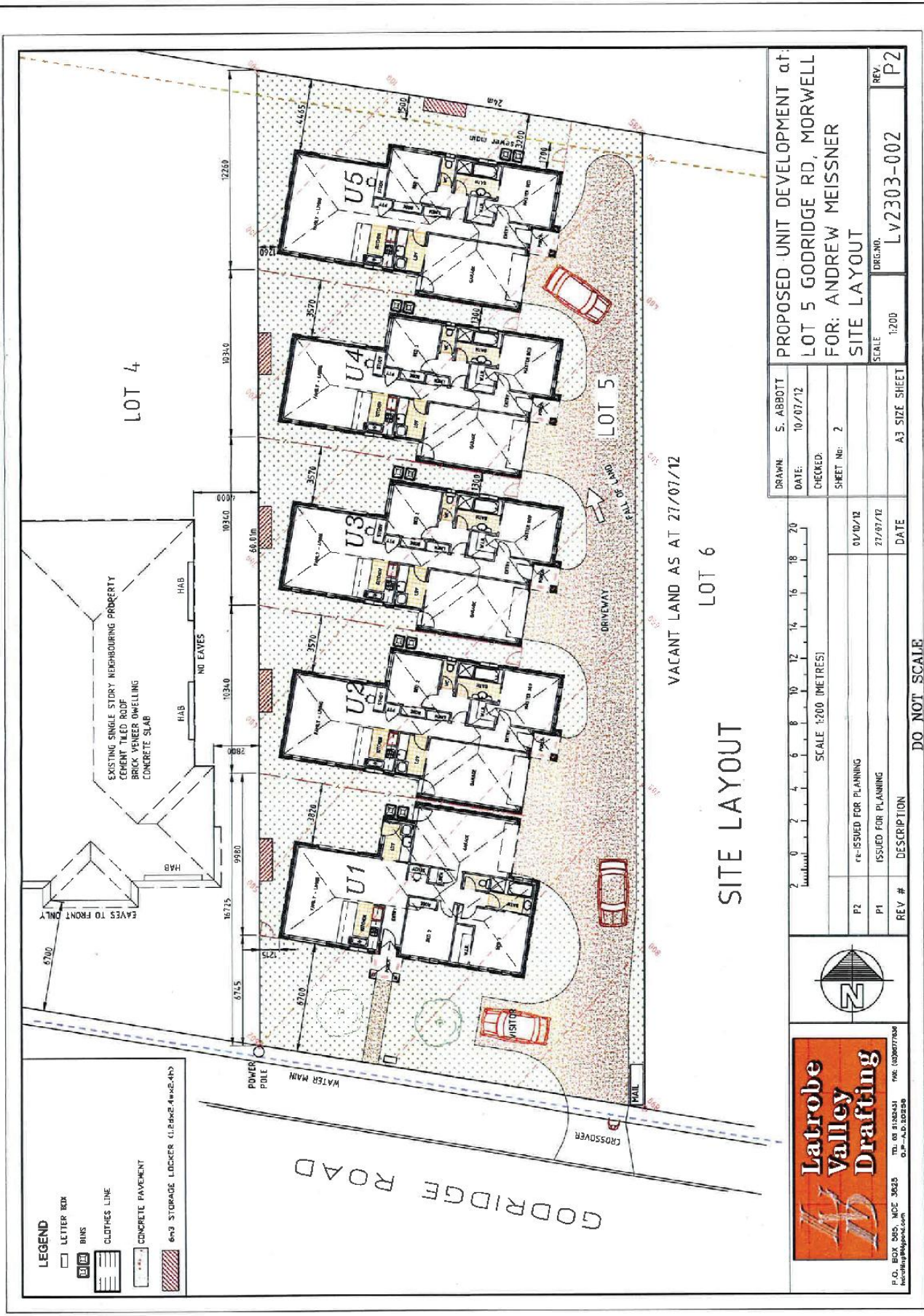
RECOMMENDATION

- A. That Council issues a notice of Refusal to Grant a Planning Permit, for the Development of Five (5) Dwellings at Lot 5 Godridge Road, Lot 5 on Plan of Subdivision 140015, on the following grounds:**
- 1 The proposal is inconsistent with the objectives and strategies of Clauses 15 and 16 of the State Planning Policy Framework, in particular Clause 15.01-1 Urban Design and Clause 16.01-2 Location of Residential Development.**
 - 2 The proposal is inconsistent with the objectives and strategies of Clause 21.05-2 Main Towns Overview and Clause 21.05-5 Specific Main Town Strategies – Morwell of the Local Planning Policy Framework.**
 - 3 The proposal does not meet the purpose and decision guidelines of the Mixed Use Zone, in terms of facilitating a development that respects the preferred neighbourhood character of the area.**
 - 4 The proposal does not satisfactorily address the purpose and intent and objectives of Clause 55 of the Latrobe Planning Scheme, and particularly is inconsistent with:**
 - Clause 55.02-1 Neighbourhood Character**
 - Clause 55.02-4 Infrastructure Objectives**
 - Clause 55.02-5 Integration with the street Objective**
 - Clause 55.03-9 Access Objectives**
 - Clause 55.06-1 Design detail Objective and**
 - Clause 55.06-4 Site Services Objective**
 - 5 The proposal is inconsistent with Clause 65 of the Scheme and does not provide for the orderly planning of the area.**

16.3

Planning Permit Application 2012/190 Development of Five (5) Dwellings on a Lot, Lot 5 Godridge Road, Morwell

1	Development Plans.....	209
2	Subject Site	219
3	History of application	221
4	Relevant Ordinance	223



LEGEND

- [Symbol] LETTER BOX
- [Symbol] BINS
- [Symbol] CLOTHES LINE
- [Symbol] CONCRETE PAVEMENT
- [Symbol] 6m x 3 STORAGE LOCKER (1.2m x 3m x 2.4m)

POWER POLE
WATER MAIN

GODGRIDGE ROAD

SITE LAYOUT

VACANT LAND AS AT 27/07/12

LOT 6

DRAWN	S. ABBOTT	PROPOSED UNIT DEVELOPMENT at:
DATE	10/07/12	LOT 5 GODGRIDGE RD, MORWELL
CHECKED:		FOR: ANDREW MEISSNER
SHEET No:	2	SITE LAYOUT
SCALE	1:200	DRG. NO.
		LV2303-002
		REV.
		P2

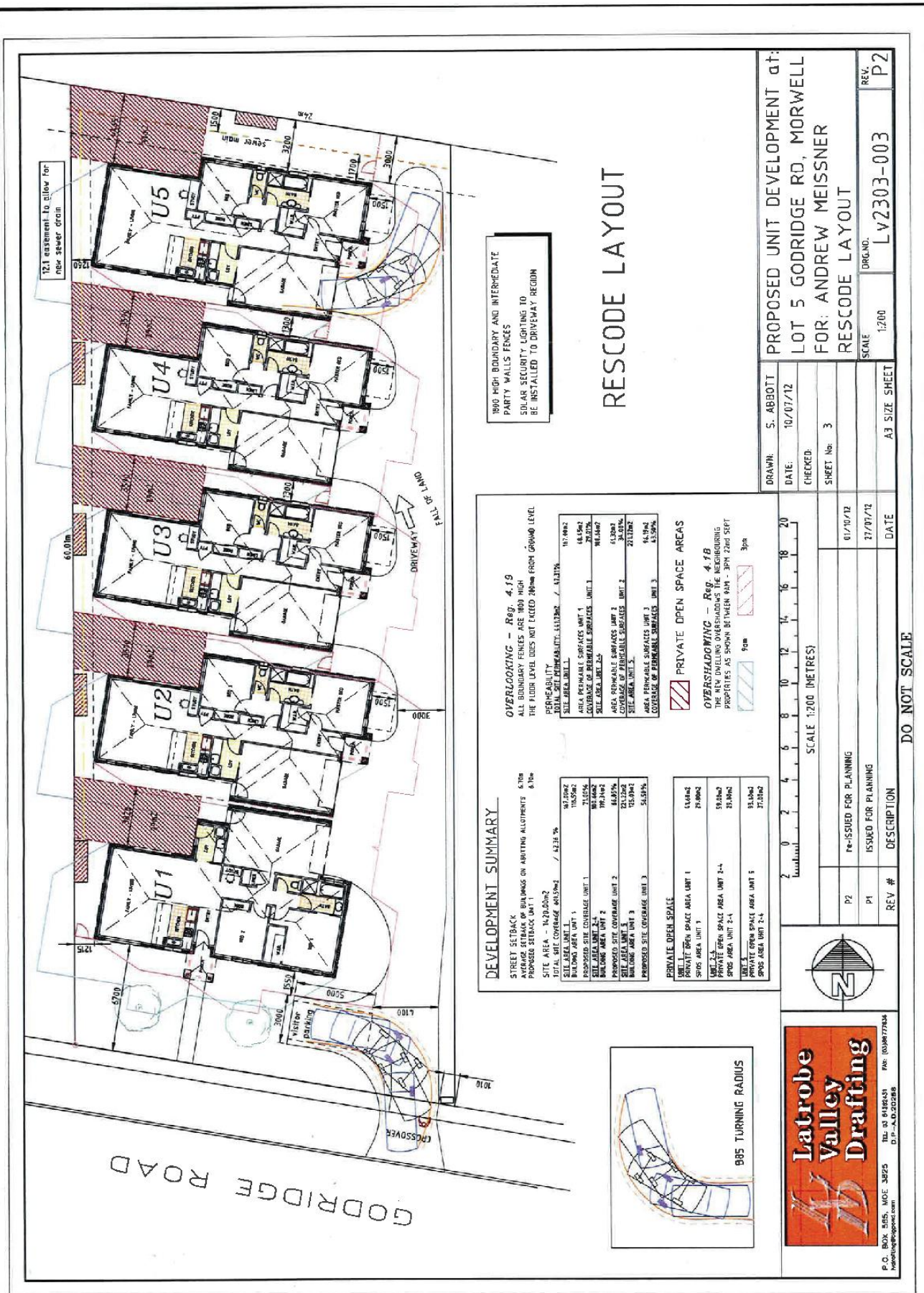
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P2	re-issued FOR PLANNING
P1	ISSUED FOR PLANNING
REV #	DESCRIPTION
	DATE
	01/07/12
	27/07/12



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1800 HIGH BOUNDARY AND INTERMEDIATE PARTY WALLS FENCES
 SOLAR SECURITY LIGHTING TO BE INSTALLED TO DRIVEWAY REGION

RESCODE LAYOUT

OVERLOOKING - Reg. 4.19
 ALL BOUNDARY FENCES ARE 1800 HIGH
 THE FLOOR LEVEL DOES NOT EXCEED 200mm FROM GROUND LEVEL

PERMEABILITY
 TOTAL SITE PERMEABILITY: 51.132% / 41.13%

AREA PERMEABLE SURFACES UNIT 1	15.98%
COVERAGE OF PERMEABLE SURFACES UNIT 1	21.07%
AREA PERMEABLE SURFACES UNIT 2	13.80%
COVERAGE OF PERMEABLE SURFACES UNIT 2	21.32%
AREA PERMEABLE SURFACES UNIT 3	14.94%
COVERAGE OF PERMEABLE SURFACES UNIT 3	23.29%

PRIVATE OPEN SPACE AREAS

OVERSHADOWING - Reg. 4.18
 THE NEW DWELLING OVERSHADOWS THE NEIGHBOURING PROPERTIES AS SHOWN BETWEEN 11AM - 3PM 23RD SEPT

PRIVATE OPEN SPACE AREA UNIT 1	15.84sqm
SPDS AREA UNIT 1	28.80sqm
PRIVATE OPEN SPACE AREA UNIT 2-4	18.84sqm
SPDS AREA UNIT 2-4	25.86sqm
PRIVATE OPEN SPACE AREA UNIT 5	15.06sqm
SPDS AREA UNIT 2-4	27.06sqm

DEVELOPMENT SUMMARY

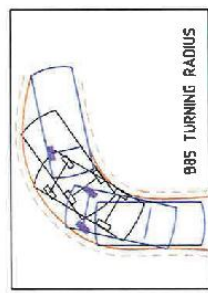
STREET SETBACK
 AVERAGE SETBACK OF BUILDINGS ON ABUTTING ALLOTMENTS 4.70m
 PROPOSED SETBACK UNIT 1 6.70m

TOTAL SITE COVERAGE 40.53% / 41.13 %

PROPOSED SITE COVERAGE UNIT 1	21.07%
PROPOSED SITE COVERAGE UNIT 2	21.32%
PROPOSED SITE COVERAGE UNIT 3	23.29%

PRIVATE OPEN SPACE

PRIVATE OPEN SPACE AREA UNIT 1	15.84sqm
SPDS AREA UNIT 1	28.80sqm
PRIVATE OPEN SPACE AREA UNIT 2-4	18.84sqm
SPDS AREA UNIT 2-4	25.86sqm
PRIVATE OPEN SPACE AREA UNIT 5	15.06sqm
SPDS AREA UNIT 2-4	27.06sqm



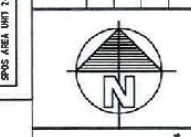
DRAWN: S. ABBOTT
 DATE: 10/07/12
 CHECKED:
 SHEET No. 3

PROPOSED UNIT DEVELOPMENT at:
 LOT 5 GODRIDGE RD, MORWELL
 FOR: ANDREW MEISSNER
 RESCODE LAYOUT

SCALE 1:200
 ORG.ND. LV2303-003
 REV. P2

SCALE 1:200 (METRES)

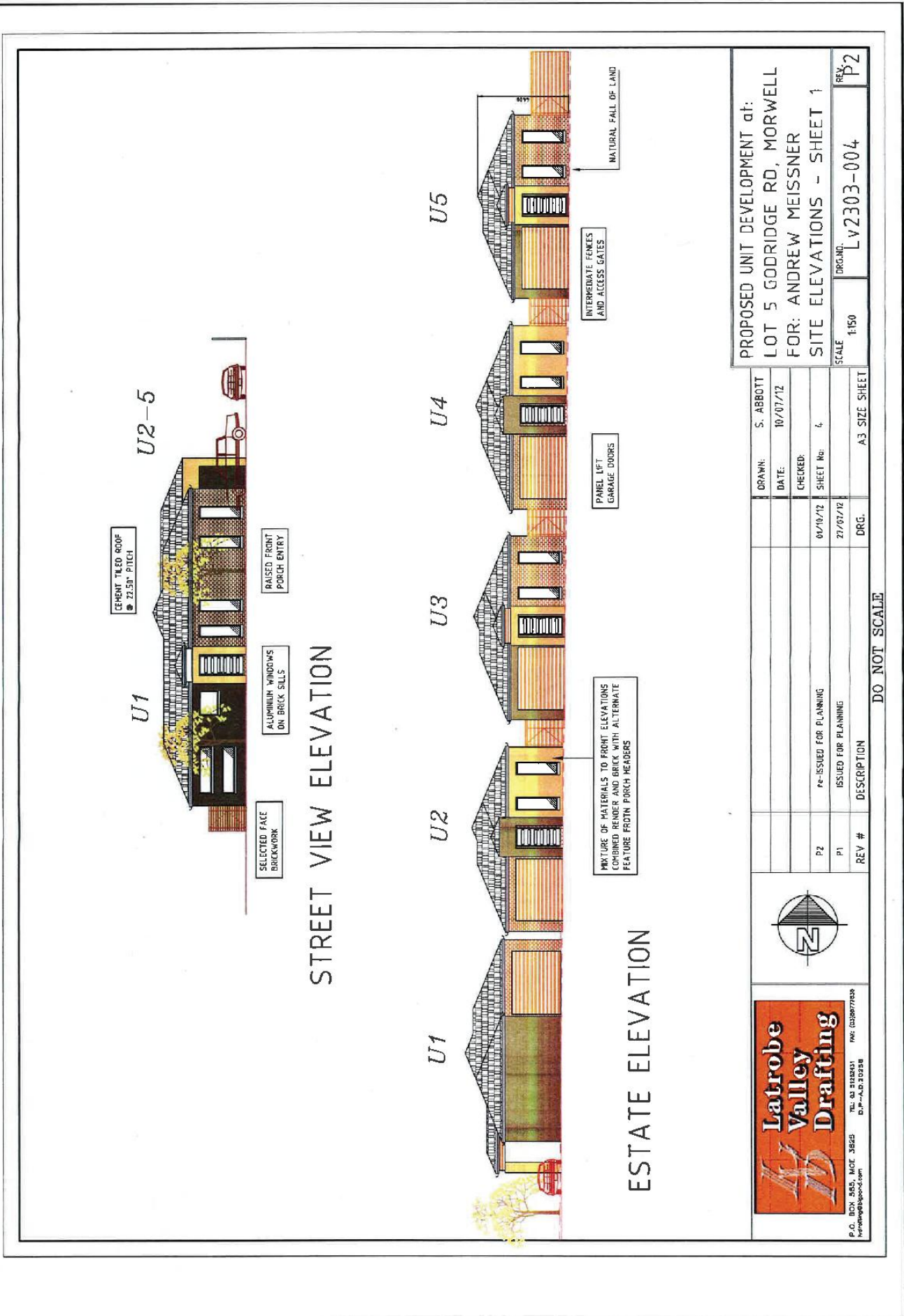
REV #	DESCRIPTION	DATE
P2	RE-ISSUED FOR PLANNING	07/10/12
P1	ISSUED FOR PLANNING	27/07/12



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STREET VIEW ELEVATION

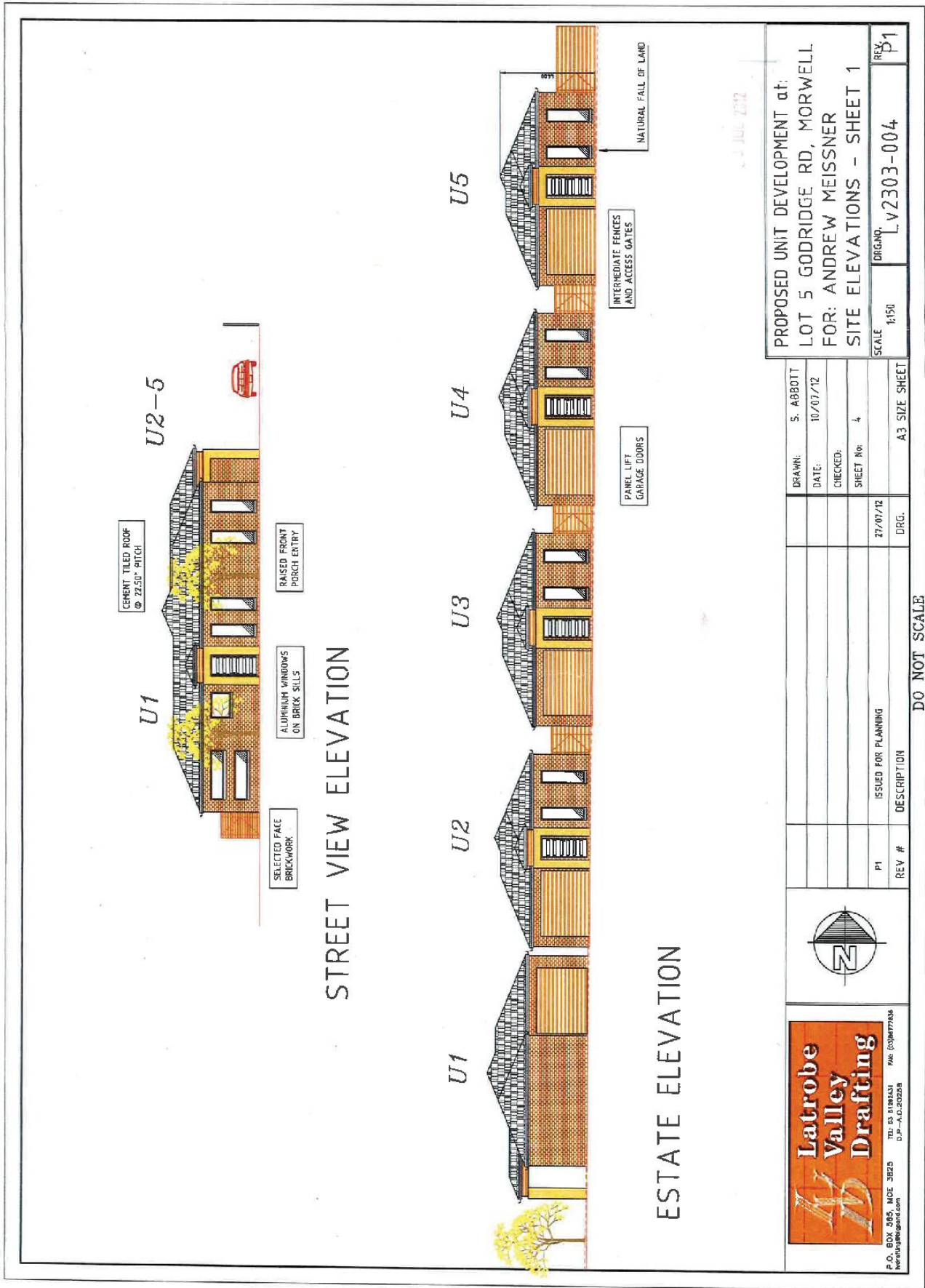
ESTATE ELEVATION

PROPOSED UNIT DEVELOPMENT at:
 LOT 5 GODRIDGE RD, MORWELL
 FOR: ANDREW MEISSNER
 SITE ELEVATIONS - SHEET 1

DRAWN:	S. ABBOTT
DATE:	10/07/12
CHECKED:	
SHEET No:	4
REV #	DESCRIPTION
P2	re-issued FOR PLANNING
P1	ISSUED FOR PLANNING
SCALE	1:150
DRG. NO.	L2303-004
DRG. DATE	27/07/12
DRG. SCALE	A3 SIZE SHEET
REV #	P2


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PROPOSED UNIT DEVELOPMENT at:
 LOT 5 GODRIDGE RD, MORWELL
 FOR: ANDREW MEISSNER
 SITE ELEVATIONS - SHEET 1

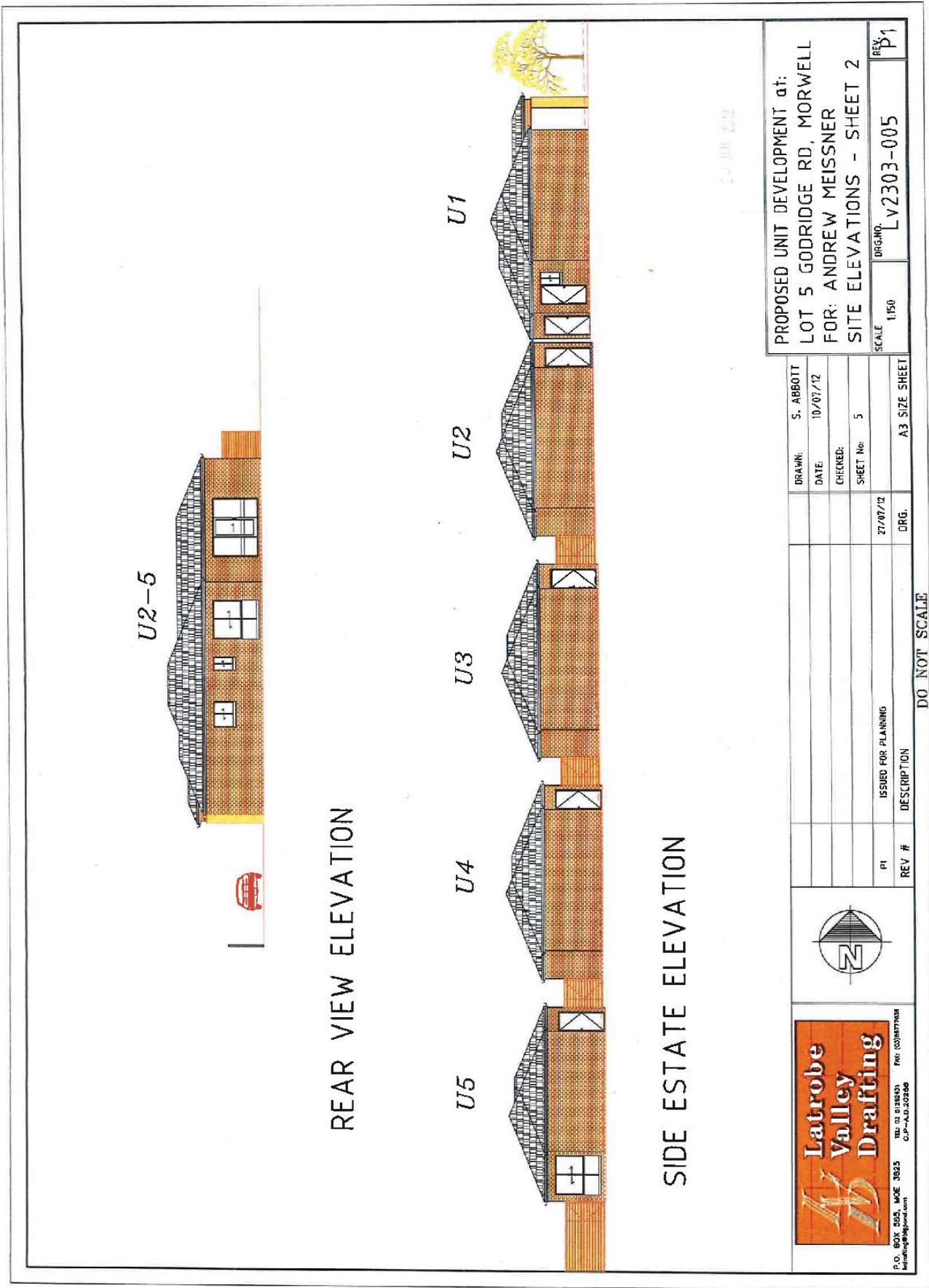
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DRAWN:	S. ABBOTT	DATE:	10/07/12	CHECKED:	
SHEET No:	4	ISSUED FOR PLANNING	27/07/12	DESCRIPTION	DRG.
			A3 SIZE SHEET		



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U2-5

REAR VIEW ELEVATION

U1

U2

U3

U4

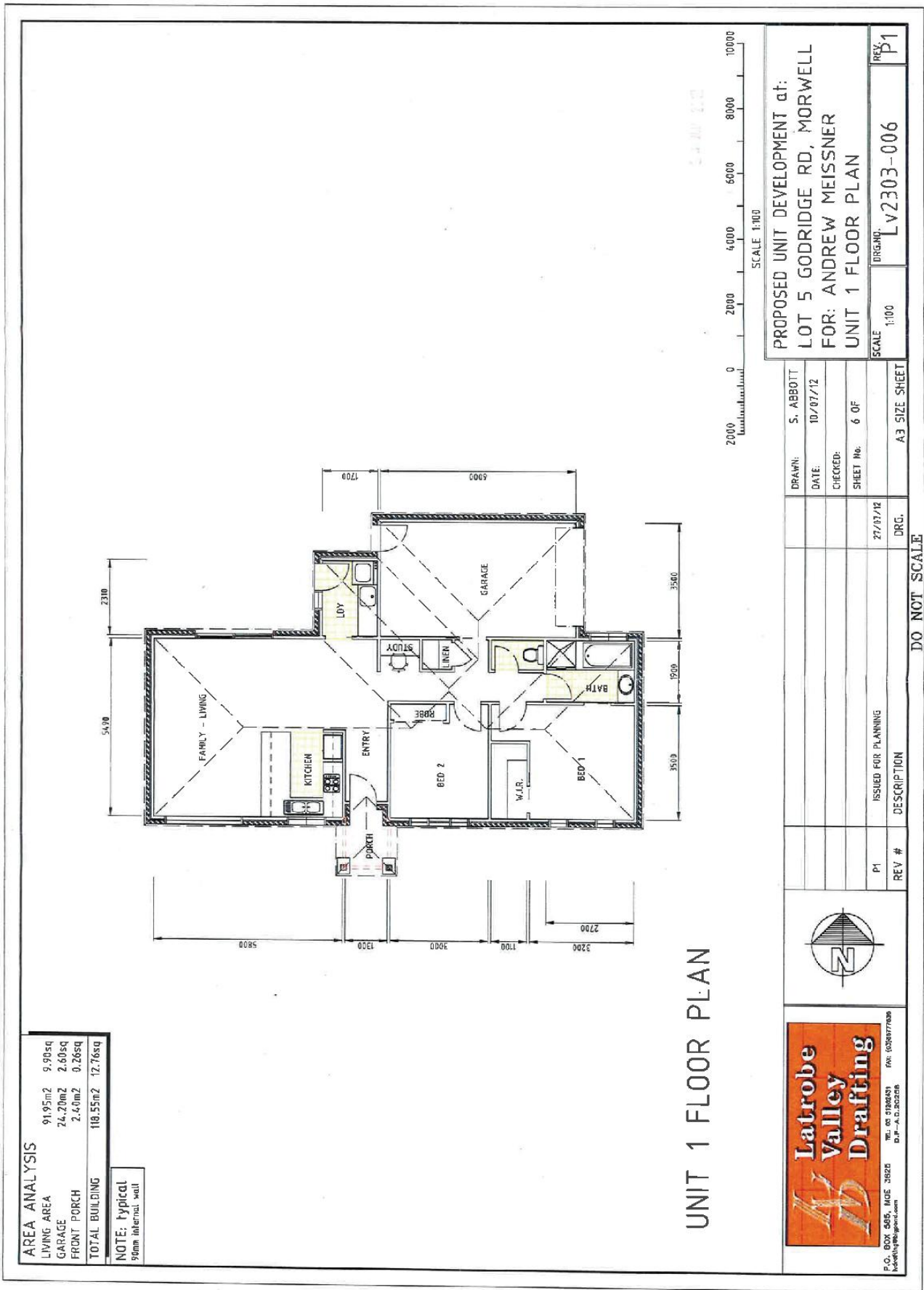
U5

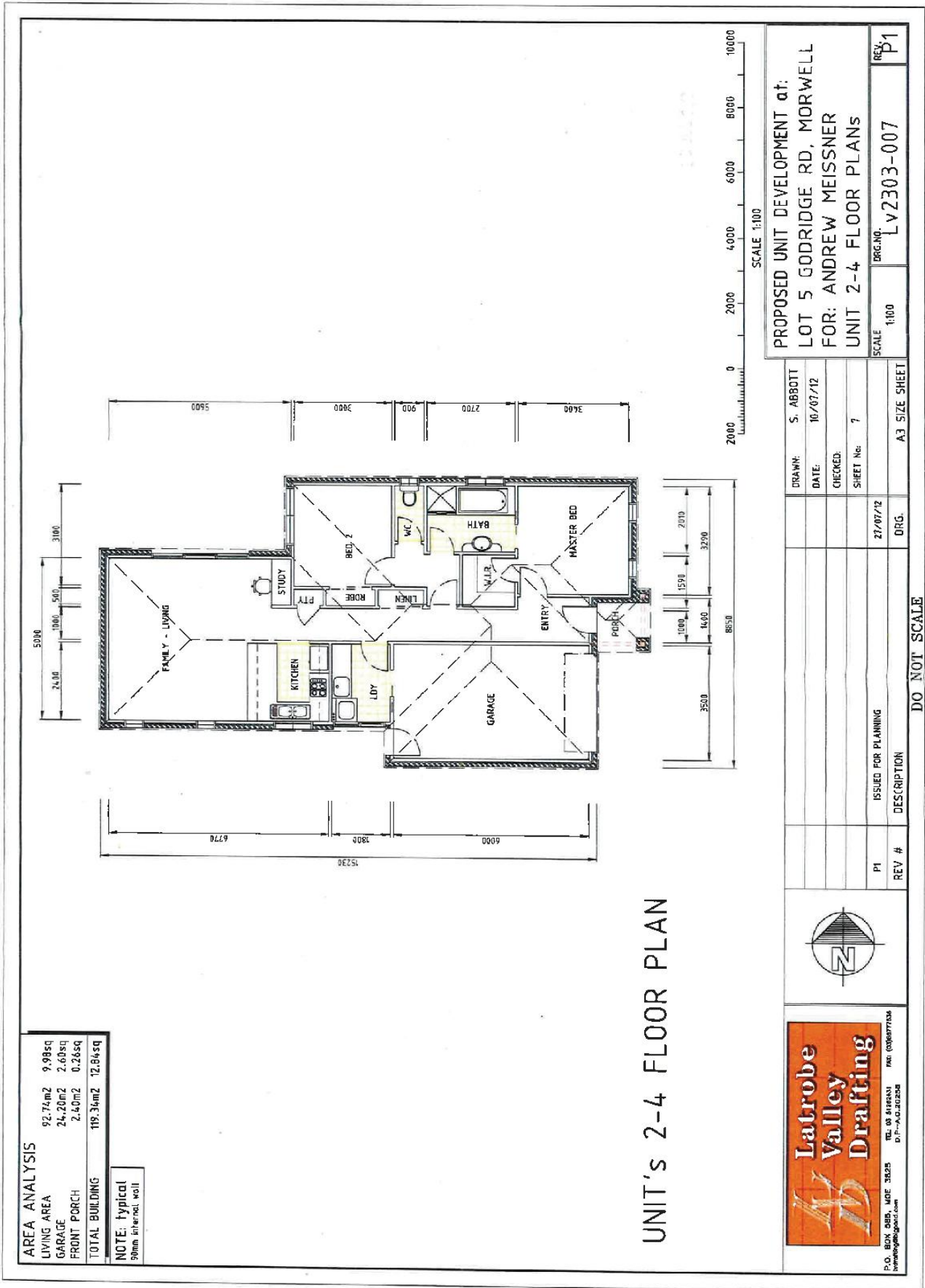
SIDE ESTATE ELEVATION

SCALE 1:150

		<p>PROPOSED UNIT DEVELOPMENT at: LOT 5 GODRIDGE RD, MORWELL FOR: ANDREW MEISSNER SITE ELEVATIONS - SHEET 2</p>	
<p>SCALE 1:150</p>	<p>DRG. NO. L2303-005</p>	<p>SCALE 1:150</p>	<p>REV. p1</p>
<p>DRAWN: S. ABBOTT</p>	<p>DATE: 10/07/12</p>	<p>CHECKED:</p>	<p>SHEET No: 5</p>
<p>ISSUED FOR PLANNING</p>	<p>27/07/12</p>	<p>ORG.</p>	<p>A3 SIZE SHEET</p>
<p>REV #</p>	<p>DESCRIPTION</p>	<p>DO NOT SCALE</p>	

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 03-10-2025





AREA ANALYSIS

LIVING AREA	92.74m ²	9.98sq
GARAGE	24.20m ²	2.60sq
FRONT PORCH	2.40m ²	0.26sq
TOTAL BUILDING	119.34m²	12.84sq

NOTE: typical
90mm internal wall

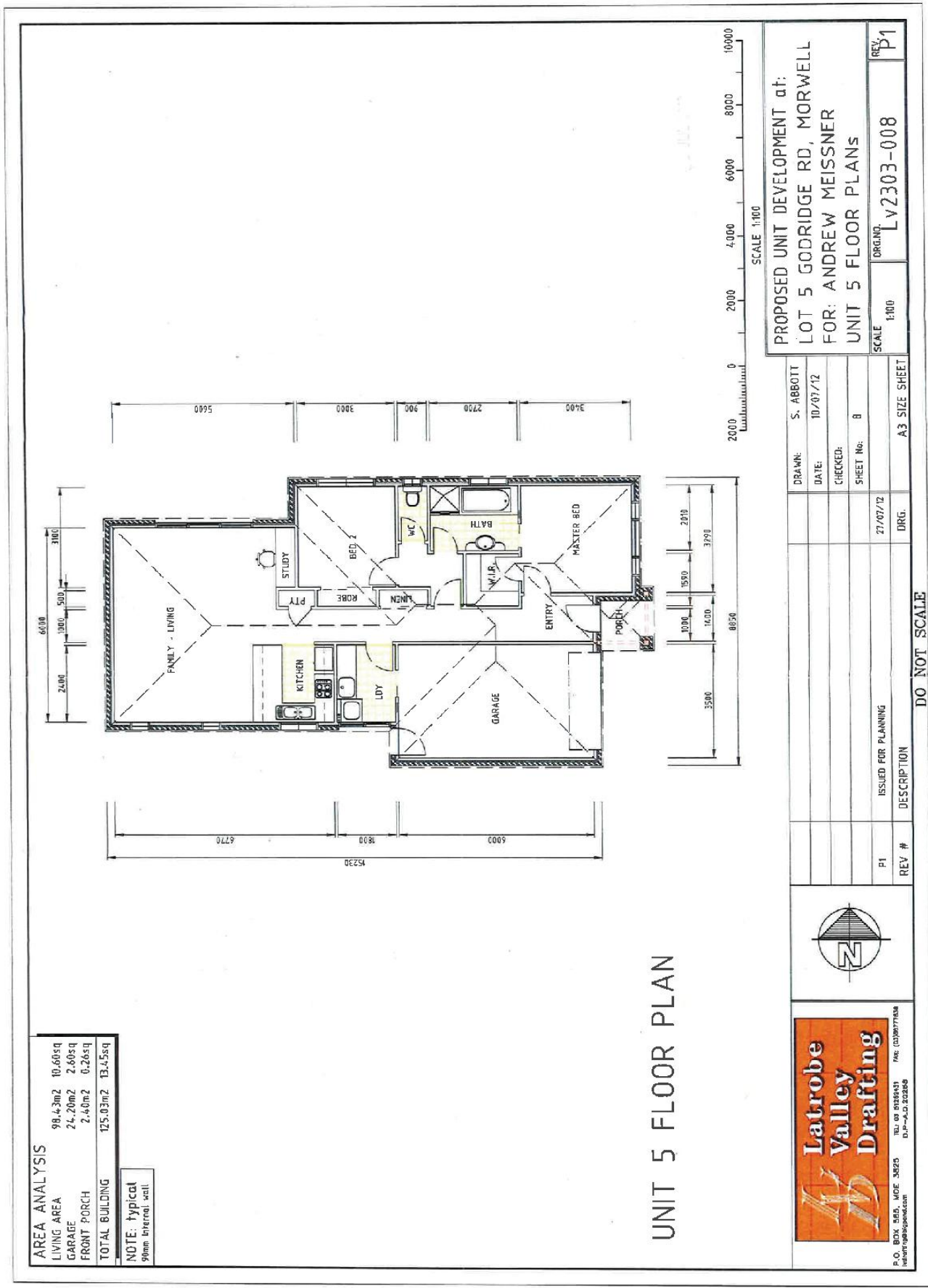
PROPOSED UNIT DEVELOPMENT at:
 LOT 5 GODRIDGE RD, MORWELL
 FOR: ANDREW MEISSNER
 UNIT 2-4 FLOOR PLANS

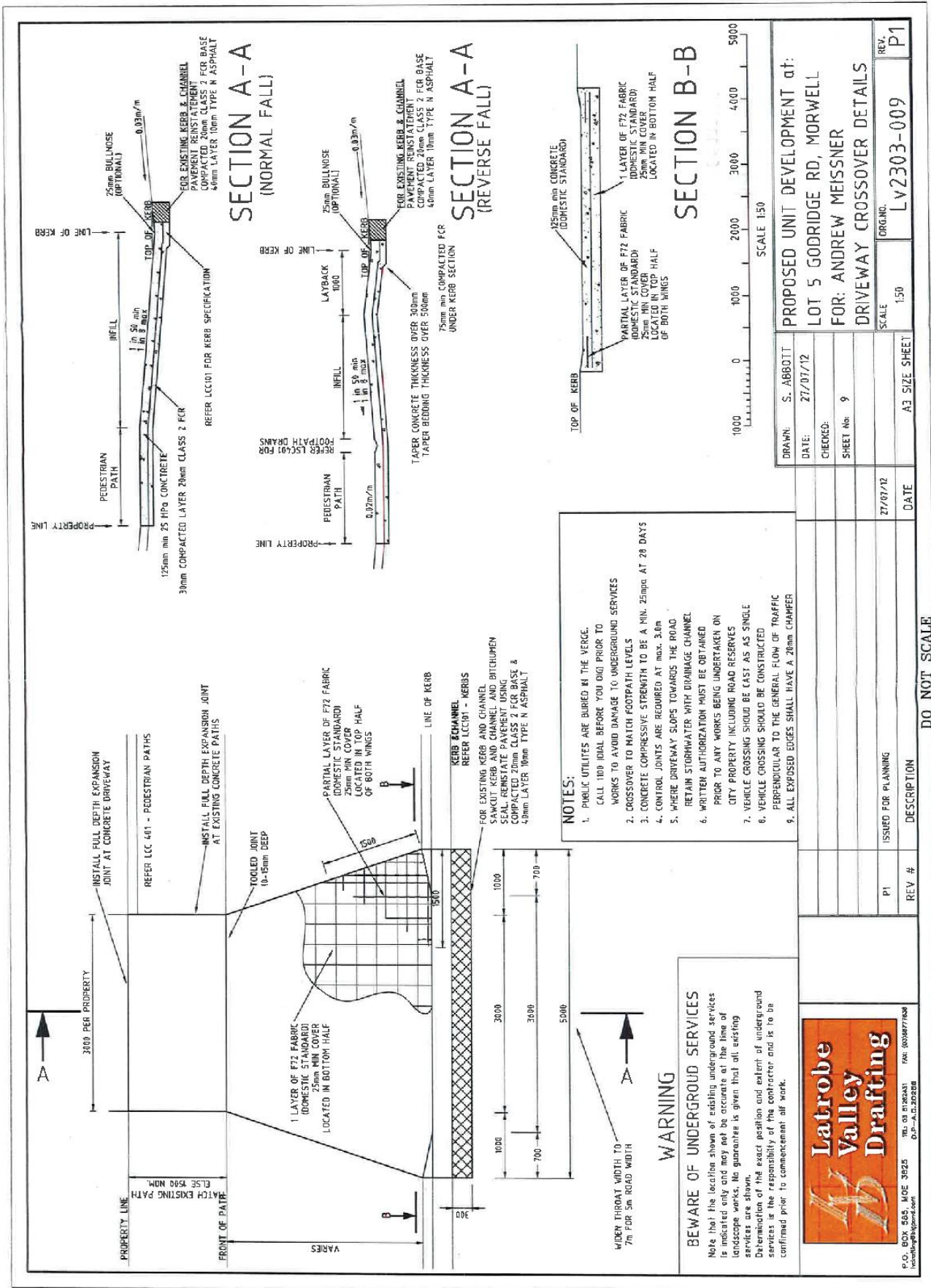
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DATE:	10/07/12	SHEET No:	7		
ISSUED FOR PLANNING	27/07/12	DRG.			
REV #		DESCRIPTION			
P1		ISSUED FOR PLANNING			

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History of Application

30 July 2012	Planning Permit application received by Council.
25 September 2012	Further information requested from applicant. The purpose of this request was to obtain an accurate Neighbourhood and Site Description as outlined in Clause 55.01-1, to deal with the requirements of ResCode and issues regarding the design response.
31 October 2012	Further information received, further information requested regarding whether there was an approved Environmental Audit done on the site
20 November 2012	Application requested to be advertised.
7 February 2013	As a result of 5 objections being received a planning mediation meeting was held
8 February 2013	Phone call with the applicant where it was detailed that they were unwilling to change the plans for the development as it would not result in the withdrawal of the objections.

●
LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 11.02 'Urban Growth'
Clause 11.05 'Regional Development'
Clause 15.01 'Urban Environment'
Clause 16.01 'Residential Development'
Clause 18.01 'Integrated Transport'
Clause 18.02 'Movement Networks'
Clause 19.03 'Development Infrastructure'

Local Planning Policy Framework

Clause 21.01 'Municipal Profile'
Clause 21.02 'Municipal Vision'
Clause 21.03 'Natural Environment Sustainability'
Clause 21.04 'Built Environment Sustainability'
Clause 21.05 'Main Towns'
Clause 21.07 'Economic Sustainability'
Clause 21.08 'Liveability'

Zoning – Mixed Use Zone

The subject land is located within a Mixed use Zone.

Overlay

The subject site is partially covered by the Environmental Audit Overlay.

Particular Provisions

Clause 52.06 Car Parking
Clause 55 'Two or More Dwellings on a Lot'

General Provisions

Clause 65 'Decision Guidelines'

Incorporated Documents

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

**16.4 CONSIDER SUBMISSIONS TO AMENDMENT C74 TO THE
LATROBE PLANNING SCHEME TO REZONE LAND AT 101
CAIRNBROOK ROAD AND PART OF LAND AT 100
CAIRNBROOK ROAD, GLENGARRY FROM FARMING ZONE TO
RESIDENTIAL 1 ZONE AND APPLY THE DEVELOPMENT PLAN
OVERLAY SCHEDULE 5 AND TO SUBDIVIDE 100 CAIRNBROOK
ROAD INTO TWO ALLOTMENTS.**

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is for Council to consider all written submissions received in response to proposed Amendment C74 and to seek Council approval to progress the amendment to the next stage.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment (City Planning)

In 2026, Latrobe Valley benefits from a well planned built environment that is complementary to its surroundings, and which provides for a connected and inclusive community.

Latrobe City is a vibrant and diverse community. Council is ensuring that the changing needs and aspirations of our diverse community are met by providing facilities, services and opportunities that promote an inclusive and connected community.

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

An active connected and caring community supporting all.

Strategic Direction – Built Environment

Ensure proposed developments enhance the liveability of Latrobe City, and provide for a more sustainable community.

Service Provision – Built Environment (City Planning)

Provide statutory and strategic planning advice and services in accordance with the Latrobe Planning Scheme and Planning and Environment Act.

Legislation

The provisions of the Latrobe Planning Scheme and the following legislation apply to this amendment:

- *Local Government Act 1989*
- *Planning and Environment Act 1987*
- *Transport Integration Act 2010*

BACKGROUND

Amendment C74 proposes to rezone 18.09ha of land at 101 Cairnbrook Road, Glengarry and a 3.2ha portion of land at 100 Cairnbrook Road, Glengarry both from the Farming Zone and Township Zone to the Residential 1 Zone and apply the Development Plan Overlay Schedule 5 (see Attachment 1 – Subject Land and Proposed Zone and Overlay Maps).

Latrobe City Council received the application to amend the Latrobe Planning Scheme on 13 May 2011. Originally the amendment proposal consisted of two separate planning scheme amendments, however following discussions with the Department of Planning and Community Development (DPCD) it was decided that the amendments should be combined and exhibited as one amendment given their close proximity to each other and similarity in the proposal. Latrobe City Council subsequently received a revised planning scheme amendment proposal on 6 September 2011.

In addition, the proposal for 100 Cairnbrook Road combines seeking permission to rezone land with a request to subdivide the land into two allotments as per Section 96A of the *Planning and Environment Act 1987*. Advice received from the Department of Planning and Community Development was that they would not permit the rezoning of a single property into two separate zones (i.e. the Residential 1 Zone and the Farming Zone).

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

As a consequence the application relating to 100 Cairnbrook Road seeks to subdivide the land into two (creating two separate parcels) and rezoning the smaller parcel to the Residential 1 Zone, generally in accordance with the Glengarry Structure Plan and the balance of the land would remain in the Farming Zone and continue to be used for agricultural purposes (see Attachment 2 – Draft Planning Permit and proposed subdivision plan).

The amendment proposal also seeks to amend Clause 21.06 – Small Towns to alter the Glengarry Township to better reflect the extent of future urban land in the east of Glengarry (see Attachment 3 – Current and Proposed Glengarry Structure Plans).

The proposed rezoning at 101 Cairnbrook Road is inconsistent with the current Glengarry Structure Plan as a portion of the land to be rezoned is located immediately outside of the Glengarry Structure Plan boundary (Area 9) on land identified for future long-term urban expansion. In this instance, the planning scheme amendment seeks to bring forward the release of land in Area 9 to eliminate the unnecessary creation of a split zoning ensuring that the site is subject to the provisions of only one zone.

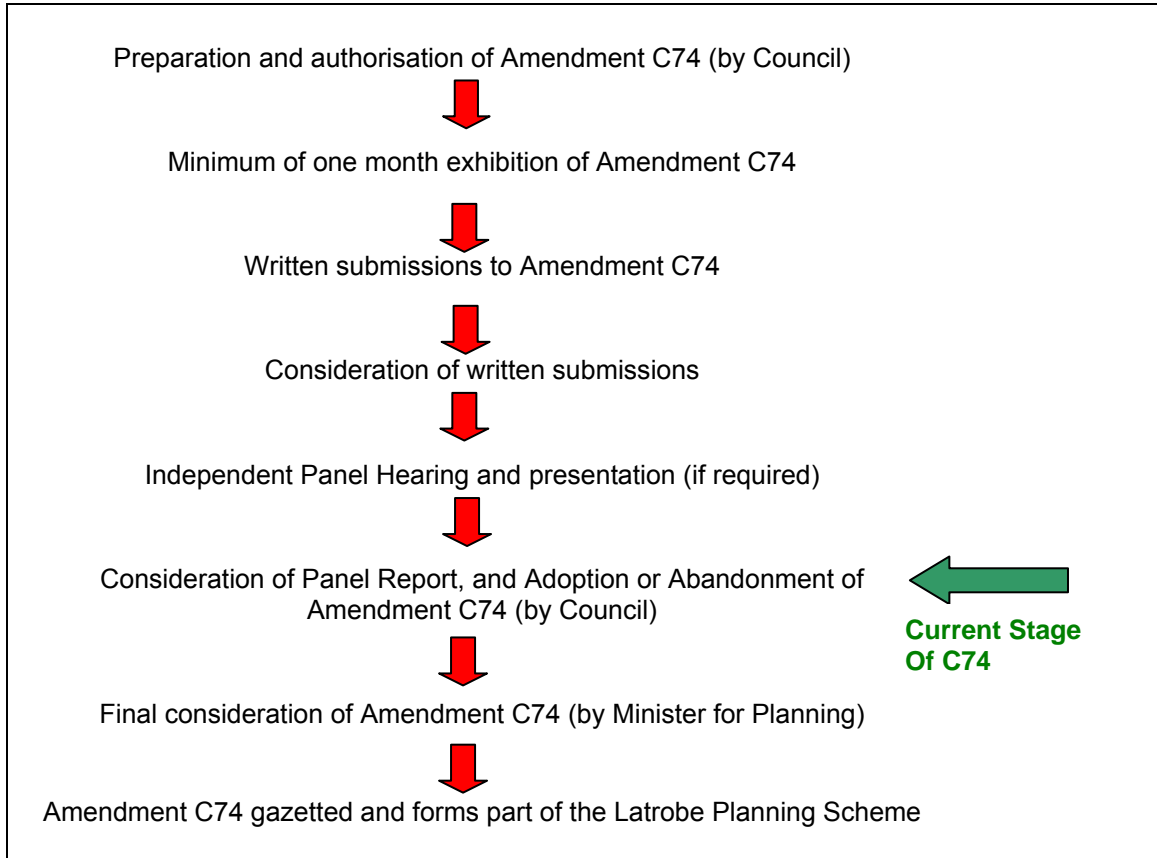
The proposed rezoning at 100 Cairnbrook Road demonstrates a further minor inconsistency with the current Glengarry Structure Plan as the land to be rezoned (Area 6) has a drainage channel that runs along the south-west boundary of proposed Lot 1. This drainage channel forms part of the Department of Sustainability and Environment's "West Gippsland Eco Tender Project" which is an incentive for farmers and land managers to protect natural assets through revegetation and caring for waterways on private property. The southern boundary of proposed Lot 1 has been positioned to avoid this drainage channel.

An additional drainage channel runs along the eastern boundary of proposed Lot 1. The proposed rezoning and subdivision has been designed to also exclude the majority of this drainage channel and the associated Land Subject to Inundation Overlay.

This is further explained in the attached explanatory report (see Attachment 4).

Statutory Requirements

The C74 planning scheme amendment process is shown in the figure below and provides an indication of the current stage of C74



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

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

ORDINARY COUNCIL MEETING AGENDA 22 APRIL 2013 (CM405)

Amendment C74 has had regard to and is consistent with the requirements of Section 12 of the Act. In addition, each amendment must address the Department of Planning and Community Development (DPCD) publication *Strategic Assessment Guidelines for Planning Scheme Amendments*. A response to these guidelines is outlined in the attached Explanatory Report (see Attachment 4).

The proposal is generally consistent with the State Planning Policy Framework and the Municipal Strategic Statement (MSS). However, part of the proposal is currently inconsistent with the current Glengarry structure (see previous discussion). This is also further explained in the attached Explanatory Report (see Attachment 4).

Planning Scheme Amendments

At the Ordinary Council meeting on 2 April 2012 Council resolved the following:

That Council, in accordance with Section 8(3) of the Act requests authorisation from the Minister for Planning to prepare and exhibit the proposed amendment to the Latrobe Planning Scheme, which seeks to:

- *Rezone land at 101 Cairnbrook Road, Lot 1, TP 122959 from Township Zone and Farming Zone to Residential 1 Zone.*
- *Rezone part of land at 100 Cairnbrook Road, Lot 2, PS 512358A and from Farming Zone (FZ) to Residential 1 Zone (R1Z).*
- *Apply the Development Plan Overlay Schedule 5 to 100 Cairnbrook Road, Lot 2, PS 512358A and part of 101 Cairnbrook Road, PS Lot 1, TP 122959*
- *Subdivide 100 Cairnbrook Road, Lot 2 PS 512 358A into two allotments.*
- *Amend Clause 21.06 to modify the Glengarry Structure Plan to provide the strategic framework for the future development of Glengarry.*
- *Replace the Schedule of Clause 61.03 to add new maps to the Latrobe Planning Scheme.*

The Minister for Planning in accordance with Sections 8A(3) of the *Planning and Environment Act, 1987* subsequently authorised Council to prepare the proposed Amendment C74 on 2 May 2012.

Amendment C74 was placed on public exhibition during the period 7 June 2012 to 16 July 2012.

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

Sections 22 and 23 of the Act require that Council must consider all submissions received to Amendment C74 and where a submission requests a change that can't be satisfied, request the Minister for Planning to establish a planning panel to consider submissions.

The recommendations of this Council Report are in accordance with Sections 22 and 23 of the Act.

ISSUES

A total of seven written submissions were received to Amendment C74. Out of the seven submissions, five raised no objections (submissions 2-6) and two submissions raised concerns (submissions 1 and 7). A copy of all submissions can be found at Attachment 5 and are summarised in Table 1 of this Council Report.

Four key themes were identified in the submissions as a result of the formal exhibition period. These themes relate to:

1. Establishing the full extent of flooding from Eaglehawk Creek.
2. The location of designated waterways in relation to proposed property boundaries.
3. Native vegetation.
4. Draft planning permit conditions.

It should be noted that several of the issues raised by submitters are issues to be considered at the development plan stage. The development plan does not form part of the current planning scheme amendment proposal which is to rezone land and introduce a development plan overlay. Therefore, a future development plan will address the relevant detailed issues raised in the submissions. The proposed DPO also requires a proponent to ensure these matters are considered when they lodge a development plan for Councils assessment.

The four key themes are addressed in greater detail below:

Theme 1 - Establishing the full extent of flooding from Eaglehawk Creek

Concerns were raised by two submitters (1 and 7) regarding the full extent of flooding from Eaglehawk Creek and the impacts that the flooding could have on access to the subject land and the safety of the long term future residents of the land.

The eastern boundary of Areas 5 and 6 of the Glengarry Structure Plan are particularly vulnerable to flooding due to the areas close proximity to Eaglehawk Creek and designated waterways.

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

The extent of the Land Subject to Inundation Overlay (LSIO) in Areas 5 and 6 reflects recently updated flood maps as part of Amendment C9 – which was formally adopted by the Minister for Planning in March 2012.

Although Amendment C9 was approved quite recently, an additional flood study of Eaglehawk Creek was not undertaken to inform the C9 amendment. The flood data available to Council and the West Gippsland Catchment Management Authority (WGCMA) at the time in preparation of Amendment C9 was dated 1995 and has a low reliability rating.

Due to the concerns raised regarding the reliability and full extent of flooding from Eaglehawk Creek, Council officers requested the proponents to complete a flood study of the catchment surrounding the subject land. The purpose of the flood study was to investigate the impact and severity of flow restrictions and the extent of inundated land during the major 100 year Average Recurrence Interval (ARI) flood event (see Attachment 6 – Eaglehawk Creek Flood Study).

The flood study was completed and provided to Latrobe City Council in January 2013. The flood study acknowledged that in a 100 year ARI flood event, significant portions of the subject land become inundated. These areas have been considered not suitable for development. However the overall findings of the flood study concluded that both parcels of land contain elevated areas that would be suitable for urban development purposes with a low risk to safety and cost to develop. In addition, any development after rezoning can be accomplished without obstructing or diverting floodwater or increasing flood risk.

Submitter 7, who objected to the proposal was provided with a copy of the flood study on 15 January 2013 and subsequently advised Latrobe City Council on 21 January 2013 that the flood study had “provided detailed information on the extent and flood risk to the proposed development area” and as such had no further objection to the proposed rezoning.

Submitter 1 who also objected to the proposal was provided with a copy of the flood study on 1 February 2013 and a copy of the revised response from submitter 7 to assist them with their review of the flood study. Submitter 1 subsequently withdrew their objection to the proposed rezoning on 14 March 2013, advising that they “have no direct objection of the rezoning of the area”.

As part of the future development planning of the subject land further work will need to be undertaken in regards to Infrastructure Services, these are outlined in the requirements of the existing Development Plan Overlay Schedule 5 in the Latrobe Planning Scheme:

Infrastructure Services

- *An integrated stormwater management plan that incorporates water sensitive urban design techniques which provides for the protection of natural systems, integration of stormwater treatment into the landscape, improved water quality, and reduction and mitigation of run-off and peak flows, including consideration of downstream impacts.*

The development plan when lodged will ensure that the detailed flood and stormwater constraints of the site are properly managed.

Theme 2 - Location of designated waterways in relation to proposed Lot 1 boundary

Concerns were raised by two submitters (1 and 7) regarding designated waterways at 100 Cairnbrook Road, Glengarry. Both submitters acknowledged the presence of a minor tributary waterway of the Eaglehawk Creek which runs along the eastern boundary of proposed Lot 1 and the need to protect the environmental and ecological value of the waterway. It was recommended that the proposed eastern boundary of Lot 1 be located 30 meters from the designated waterway and associated LSIO. As a result, the eastern boundary of proposed Lot 1 has been amended which in turn has reduced the size of proposed Lot 1 from 3.2 ha to 2.9 ha (see Attachment 7 – Revised proposed subdivision plan). The submitters have withdrawn their objection to this issue.

Theme 3 - Native Vegetation

Concerns were raised by submitter 2 in regards to the possible presence of native vegetation on and around the subject land which have a conservation status of Endangered within the Gippsland Plains Bioregion.

An inspection of the subject site was conducted by a qualified horticulturalist who has since advised that no native vegetation as described above was found on the subject site.

As part of the future development planning of the subject land further assessments will need to be undertaken in regards to flora and fauna, these are outlined in the requirements of the existing Development Plan Overlay Schedule 5 in the Latrobe Planning Scheme:

Flora and Fauna

- *In consultation with the Department of Sustainability and Environment, a flora and fauna survey, prepared by a suitably qualified expert, which includes but is not limited to species surveys for Growling Grass Frog (*Litoria raniformis*) and Dwarf Galaxias (*Galaxiella pusilla*), and measures required to protect the identified species.*
- *An assessment of any native vegetation to be removed having regard to Victoria's Native Vegetation Management: A Framework for Action, including how it is proposed to protect and manage any appropriate native vegetation.*
- *Regard must be had to the West Gippsland Native Vegetation Plan 2003.*
- *Any management plan should take into account that the Strzelecki Bioregion is one of Victoria's most fragmented Bioregions and address this as a consideration.*

The submitter has withdrawn their objection to this issue.

Theme 4 - Draft planning permit conditions

Comments were received from two submitters (3 and 7) regarding two of the draft planning permit conditions (Conditions 1 and 3) that were exhibited with the planning scheme amendment.

Condition 1 of the draft planning permit stated:

That the boundary of lot 1 is located a minimum of 30m from all designated waterways as per the West Gippsland Catchment Management Authority requirements.

This condition was addressed by the proponent and as a result the eastern boundary of proposed Lot 1 has been amended to provide the required 30m from all designated waterways reducing the size of proposed Lot 1 from 3.2 ha to 2.9 ha (see Attachment 7 – Revised proposed subdivision plan).

Condition 1 will now be removed and replaced with a revised condition received from submitter 7 on the 21 February 2013:

Land levels must not increase by more than 100mm in the area identified as the 100yr ARI flood event unless permitted in writing by the responsible authority and the West Gippsland Catchment Management Authority.

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Condition 3 of the draft planning permit required the proponent to enter into agreements with relevant authorities for the provision of services to each lot. Submitter 3 requested that the proponent relocate the existing house services on the existing farm lots to the underground network (see submission 3). Following further discussions between the proponent and SP AusNet it was resolved that the relocation of the existing house services did not need to be undertaken until such time that the site was further developed. As such, Condition 3 will remain unchanged in the draft planning permit.

In addition and following discussions between Latrobe City Council engineers and the proponent, it was agreed that Condition 5 of the draft planning permit should be removed and Condition 8 (b) and (c) of the draft planning permit should be amended.

Condition 5 of the draft planning permit stated;

Prior to the certification of the plan of subdivision under the Subdivision Act 1988, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted but modified to show:

- *A concept layout and location plan of how and where on-site detention and treatment of stormwater will be undertaken as part of the future residential development of lot 1 and how this area will be made available for use as part of the future development of lot 1.*

This condition is applicable at the development planning stage not at the rezoning stage; therefore Condition 5 of the draft planning permit has been removed.

Condition 8 (b) and (c) of the draft planning permit stated;

Prior to the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988, the operator of this permit must complete the following works to the satisfaction of the Responsible Authority:

- b) One vehicle crossing to service the proposed Lot 2 must be constructed to Latrobe City Council standards for a rural culvert crossing, including provision of an all-weather sealed surface from the edge of the existing road pavement to a distance of six (6) metres toward the property boundary if the road upon which the vehicle crossing is to be constructed also has a sealed surface.*

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- c) *One existing vehicle crossing providing access to lot 2 from Railway Avenue must be upgraded between the edge of the existing road pavement and the property boundary to comply with the vehicle crossing standards as set out in Latrobe City Council's Standard Drawing LCC 306 and LCC 212 including provision of an all-weather sealed surface from the edge of the existing road pavement for a distance of six (6) metres toward the property boundary.*

The current landowner of the subject land requested that they retain access to the existing house (located on proposed Lot 2) via proposed Lot 1 rather than constructing an additional vehicle crossing from either Railway Avenue or Bassetts Lane. A request to enter into a Section 173 Agreement outlining the access was discussed with the applicant. The Section 173 Agreement would cease when Lot 1 was further subdivided. Latrobe City Council engineers agreed that the application of the Section 173 Agreement was a suitable alternative to the original draft planning permit conditions 8 (b) and 8 (c).

Condition 8 of the draft planning permit has now been amended to requiring the Section 173 Agreement:

Prior to the issue of a Statement of Compliance under the Subdivision Act 1988, the owner must enter into an agreement with the Responsible Authority made pursuant to section 173 of the Planning and Environment Act 1987 and must make application to the Registrar of Titles to have the agreement registered on the title to the land under section 181 of the Act, which provides that any subsequent building approval or planning approval for lot 1 created as a result of planning 2012/103 issued on (insert date) will trigger the requirement for one vehicle crossing to service Lot 2 which must be constructed to Latrobe City Council standards for a rural culvert crossing, including provision of an all-weather sealed surface from the edge of the existing road pavement to a distance of six (6) metres toward the property boundary if the road upon which the vehicle crossing is to be constructed also has a sealed surface. The type of vehicles accessing Lot 2 from Lot 1 subsequent to the above occurring is limited to passenger vehicles only (no agricultural machinery).

See Attachment 8 for the revised Draft Planning Permit.

The submitters have withdrawn their application to this issue.

Table 1 below provides a summary of the issues raised in each submission and planning consideration of each issue raised.

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TABLE 1 – Summary of issues raised to Amendment C74

Submission Number	Submitter	Submission Issue	Planning Response
1	Wayne Zalesiak		
		Concerns regarding location of designated waterways in relation to property boundaries (proposed Lot 1) and the safety of future residents.	The proposed configuration of the subdivision at 100 Cairnbrook Road has been designed to minimise encroachment into the designated waterway and LSIO area. The proposed Residential 1 Zoned area has consequently been reduced from 3.2ha as exhibited to 2.9ha following submissions received from submitter 1 and 7.
		Concerns regarding the use out-dated flood data.	Due to the concerns raised regarding the full extent of flooding from Eaglehawk Creek, Council officers requested the proponents complete a flood study of the catchment surrounding the subject land. The flood study was subsequently completed in January 2013. The flood study illustrates the extent of flooding in a 100 ARI event and notes that the existing drainage structures crossing Eaglehawk Creek are determined to

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		<p>be largely under capacity which subsequently contributes to the extent of flooding on the property. Despite this, the findings of the study confirms that the subject land can be developed for urban purposes in the future and any development after rezoning can be accomplished without obstructing or diverting floodwater or increasing flood risk.</p> <p>Mr Zalesiak withdrew his objection on 13 March 2013 to the rezoning.</p> <p>Note: Mr Zalesiak suggested that it may be useful for Council to undertake an independent review of the areas identified as flood prone (in the current flood study) that differ from the original flood data. Council officer's advice to Mr Zalesiak was that although the flood study was undertaken by a private party, the WGCMA (as the water authority) has been involved by way of providing assistance and data for inclusion into the flood study. In addition, the WGCMA have</p>
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			confirmed in writing that they were satisfied with the findings on the flood study. Therefore a peer review of the flood study would seem to be unnecessary.
2	DSE		
		No objection but noted that department mapping indicated the presence of areas of native vegetation on and around the subject land. It is likely that any remnant native vegetation present on or adjacent to the subject land would have high conservation significance.	Consideration of native vegetation on site was provided in the town planning reports for both properties. The EVC maps did not contain any ecological vegetation classes located within the area proposed to be rezoned and subdivided. This is consistent with the lack of native vegetation on the land. An inspection of this vegetation was undertaken by a qualified horticulturalist from Beveridge Williams & Co Pty Ltd who confirmed that the mapping is in fact incorrect and the site does not contain the EVC as described.
		There are significant biodiversity values present along the Gippsland Plain Rail Trail, which runs parallel to the western boundary of the subject land. There is no discussion in the proposal that identifies such values, or how future residential	The proposed rezoning of both properties and subdivision of 100 Cairnbrook Road will not impact upon vegetation adjacent to the subject site, including the Gippsland Plain Rail Trail.

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		development would impact on any existing ecological values.	
		Resolution of potential issues relating to the application of the land Subject to inundation Overlay (LSIO) and the 100 year flood extent should be completed prior to any decision on the rezoning.	(See previous comments in Submission 1 regarding flood study)
3	SP AusNet		
		Requirement for services to any existing houses will be required to be relocated to the underground network within the estate at the customer/developer expense.	SP AusNet have amended this condition as per their correspondence to Latrobe City Council on 26 July 2012 advising that any services to existing houses will not be required to relocate to the underground network until the time of development. Existing powerline easements will need to be shown on the plan of subdivision. Any private underground cables/private overhead cables that cross property boundaries will need to be altered and brought up to current SP AusNet standards at the expense of the customer/developer.
4	Southern Rural Water		
		No Objection	Noted

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5	EPA Victoria		
		No Objection	Noted
6	Gippsland Water		
		No Objection	Noted
7	WGCMA		
		Concerns regarding location of designated waterways in relation to property boundaries (proposed Lot 1).	The proposed configuration of the subdivision at 100 Cairnbrook Road has been designed to minimise encroachment into the designated waterway and LSIO area. The proposed Residential 1 Zoned area has consequently been reduced from 3.2ha as exhibited to 2.9ha following submissions received from submitter 1 and 7.
		Concerns regarding the use out-dated flood data.	(See previous comments in Submission 1 regarding the new flood study that was conducted) The WGCMA withdrew their objection on the 21 February 2013.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

The prescribed fees for planning scheme amendments are detailed in the *Planning and Environment (Fees) Regulations 2012*.

Statutory fees associated with this proposed amendment will be met by the proponent.

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014.

INTERNAL/EXTERNAL CONSULTATION

The amendment is subject to the prescribed process in accordance with the public notice and consultation requirements of Section 19 of the Act.

This included advertising in the Government Gazette on 7 June 2012 and local newspapers on 4 June 2012 and 28 June 2012 as well as written notification to landowners and occupiers that may be materially affected by the amendment on 1 June 2012.

All statutory and servicing authorities likely to be materially affected were also notified of the proposed amendment on 1 June 2012.

Amendment C74 was placed on public exhibition during the period 7 June 2012 to 16 July 2012.

Public Submissions

Following public exhibition seven written submissions were received by Latrobe City Council in response to Amendment C74. Section 22 of the Act requires that a planning authority consider all submissions to an amendment.

A summary of key issues and comments raised by all submissions in response to Amendment C74 have been provided in the Issues section of this council report (see also Table 1). A full copy of all submissions received to Amendment C74 is provided at Attachment 5.

All submissions received raising concerns in relation to the amendment have been resolved and subsequently these submitters have withdrawn their submissions. Therefore there is no requirement for Council to request a panel and council can now consider the options outlined below.

OPTIONS

The options available to Council are as follows:

- 1 That Council, after considering all written submissions received to Amendment C74, resolves to adopt, and submit for approval to the Minister for Planning, Amendment C74.
- 2 That Council, after considering all written submissions received to Amendment C74 resolves to abandon the exhibited Planning Scheme Amendment C74 and inform the Minister for Planning.

CONCLUSION

Amendment C74 proposes to rezone 18.09ha of land at 101 Cairnbrook Road, Glengarry and a 2.9ha portion of land at 100 Cairnbrook Road, Glengarry from the Farming Zone and Township Zone to the Residential 1 Zone and apply the Development Plan Overlay Schedule 5. The proposal for 100 Cairnbrook Road also seeks permission to subdivide the land into two allotments as per Section 96A of the *Planning and Environment Act* 1987.

While part of the proposal to rezone land is outside the Glengarry settlement boundary, the proposal is consistent with Clause 21.06-4 – Specific Small Town Strategies – Glengarry. In particular:

- *Encouraging residential growth developments to the east of the township which are to be sensitive to the Eaglehawk Creek environment and floodplain (Areas 5 and 6).*
- *Investigate and resolve the extent of the Eaglehawk Creek floodplain (Area 12).*
- *Protect development potential of agricultural land to the east of the township for future long term residential expansion (Areas 9 and 10).*

The overall findings of the flood study concluded that both parcels of land contain elevated areas that would be suitable for urban purposes with a low risk to safety and cost to develop. In addition, any new development after rezoning can be accomplished without obstructing or diverting floodwater or increasing flood risk. The need for a subsequent development plan will ensure that the flood and stormwater constraints of the site are properly managed.

Several of the issues raised by submitters are detailed issues to be considered at the development plan stage. The development plan does not form part of the current planning scheme amendment proposal which is to rezone land and introduce a development plan overlay.

**ORDINARY COUNCIL MEETING AGENDA
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The need for a subsequent development plan requires the proponent to further consider relevant matters in more detail that will further address the submitters concerns.

In summary, all issues raised in submissions have now been addressed so that Amendment C74 can progress to the next stage without the requirement for Council to request a panel.

Attachments

1. Attachment 1 - Subject Land and Proposed Zone and Overlay Maps
2. Attachment 2 - Draft Planning Permit 2012/103 as exhibited
3. Attachment 3 - Current and Proposed Glengarry Structure Plans
4. Attachment 4 - Explanatory Report
5. Attachment 5 - Submissions received to C74
6. Attachment 6 - Eaglehawk Creek Flood Study
7. Attachment 7 - Revised Proposed Subdivision Plan
8. Attachment 8 - Draft Planning Permit 2012/103 post exhibition

RECOMMENDATION

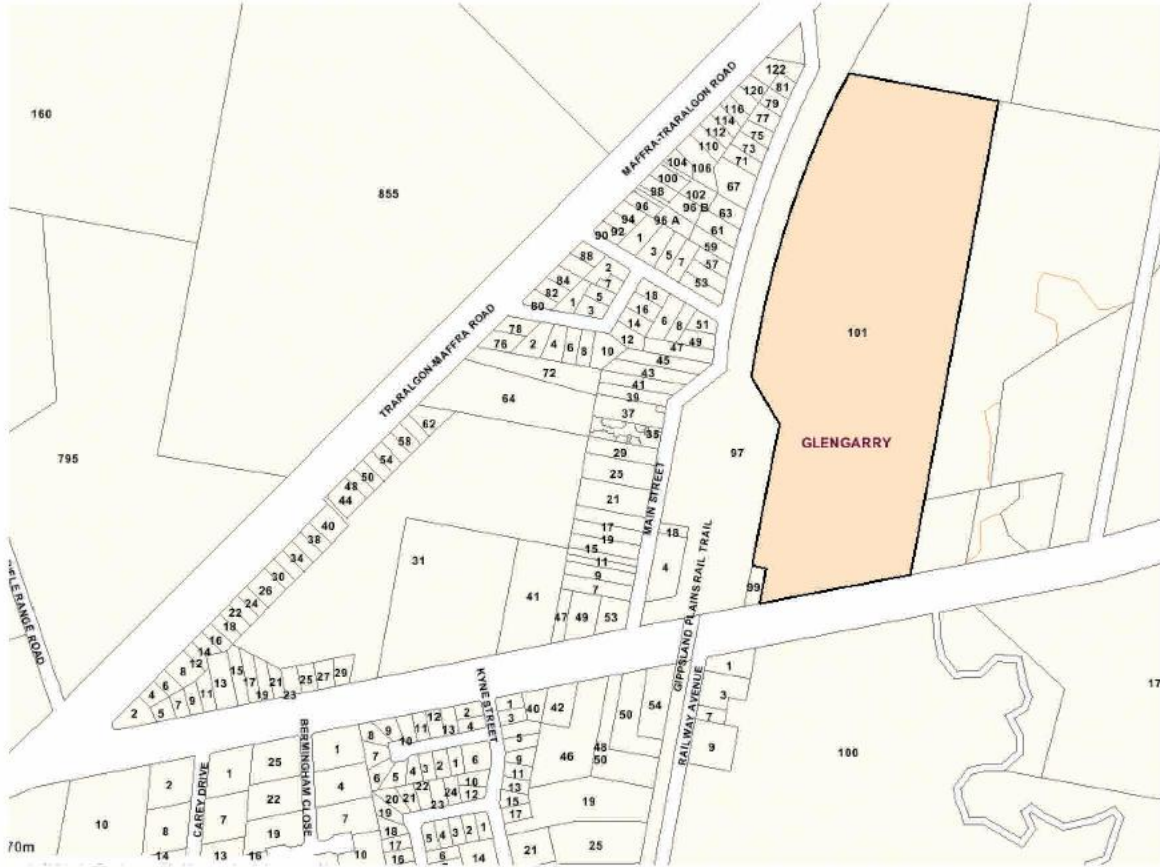
1. That Council having considered all written submissions received to Amendment C74, adopts Amendment C74 with changes in accordance with Section 29 of the Planning & Environment Act 1987.
2. That Council submits Amendment C74 once adopted to the Minister for Planning for approval in accordance with Section 35 of the Planning and Environment Act 1987.
3. That Council recommends to the Minister for Planning that the planning permit be granted with changes in accordance with Section 96G of the Planning and Environment Act 1987.
4. That Council submits the recommendation and the proposed planning permit to the Minister for Planning at the same time as adopted Amendment C74 is submitted to the Minister for Planning for approval, in accordance with Section 96H of the Planning and Environment Act 1987.
5. That Council authorises the Chief Executive Officer to sign and seal an agreement pursuant to Section 173 of the Planning & Environment Act 1987, being applied to 100 Cairnbrook Road, Glengarry (existing Allotment 2 on Plan of Subdivision 512358) for the purpose of allowing temporary vehicle access to proposed Allotment 2 via proposed Allotment 1 in accordance with adopted Amendment C74 and approved planning permit.
6. That Council advises the applicants and those persons who made written submissions to Amendment C74 of Council's decision.

16.4

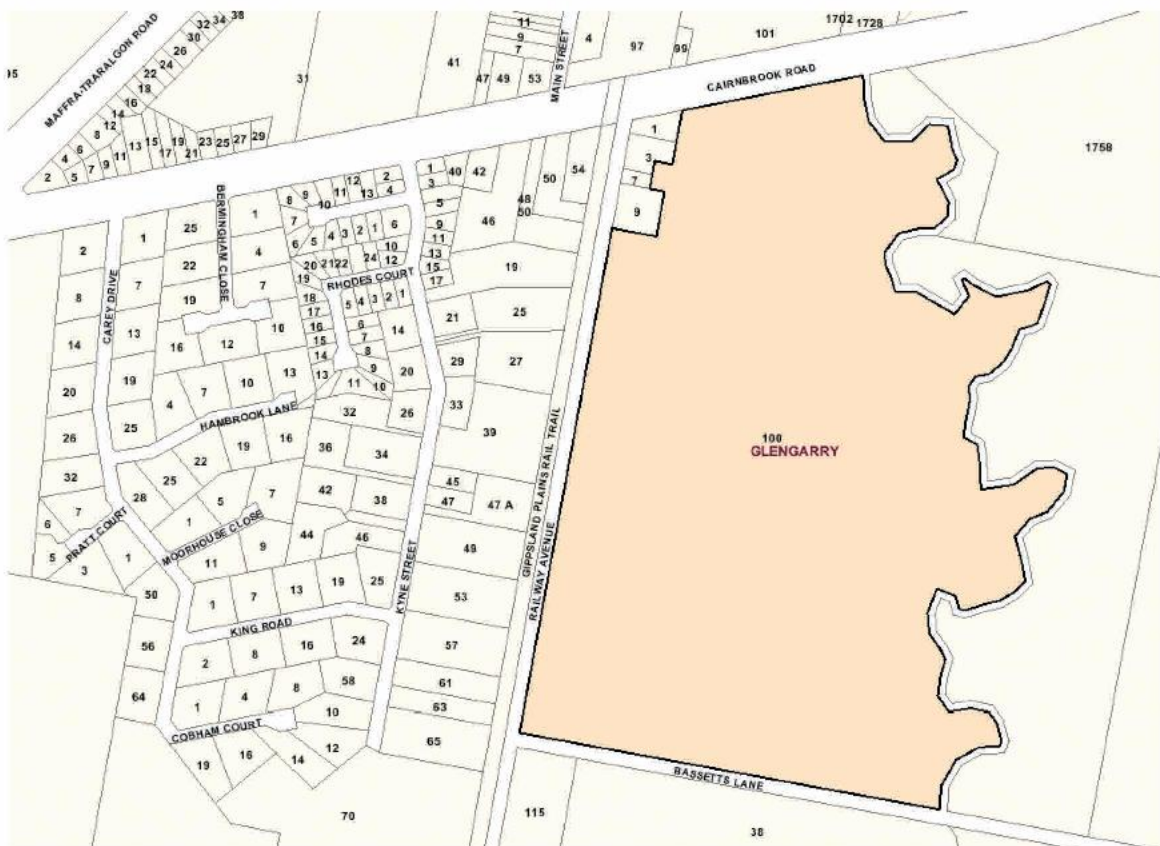
Consider Submissions to Amendment C74 to the Latrobe Planning Scheme to rezone land at 101 Cairnbrook Road and part of land at 100 Cairnbrook Road, Glengarry from Farming Zone to Residential 1 Zone and apply the Development Plan Overlay Schedule 5 and to subdivide 100 Cairnbrook Road into two allotments.

1	Attachment 1 - Subject Land and Proposed Zone and Overlay Maps	245
2	Attachment 2 - Draft Planning Permit 2012/103 as exhibited	249
3	Attachment 3 - Current and Proposed Glengarry Structure Plans	251
4	Attachment 4 - Explanatory Report.....	253
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6	Attachment 6 - Eaglehawk Creek Flood Study.....	295
7	Attachment 7 - Revised Proposed Subdivision Plan.....	339
8	Attachment 8 - Draft Planning Permit 2012/103 post exhibition.....	341

Attachment 1 - Subject Land and Proposed Zone and Overlay Maps

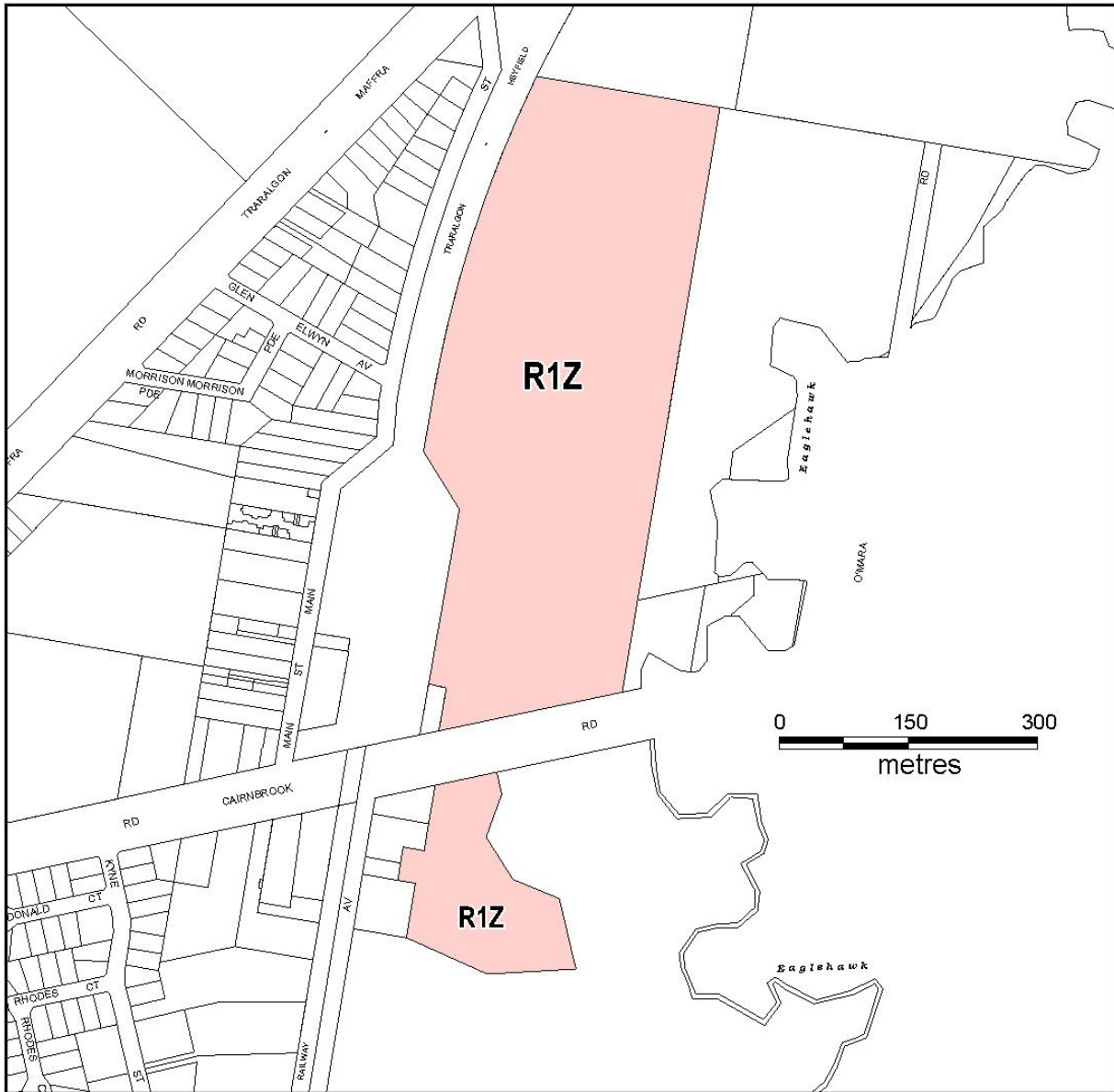


**Subject Land – 101 Cairnbrook Road, Glengarry
Not to scale**



**Subject Land – 100 Cairnbrook Road, Glengarry
Not to scale**

LATROBE PLANNING SCHEME LOCAL PROVISION



Part of Planning Scheme Maps 17 & 19

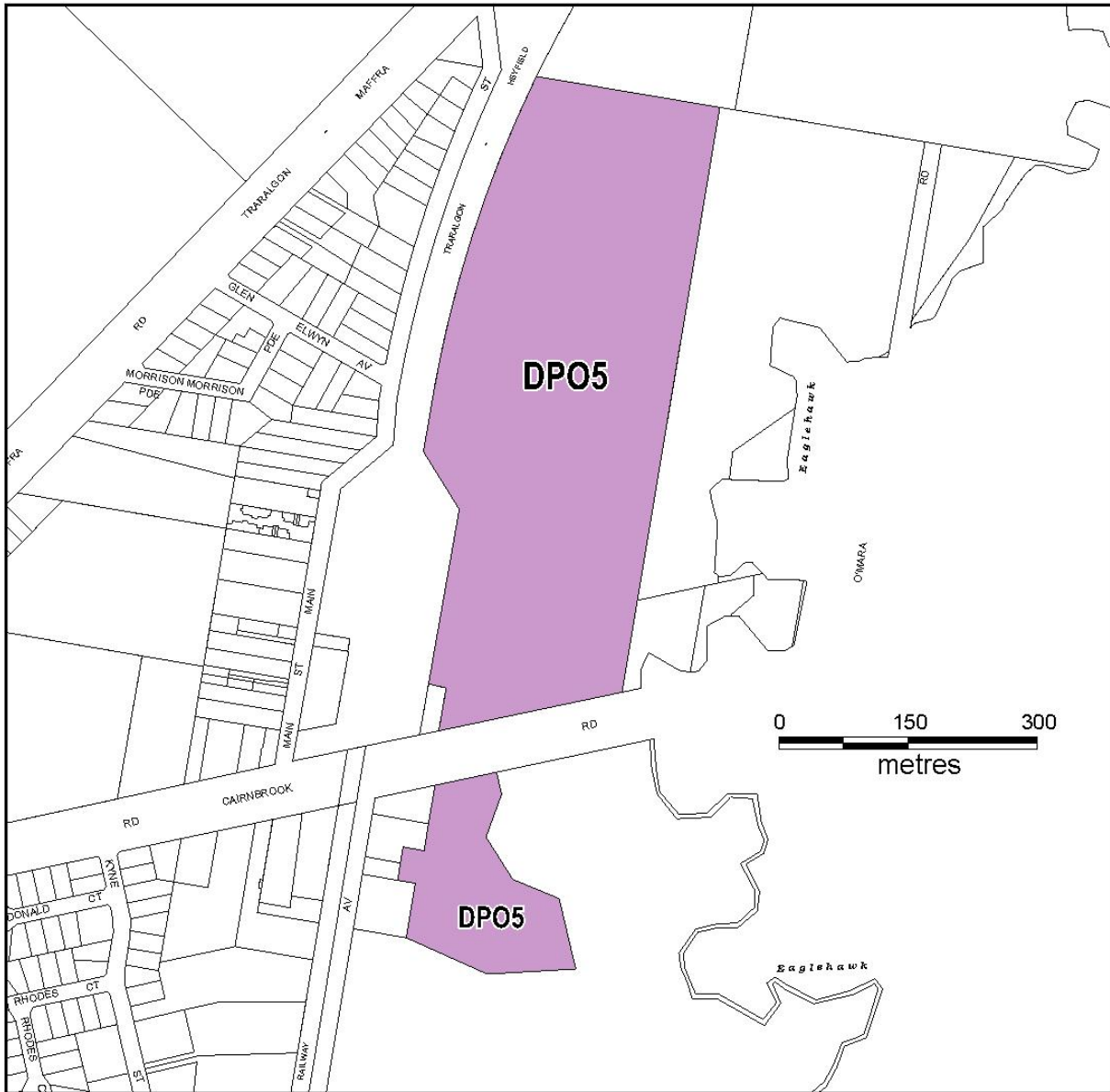
LEGEND

R1Z RESIDENTIAL 1 ZONE

AMENDMENT C74



LATROBE PLANNING SCHEME LOCAL PROVISION



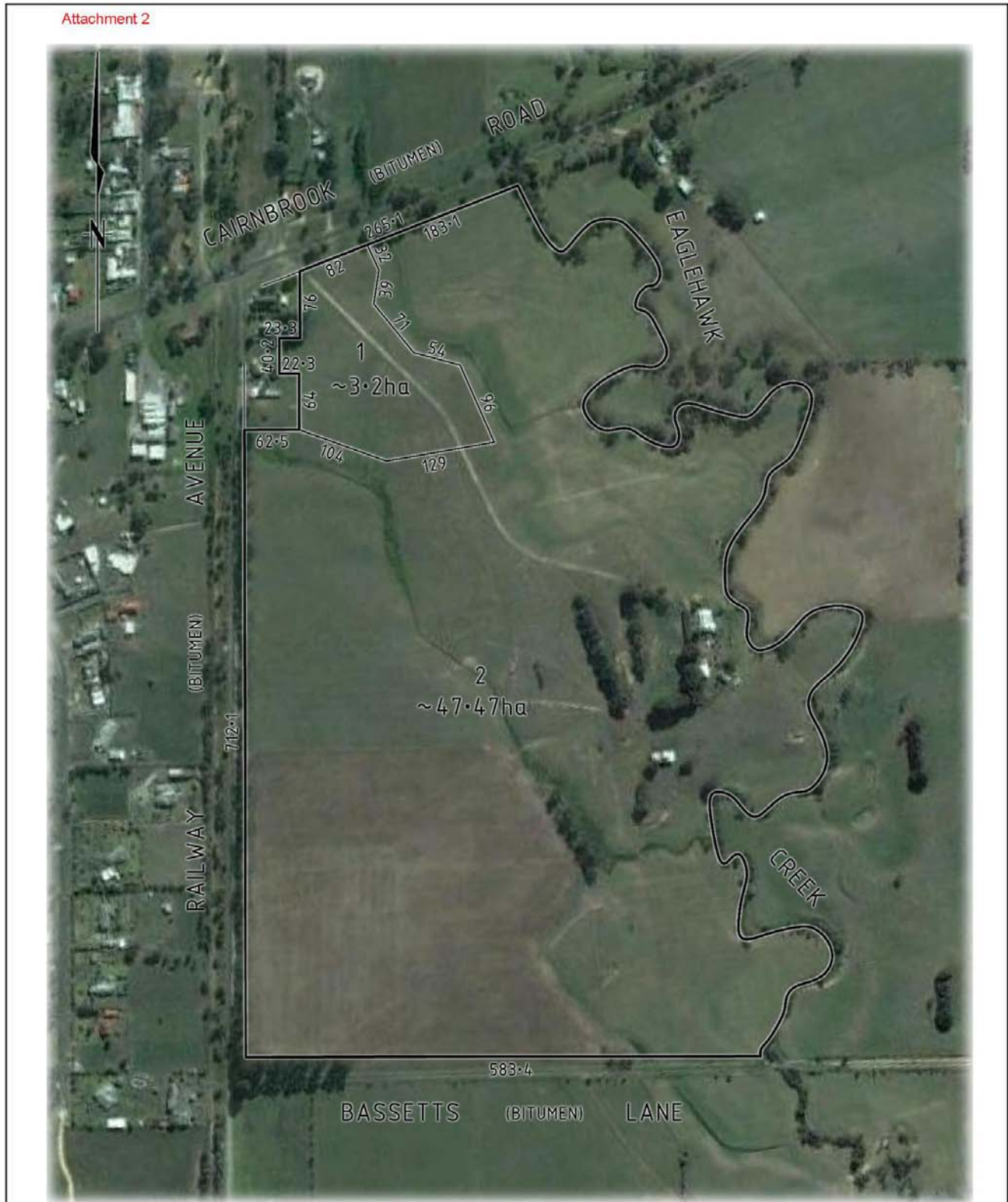
Part of Planning Scheme Maps 17DPO & 19DPO

LEGEND


DPO5 DEVELOPMENT PLAN OVERLAY
SCHEDULE 5

AMENDMENT C74



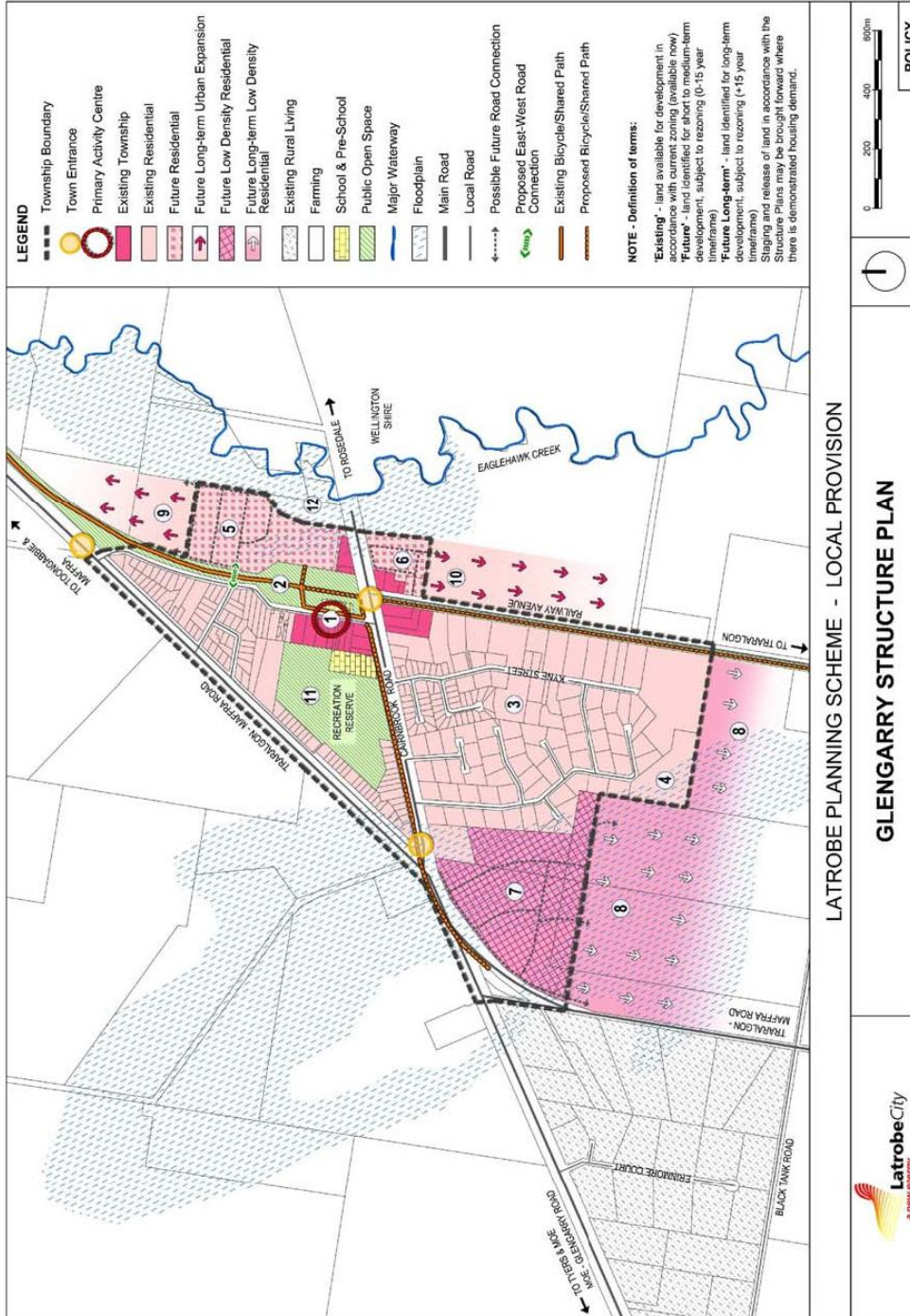


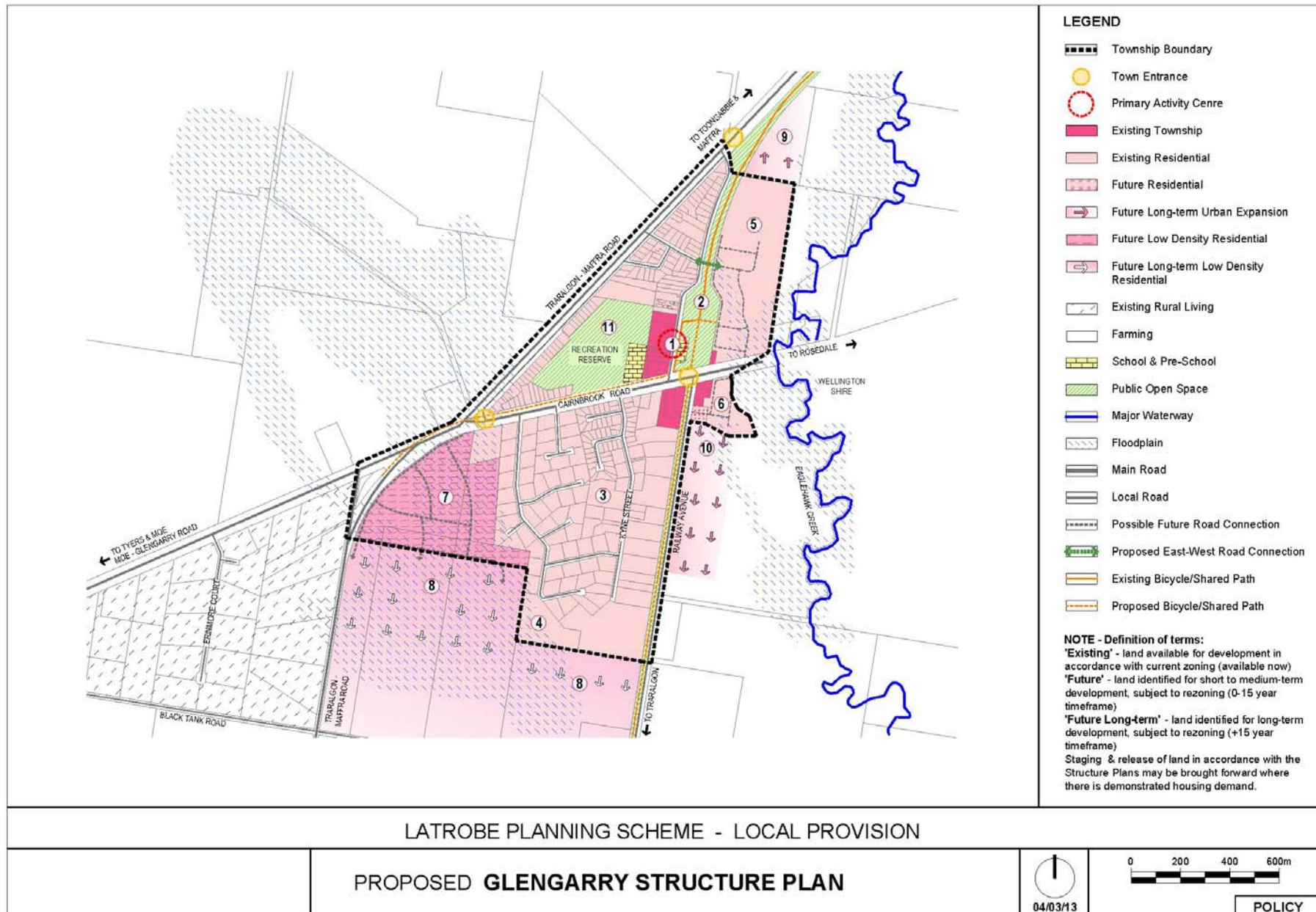
NOTES:
 DIMENSIONS ARE APPROXIMATE ONLY AND SUBJECT TO FINAL SURVEY.
 PHOTO SOURCE: GOOGLE EARTH

PLAN OF PROPOSED SUBDIVISION		ORIGINAL		PREPARED A. SPEIR	
	Beveridge Williams development & environment consultants Traralgon ph : 03 5176 0374 www.beveridgewilliams.com.au	Scale	Sheet Size	SURVEY	PETER WALKLEY 100 CAIRNBROOK ROAD, GLENGARRY PS512358 LOT 2 C/T VOL 1861 FOL 095 LATROBE CITY COUNCIL
		1:4000	A3	CHECKED P.G. DELL	
		Dwg No		DATE 15/12/2011	
		1100592-PPS DGN		AUTHORISED FOR ISSUE	
		Sheet 1 of 1		Proj No 1100592	

Attachment 3

Current Glengarry Structure Plan





Attachment 4

Planning and Environment Act 1987

LATROBE PLANNING SCHEME

AMENDMENT C74

EXPLANATORY REPORT

Who is the planning authority?

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

The amendment has been made at the request of Beveridge Williams & Co Pty Ltd on behalf of two landowners located at 100 Cairnbrook Road, Glengarry and 101 Cairnbrook Road, Glengarry.

Land affected by the amendment

The amendment applies to land generally contained within areas 5, 6 and 9 of the Glengarry Structure Plan, August 2010. 100 Cairnbrook Road is contained in Certificate of Title Volume 10844 and Folio 644 being Lot 2 on PS512358A.

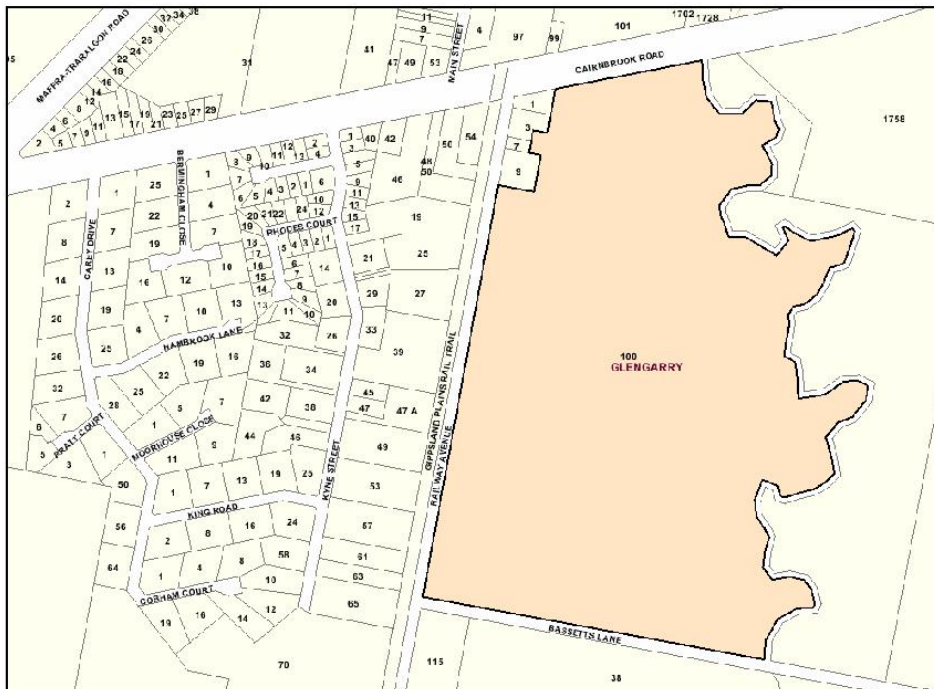


Figure 1 – 100 Cairnbrook Road, Glengarry
Source: Land Maps
Not to scale

101 Cairnbrook Road, Glengarry is contained in Certificate of Title Volume 09927 Folio 881 Lot 1 on TP122959.

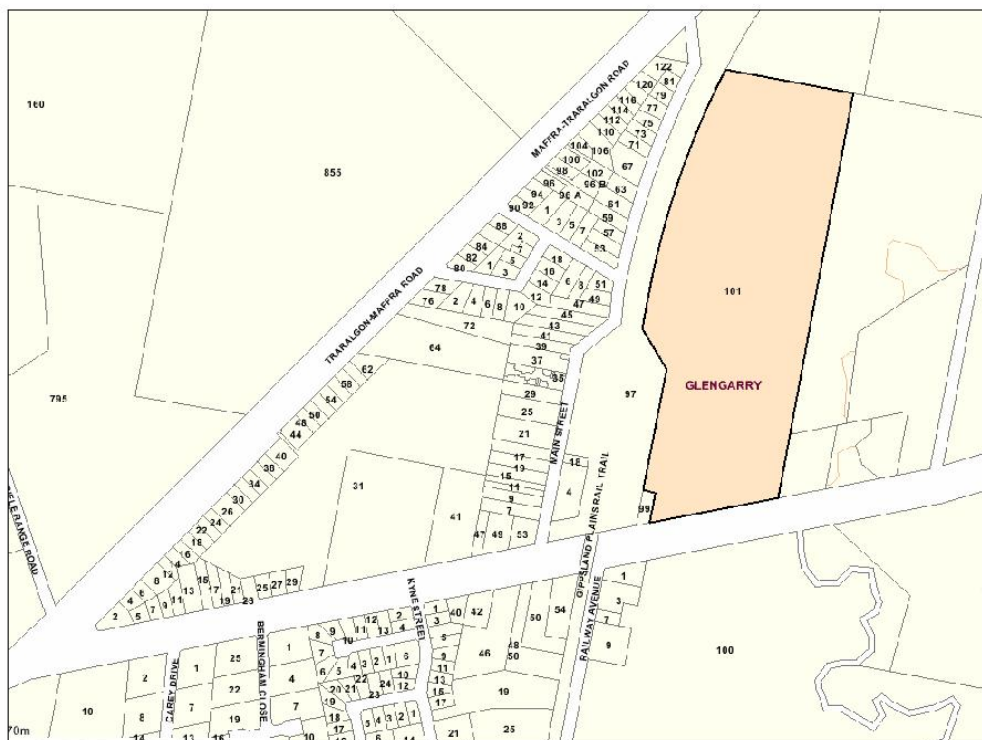
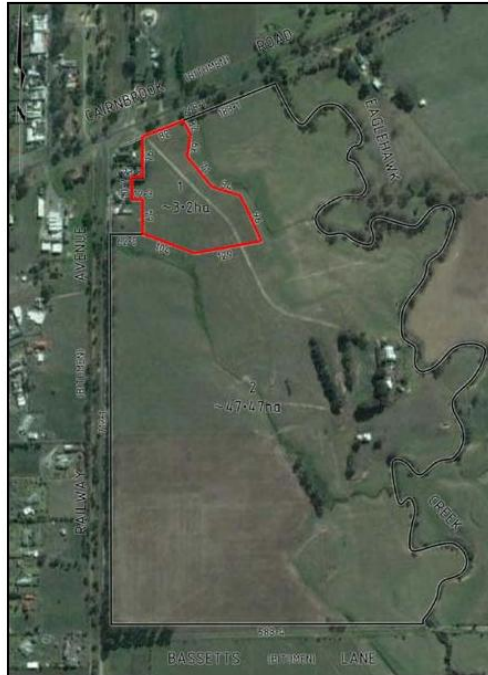


Figure 2 – 101 Cairnbrook Road, Glengarry
Source: Land Vic
Not to scale

What the amendment does

The amendment seeks to:

- Rezone land at 101 Cairnbrook Road, Glengarry from the Farming Zone and Township Zone to the Residential 1 Zone.
- Rezone part of land at 100 Cairnbrook Road, Glengarry from the Farming Zone to the Residential 1 Zone. The balance of the land would remain in the Farming Zone and continue to be used for agricultural purposes.
- Subdivide land at 100 Cairnbrook Road, Glengarry into two (2) allotments to facilitate the rezoning of the site in accordance with the Latrobe Planning Scheme. Allotment 1 proposes to contain 3.2 hectares and allotment 2 proposes to contain 47.47 hectares. The subdivision forms part of a combined Planning Scheme Amendment and Planning Permit Application.
- Apply the Development Plan Overlay – Schedule 5 (DPO5) Residential Growth Areas to the proposed Residential 1 Zone area at both 100 and 101 Cairnbrook Road, Glengarry.
- Amend Clause 21.06 to replace Subclause 21.06-8 – Glengarry Structure Plan with a new Glengarry Structure Plan to reflect the proposed changes at 100 and 101 Cairnbrook Road, Glengarry.



Proposed subdivision of 100 Cairnbrook Road, Glengarry

Source: Google Maps

Not to scale

Strategic assessment of the amendment

- **Why is the amendment required?**

The Small Towns Structure Plan, Boolarra, Glengarry and Tyers – Background Report for Latrobe City Council August 2010 (Revised Edition) estimates that Glengarry “without the subdivision of large occupied lots which have the potential to be subdivided [mostly occurring to the south of the town centre], there is a significant shortage of Residential 1 Zone (R1Z) land in Glengarry [4 year supply].” Based on this information it is estimated that in February 2012, Glengarry will have a R1Z land supply of between 1.1 years (high growth scenario) and 1.5 years (moderate growth scenario) and will have below the 15 year supply of R1Z land as required by the Latrobe Planning Scheme. The report also states that Glengarry has had minimal development activity mainly due to the limited supply of available land for residential development and recommends the immediate requirement to provide R1Z over and above the existing R1Z land in Glengarry given existing vacant lot potential within R1Z is inadequate to meet future demand to 2023.

The amendment is required to provide an appropriate zone that will allow for a future planning permit application to be made to develop the land in accordance with the State Planning Policy and the Local Planning Policy Framework’s.

Furthermore, the amendment is necessary to provide an appropriate planning scheme mechanism to allow the land to be developed generally in accordance with the recommendations of the Glengarry Small Town Structure Plan.

The need for the combined planning scheme amendment and planning permit application process is to allow for a portion of 100 Cairnbrook Road, Glengarry to be rezoned to the R1Z whilst maintaining the existing Farming Zone on the larger portion of land in accordance with the Glengarry Structure Plan. The subdivision also eliminates the unnecessary creation of a split zoning on the site.

100 Cairnbrook Road, Glengarry:

The proposed rezoning is slightly inconsistent with the current Glengarry Structure Plan (August 2010). This is due to the fact that the site contains a significant drainage channel that runs from the north-west to south-east through the site. This drainage channel forms part of the Department of Sustainability and Environment's 'West Gippsland Eco Tender Project' which is an incentive for farmers and land managers to protect natural assets through revegetation and caring for waterways on private property. The southern boundary of the proposed rezoning for 100 Cairnbrook Road has been positioned to avoid this drainage channel.

The eastern boundary of the proposed rezoning also varies slightly from the existing Glengarry Structure Plan. The eastern boundary alignment of the proposed rezoning and subdivision has been designed to exclude the majority of land contained within the recently approved Land Subject to Inundation Overlay area (Amendment C9 - Flood Overlay).

101 Cairnbrook Road, Glengarry:

An amendment to the Glengarry Structure Plan is required to ensure the rezoning is consistent with the Glengarry township boundary. In its current form, approximately 1.8 hectares of land currently sits outside of the Glengarry township boundary. Modifications to the eastern boundary of the Glengarry Structure Plan will allow Latrobe City Council to consider a planning scheme amendment request seeking to rezone the entire site to the R1Z. The purpose for doing this is to ensure that 101 Cairnbrook Road is subject to the provisions of only one zone and to the requirements of DPO5.

The proposed changes to the Glengarry Structure Plan are timely as they provide an opportunity to update the township boundary to better reflect the recently approved Land Subject to Inundation Overlay maps.

• How does the amendment implement the objectives of planning in Victoria?

The objectives of planning in Victoria are:

- a) To provide for the fair, orderly, economic and sustainable use and development of land.
- b) To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity.
- c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.
- d) To conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value.
- e) To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.
- f) To facilitate development in accordance with the objectives set out in the points above.
- g) To balance the present and future interests of all Victorians.

The amendment implements the objectives of the *Planning and Environment Act 1987* by contributing to the land supply in Glengarry to efficiently and effectively meet the community's needs now and into the future.

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

The proposed rezoning will facilitate future development of the sites for residential purposes. The properties are well located with regard to the existing township facilities with the town centre and community facilities located less than 200m away. The proximity of the properties to the town centre provides access for all demographics without reliance on private vehicle or public transport. An increase in population as a result of a future residential development is likely to have a positive impact on the local services and businesses.

100 Cairnbrook Road, Glengarry:

It is considered that the rezoning and subdivision of the site will have minimal impact on the environmental constraints of the site. Vegetation on site is minimal and primarily contains grasses consistent with cattle grazing. The Department Sustainability and Environment's EVC mapping suggests that the site contains endangered plains grassy woodland and swampy scrub along Eaglehawk Creek on the northern boundary and also a small patch on the south side of the existing dwelling. These patches of vegetation are not located within the proposed rezoning and subdivision area and would remain unaffected. A significant drainage channel runs from the north-west to south-east through the site. The southern boundary of proposed rezoning has been positioned to avoid this drainage channel.

The location of the eastern boundary of the rezoning has been designed to exclude the majority of land contained within the recently approved Land Subject to Inundation Overlay area (Amendment C9) to protect the Eaglehawk Creek environment and floodplain.

101 Cairnbrook Road, Glengarry:

It is also considered that the rezoning of this land will have minimal impact on the environmental constraints of the site. Two gum trees are located on the site. A separate planning permit to remove the two trees will be required at the time of subdivision, in accordance with Clause 52.17 of the Latrobe Planning Scheme, if the trees cannot be retained within the subdivision layout. Vegetation on site is minimal and primarily contains grasses consistent with cattle grazing. The Department of Sustainability and Environment's EVC mapping suggests that the site contains endangered plains grassy woodland surrounding the dams. An inspection of this vegetation was undertaken by a qualified horticulturalist from Beveridge Williams & Co Pty Ltd who confirmed that plains grassy woodland contains the following environmental values, all of which the dams do not contain:

- *An open, eucalypt woodland occurring on a number of geologies and soil types. Occupies poorly drained, fertile soils on flat or gently undulating plains at low elevations. The understorey consists of a few sparse shrubs over a species-rich grassy and herbaceous ground layer. (DSE – Conservation and Environment – Native Vegetation Group 13 – Plains Woodlands or Forests)*

An assessment of significant fauna against the Department of Sustainability and Environments EVC mapping was also completed on both sites. The results indicate that no fauna species are likely to be found within 5km of the subject sites including the federally protected Growling Grass Frog.

Preliminary comments have also been received from West Gippsland Catchment Management Authority and advise that the 457m long drainage line that runs north-east to south through the site should be retained and a vegetated buffer of at least 30m wide along each side of the waterway be provided. This provision is also specified in the 'Requirements for development plan' section of DPO5.

A portion of 101 Cairnbrook Road is subject to the Land Subject to Inundation Overlay. The application of this overlay does not prevent development on the site; rather the planning control will ensure that the flood and stormwater constraints of the site are properly managed. In accordance with the DPO5, an integrated stormwater management plan that incorporates water sensitive urban design techniques which provide for the protection of natural systems, integration

of stormwater treatment into the landscape, improved water quality, and reduction and mitigation of run-off and peak flows, including consideration of downstream impacts will be required. Detailed hydrological and hydraulic assessments at the time of Development Plan preparation will inform how best to manage stormwater and flooding constraints on this land.

It is submitted that the application of a Development Plan Overlay can manage future development of both sites including establishing a basis from which environmental issues can be addressed prior to a permit being approved for residential development.

• **Does the amendment address relevant bushfire risk?**

The subject land is not affected by a Wildfire Management Overlay or Bushfire Management Overlay. The site contains minimal vegetation and the immediate surrounds do not accommodate dense patches of vegetation.

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

The amendment is affected by Ministerial Direction No. 11 *Strategic Assessment of Amendments* under section 12 of the *Planning and Environment Act 1987*. This report addresses the requirements of Ministerial Direction No. 11.

The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under section 7(5) of the Act.

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

The proposed amendment is considered to compliment the objectives of the SPPF by providing zone and overlay controls that will facilitate the efficient expansion of Glengarry. In particular the amendment is:

- Consistent with Clause 11.02-1 – Supply of urban land – by contributing approximately 21.29 hectares to the supply of R1Z land which equates to approximately 14.4 years supply.
- Consistent with Clause 11.05-4 – Regional planning strategies and principles - by facilitating the development of diverse dwelling types, providing greater choice and affordability. This is particularly important for Glengarry as it has the potential to provide a unique lifestyle that cannot be replicated or offered by a larger urban centre such as Traralgon. Glengarry also has the potential to meet some of the spill-over demand for residential land coming from the Traralgon housing market.
- Consistent with Clause 13-02-1 – Floodplain Management - The proposed rezoning of 100 Cairnbrook Road has been designed to minimise potential impact to the natural features of the site by:
 - Locating the southern boundary of the R1Z land away from the Department of Sustainability and Environment's protected drainage channel.
 - Excluding the majority of R1Z land from the recently approved Land Subject to Inundation Overlay mapping area (Amendment C9) as a way in which to protect the Eaglehawk Creek environment and floodplain.
- Consistent with Clause 15.01-3 – Neighbourhood and subdivision design – as the sites are well located to utilise existing infrastructure and community facilities resulting in a more sustainable and integrated community.

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

The rezoning of both 100 and 101 Cairnbrook Road will contribute approximately 21.29 hectares to the supply of R1Z land. An assessment of Glengarry's land supply forecasted to 2016, following the rezoning, (preparation and approval of a Development Plan, detailed subdivision application, certification of plans and issue of statement of compliance) of 100 and 101 Cairnbrook Road, Glengarry demonstrates that under the high and moderate growth scenarios, Glengarry will still be below the 15 years supply of R1Z land (which equates to approximately 88 lots under the high growth scenario and 95 lots under the moderate growth scenario) as required by the Latrobe Planning Scheme. Under the low growth scenario, Glengarry will have an estimated 18 years supply of Residential 1 Zoned land (which equates to approximately 109 lots).

The rezonings support the Latrobe Municipal Strategic Statement as they:

- Generally avoid the subdivision of land that is potentially subject to flooding by minimising the amount of urban zoned land within the updated Land Subject to Inundation Overlay area, generally consistent with Clause 21.03-9.
- Will facilitate the future development of a diversity of housing types within Glengarry by offering a different lifestyle choice that cannot be replicated or provided by a larger urban centre such as Traralgon, consistent with Clause 21.04-2 – Settlement overview.
- Will generally apply the Residential 1 Zone to the area identified for residential development by the small town structure plans, generally consistent with Clause 21.06-4.
- Protects the environmental features of the site by precluding development within the sensitive areas of the site. Specifically, the rezoning and subdivision of 100 Cairnbrook Road has been designed to avoid future urban development within the protected drainage channel south of the proposed Residential 1 Zone and to minimise the future development within the updated Land Subject to Inundation Overlay area, consistent with Clause 21.06-4.
- Will provide an appropriate boundary between urban and farming and environmentally sensitive land to avoid a conflict of uses in the long term consistent with Clause 21.06-2.
- Will Apply the Development Plan Overlay in accordance with Clause 21.06-6.

It should be noted that the proposed rezonings require a change to the Glengarry Structure Plan boundaries. At 100 Cairnbrook Road the eastern boundary alignment of the proposed rezoning and subdivision has been designed to exclude the majority of land contained within the recently approved Land Subject to Inundation Overlay area (Amendment C9 - Flood Overlay).

At 101 Cairnbrook Road, in its current form, approximately 1.8 hectares of land currently sits outside of the Glengarry township boundary. Modifications to the eastern boundary of the Glengarry Structure Plan will allow Latrobe City Council to consider a planning scheme request seeking to rezone the entire site to the Residential 1 Zone. The purpose for doing this is to ensure that 101 Cairnbrook Road is subject to the provisions of only one zone and to the requirements of DPO5.

(A copy of the proposed Glengarry Structure Plan is located at the back of this report).

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

The intent of this amendment is to facilitate the future residential development on land that has been designated as being suitable for residential expansion. The Residential 1 zone is the most appropriate VPP tool to use.

The key purpose of this zone is:

To provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households.

The amendment also seeks to apply the Development Plan Overlay – Schedule 5 (Residential Growth Areas). The key purpose of the DPO is:

To identify areas which require the form and conditions of future use and development to be shown on a development plan before a permit can be granted to use or develop the land.

This overlay is considered to be a suitable VPP tool to manage the development in a proper and orderly manner. The critical outcome of this tool is as follows:

- A focus on the more strategic elements of a proposal prior to a planning permit being obtained;
- The ability to specify requirements that must form part of a development plan. This makes clear the level of information that should support a proposal. This type of information requirement is given statutory effect by being part of the planning scheme.

The amendment has regard to *Planning Practice Note 11 – Applying for a planning permit under the flood provision*. Whilst this amendment seeks to rezone the site, it is acknowledged that a future development plan will need to address the potential stormwater and flood risks to ensure subdivision is appropriate to the constraints of the land.

Planning Practice Note 12 – *The Aboriginal Heritage Act 2006 and planning permit process* has also been considered for this application. In accordance with *Aboriginal Heritage Act*, a rezoning request and a two lot subdivision does not trigger a requirement to prepare a Cultural Heritage Management Plan. However, it is noted that the sites are located, in parts, within 200m of Eaglehawk Creek and therefore have the potential to contain sites or artefacts of Aboriginal cultural sensitivity and will require the preparation of a Cultural Heritage Management Plan prior to the approval of a permit for subdivision. This issue is also addressed in the proposed Development Plan Overlay Schedule 5.

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

Details of the proposed amendment were sent to West Gippsland Catchment Management Authority, Department of Sustainability and Environment, Gippsland Water, SP AusNet and Vic Roads as part of Latrobe City Council's informal referral process.

West Gippsland Catchment Management Authority, Department of Sustainability and Environment, Gippsland Water, SP AusNet all provided feedback. The nature of the feedback is such that the issues raised can be addressed through the Development Plan Overlay Schedule 5 or conditions on a future planning permit. These authorities did not raise an objection to the amendment at this time.

It is understood Vic Roads did not provide feedback to Council which suggests they do not have an objection to the proposed planning scheme amendment at this time.

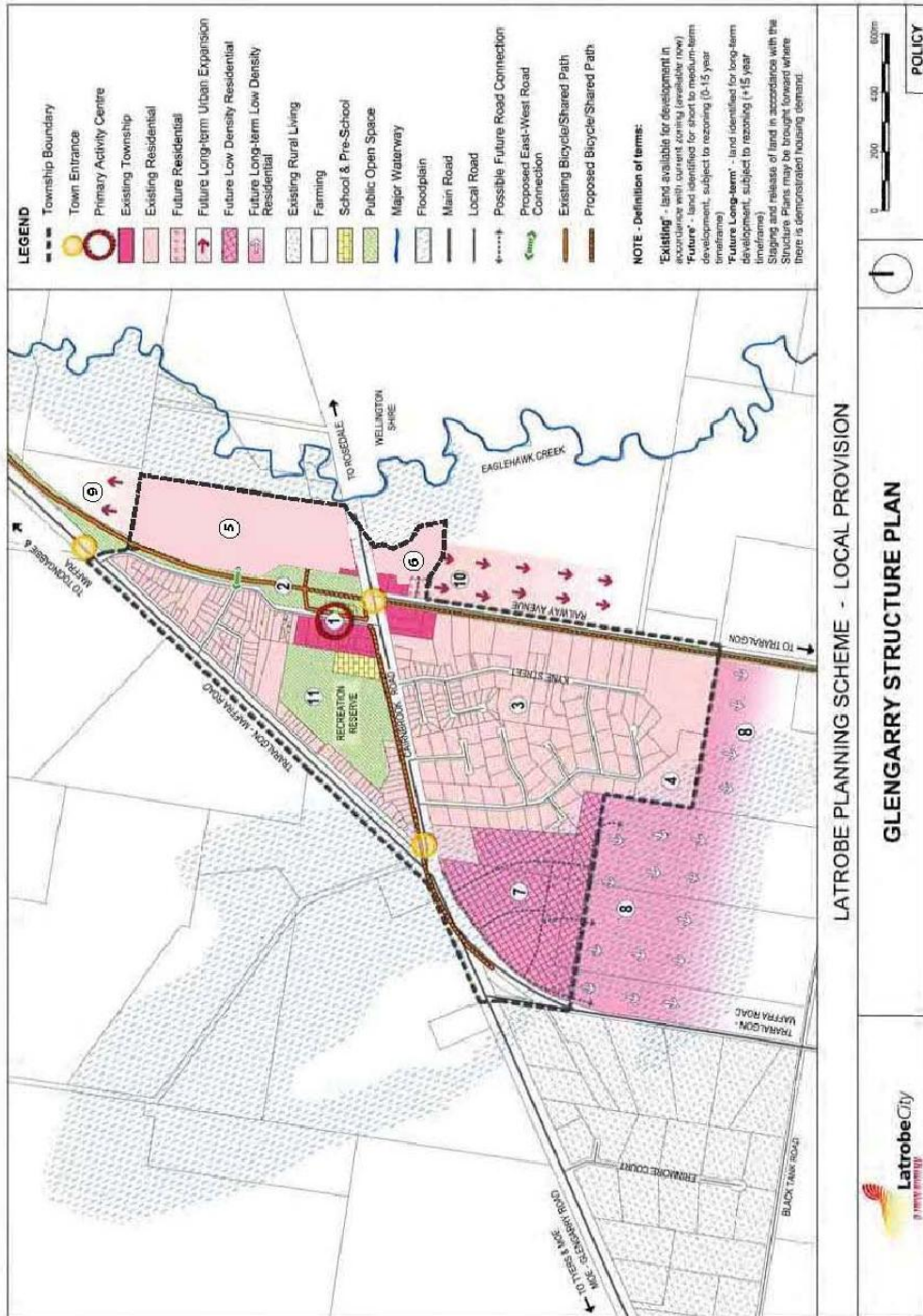
Formal comments will also be sought from referral agencies as part of the public exhibition process.

- **How does the amendment address the requirements of the Transport Integration Act 2010?**

The amendment and planning permit will have no adverse effects on the Transport Integration Act.

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

The amendment will have a negligible impact on the resource and administrative costs of the responsible authority. The proposed schedule to the Development Plan Overlay should reduce the assessment time required to consider planning permit applications. These controls will provide clear direction to permit applicants and (when applications are in accordance with an approved development plan) public notice pursuant to section 52 of the Act may not be required.



Where you may inspect this Amendment

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

Latrobe City Council	Latrobe City Council
Corporate Headquarters	Traralgon Service Centre
141 Commercial Road	34-38 Kay Street
Morwell VIC 3840	Traralgon VIC 3844

Latrobe City Council	Latrobe City Council
Moe Service Centre	Churchill Service Centre
44 Albert Street	9 -11 Philip Parade
Moe VIC 3825	Churchill VIC 3842

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

Attachment 5

Submissions to Amendment C74

Submission 1

To whom It May Concern,

I would like to voice my objection towards the Latrobe Planning Scheme Amendment C74.

This amendment is inconsistent, lacks vision, and uses out-dated data.

Inconsistency:

This amendment is completed in 2 parts. One part is the altering zone boundary for 100 Cairnbrook Rd, the other is for the altering boundary for 101 Cairnbrook Rd.

The proposed altering of the zone boundary for 100 Cairnbrook Rd is described as: *"The eastern boundary of the proposed rezoning also varies slightly from the existing Glengarry Structure Plan. The eastern boundary alignment of the proposed rezoning and subdivision has been designed to exclude the majority of land contained within the recently approved Land Subject to Inundation Overlay area (Amendment C9 - Flood Overlay)." As shown in the Latrobe Planning Scheme Amendment C74 Explanatory Report.*

The proposed altering of the zone boundary for 101 Cairnbrook Rd states that in regard to the move of the eastern boundary: *"The proposed changes to the Glengarry Structure Plan are timely as they provide an opportunity to update the township boundary to better reflect the recently approved Land Subject to Inundation Overlay maps."*

What this shows is a huge inconsistency that while one part of the amendment moves the boundary AWAY from the LSIO maps, the other moves the boundary TOWARDS the LSIO maps. The amendment states that *"The application of this overlay (LSIO) does not prevent development on the site..."*. This implies that this land is to be developed on. This seems to be in direct contradiction to the decisions behind the altering of the zone boundary at 100 Cairnbrook Rd.

Lacking Vision:

The Amendment shows that the proposed zone alteration at 100 Cairnbrook Rd has been thought through and has been proposed to alter it away from waterways.

The Amendment also shows the complete lack of vision that has been used in proposing to alter the zone boundary of 101 Cairnbrook Rd into approximately 5600 square metres of waterways that regularly flood. The Amendment also implies that this land which has been regularly in flood will be subject to development. It should be in the interest of all levels of government to protect people and their assets from the destructive force of floods and the mental strain on the community that they cause. Allowing development on these waterways does not protect the public and fails to meet the "Objectives of Planning in Victoria".

It fails the following points:

b) To Provide for the protection of natural and man-made resources and the maintenance of ecological process and genetic diversity.

The Amendment fails to protect the natural waterways and does not aid in the maintenance of the ecological process.

c) To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

The Amendment creates an unsafe working and living environment for the locals and visitors to this area. It also fails to secure a pleasant environment when the area is in flood.

f) To facilitate development in accordance with the objectives set out in the points above.

If this amendment is not scrapped, then it will fail to facilitate development in accordance with the points that I have raised.

g) To balance the present and future interests of all Victorians.

In interest of Victorians, all levels of Government should NOT allow developments in areas of inundation.

Using Out-Dated Data:

The mapping that is used in the Latrobe Planning Scheme Amendment C74 Explanatory Report is not accurate and is misleading. This is highlighted quite well in the use of the Glengarry Structural Plan on page 9.

This is the only source of LSIO mapping that has been presented in this report and is grossly misleading. It fails to show a massive amount of land that is regularly in flood.

The 2 areas in question in this amendment show the land as Existing Residential even though this amendment is still in its planning stages. There is no sign of Future Residential areas existing.

The township boundaries have been altered without this amendment taking place.

This Amendment is erroneous, misleading and unnecessary in nature. It proves that the Applicant of the Amendment and the Local Council have not put the community first, they are willing to endanger residents and their assets. They are making amendments to suit their own agendas as shown in their inconsistent views in this Amendment. They are misleading the public by using data which does not reflect the true layout, and which shows boundaries, etc. that have already moved.

I am looking forward to hear of the scrapping of this amendment, and would hope that the Local Council puts the interest of the Public first in any other Amendments they support.

Thank you,

Wayne Zalesiak

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Leah Pollard

From: Wayne Zalesiak [REDACTED]
Sent: Wednesday, 13 March 2013 6:59 PM
To: Leah Pollard
Subject: RE: Amendment C74

Leah,

Following the response from Beveridge Williams and the West Gippsland Catchment Authority I would like to state that I have no direct objection of the rezoning of the area. I would, however, like to see Council undertake its own studies where Beveridge Williams has found their inspections to be different in comparison to that of the mapping provided. Remember that Council should be independent, and Beveridge Williams has invested interests in this land.

Thanks,

Wayne Zalesiak.

Submission 2



Department of Sustainability and Environment

Our ref: LA/03/3054 – SP443628
Your ref: C74 & 2012/103

20 June 2012

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

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

Dear Paul

**AMENDMENT C74 TO LATROBE PLANNING SCHEME AND PLANNING PERMIT
APPLICATION 2012/103
100 & 101 CAIRNBROOK ROAD, GLENGARRY VIC 3854
LOT 1 TP122959 AND LOT 2 PS512358**

Thank you for your correspondence dated 29 May 2012 in respect of the above-described Planning Scheme Amendment C74 (the Amendment) and Planning Permit Application 2012/103 (the Application) which was referred to the Minister for Environment and Climate Change, as the Minister responsible for administering the *Conservation, Forests and Lands Act 1987*, pursuant to section 19(1)(c) of the *Planning and Environment Act 1987*. The correspondence was received on 4 June 2012.

The Amendment and Application proposes to rezone land from Farming Zone (FZ) and Township Zone (TZ) to Residential 1 Zone (R1Z); apply the Development Plan Overlay (DPO5) Residential Growth Areas to rezoned Residential 1 Zone (R1Z) land; amend Clause 21.06; update the Schedule to Clause 61.03; and subdivide land into two allotments.

The Department of Sustainability and Environment (the Department) offers the following comments for consideration:

- The Department has used the information submitted with the Amendment and Application and undertaken a desktop assessment using DSE databases to determine the likely ecological values of the subject land.
- The desktop assessment indicates the following:
 - The subject land is located within the West Gippsland Catchment Management Authority (CMA) area.
 - Department mapping indicates the presence of areas of native vegetation on and around the subject land, which are mapped as Ecological Vegetation Class (EVC) 55 Plains Grassy Woodland, EVC 259 Plains Grassy Woodland/Gilgai Wetland Mosaic and EVC53 Swamp Scrub. These EVCs all have a conservation status of Endangered within the Gippsland Plain Bioregion.
 - It is likely that any remnant native vegetation present on or adjacent to the subject land would have high conservation significance.

Privacy Statement

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



- There are significant biodiversity values present along the Gippsland Plain Rail Trail, which runs parallel to the western boundary of the subject land. There is no discussion in the proposal that identifies such values, or how future residential development would impact on any existing ecological values.
- Any development must not adversely affect the adjoining Gippsland Plains Rail Trail. There is not to be any direct access from properties to the rail reserve without the express written approval of the land manager.
- Resolution of potential issues relating to the application of the Land Subject to Inundation Overlay (LSIO) and the 100 year flood extent should be completed prior to any decision on the rezoning. The Glengarry Structure Plan (Clause 21.06-4) states:
 - *Encourage residential development to the east of the township which is to be sensitive to the Eaglehawk Creek environment and floodplains (Areas 5 & 6).*
 - *Investigate and resolve the extent of the Eaglehawk Creek floodplain (Area 12)*
- Department officers observed that the subject land and surrounding areas were significantly affected by flooding of Eaglehawk Creek during recent rain events.

The proposed Amendment and Application have been considered by the Department, on behalf of the Minister for Environment and Climate Change, and has no objection.

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

All written correspondence should be sent electronically to Gippsland.Planning@dse.vic.gov.au or mailed to:

Manager, Statutory Planning Services
Department of Sustainability and Environment
71 Hotham Street
TRARALGON VIC 3844

If you have any queries regarding this matter, please contact Statutory Planning Services at the Traralgon DSE office on (03) 5172 2111.

Yours sincerely



John Brennan
Manager, Statutory Planning Services

Submission 3

From: Lachlan Little [Lachlan.Little@sp-ausnet.com.au]
Sent: Tuesday, 5 June 2012 9:29:34 AM
To: Leah Harper
CC: John Barnett
Subject: 74353895: Amendment C74 Latrobe Planning Scheme - 100 Cairnbrook Rd, Glengarry

Leah,

In response to Amendment C74 Latrobe Planning Scheme – 100 Cairnbrook Rd, Glengarry SP AusNet can advise the following:

- SP AusNet has existing 22kV overhead powerlines crossing through the section of land that is to be rezoned to residential at 100 Cairnbrook Rd, Glengarry. (As shown on the attached AMFM Plot)
- SP AusNet policy for alteration to existing assets requires the customer/developer to contribute the full cost of the augmentation works. Therefore, any alteration to the alignment of the assets crossing the existing site would be at the customer/developer expense.
- Services to any existing houses will be required to be relocated to the underground network within the estate at the customer/developer expense.
- SP AusNet's standard URD policy would apply for medium density housing i.e. lot sizes <= 2000 square metres are entitled to an LV rebate of \$980.00 per lot in the subdivision.
- HV reimbursements apply for High Voltage works completed internal to the medium density housing estate.
- Current SP AusNet construction lead time for overhead works is 100 days (3 months) after negotiations are complete (easements obtained, contracts signed and supply contribution paid).
- Current SP AusNet construction lead time for underground works is 100 days (3 months) after negotiations are complete (easements obtained, contracts signed and supply contribution paid).

If you require any further information please call or email me.

Regards,

Lachlan Little
Technical Trainee
SP AusNet

Phone: (03) 5173 9016
E-mail: lachlan.little@sp-ausnet.com.au

From: Lachlan Little [Lachlan.Little@sp-ausnet.com.au]
Sent: Thursday, 26 July 2012 11:15:07 AM
To: Leah Pollard
CC: John Barnett
Subject: FW: 74353895: Amendment C74 Latrobe Planning Scheme - 100 Cairnbrook Rd, Glengarry

Leah,

After speaking with Fiona at Beveridge Williams regarding Amendment C74 Latrobe Planning Scheme – 100 Cairnbrook Rd, Glengarry SP AusNet can advise that the conditions for a 2 lot subdivision to gain approval for the rezoning of the land are as follows:

- We can advise that any services to existing houses will not be required to be relocated to the underground network until the time of development.
- Existing powerline easements will need to be shown on the plan of subdivision.
- Any private underground cables/private overhead cables that cross property boundaries will need to be altered and brought up to current SP AusNet standards at the expense of the customer/developer.

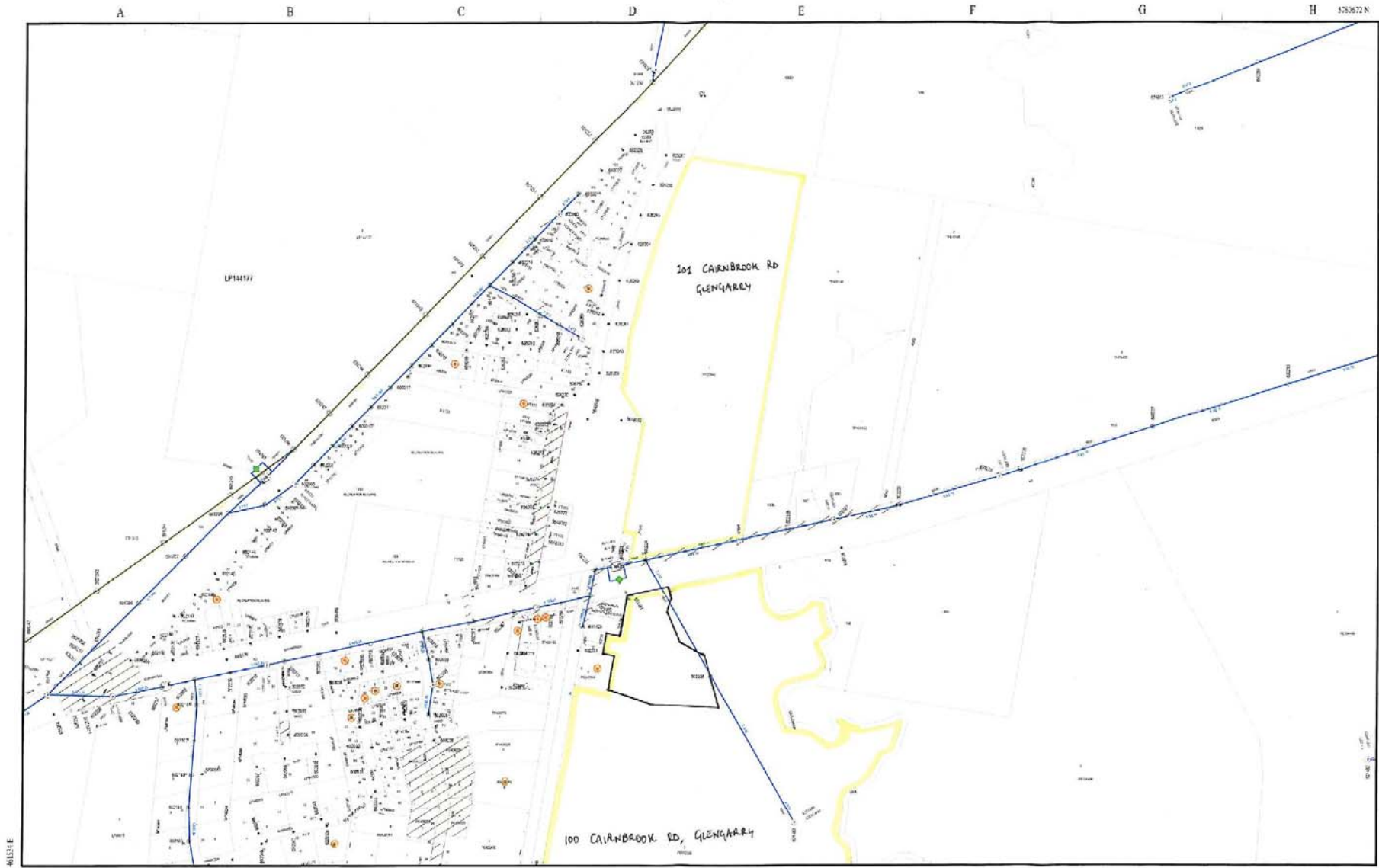
At the time of the residential development the previous conditions dated 5/6/2012 are applicable.

For any further information, or clarification, please call or email me.

Regards,

Lachlan Little
Technical Trainee
SP AusNet

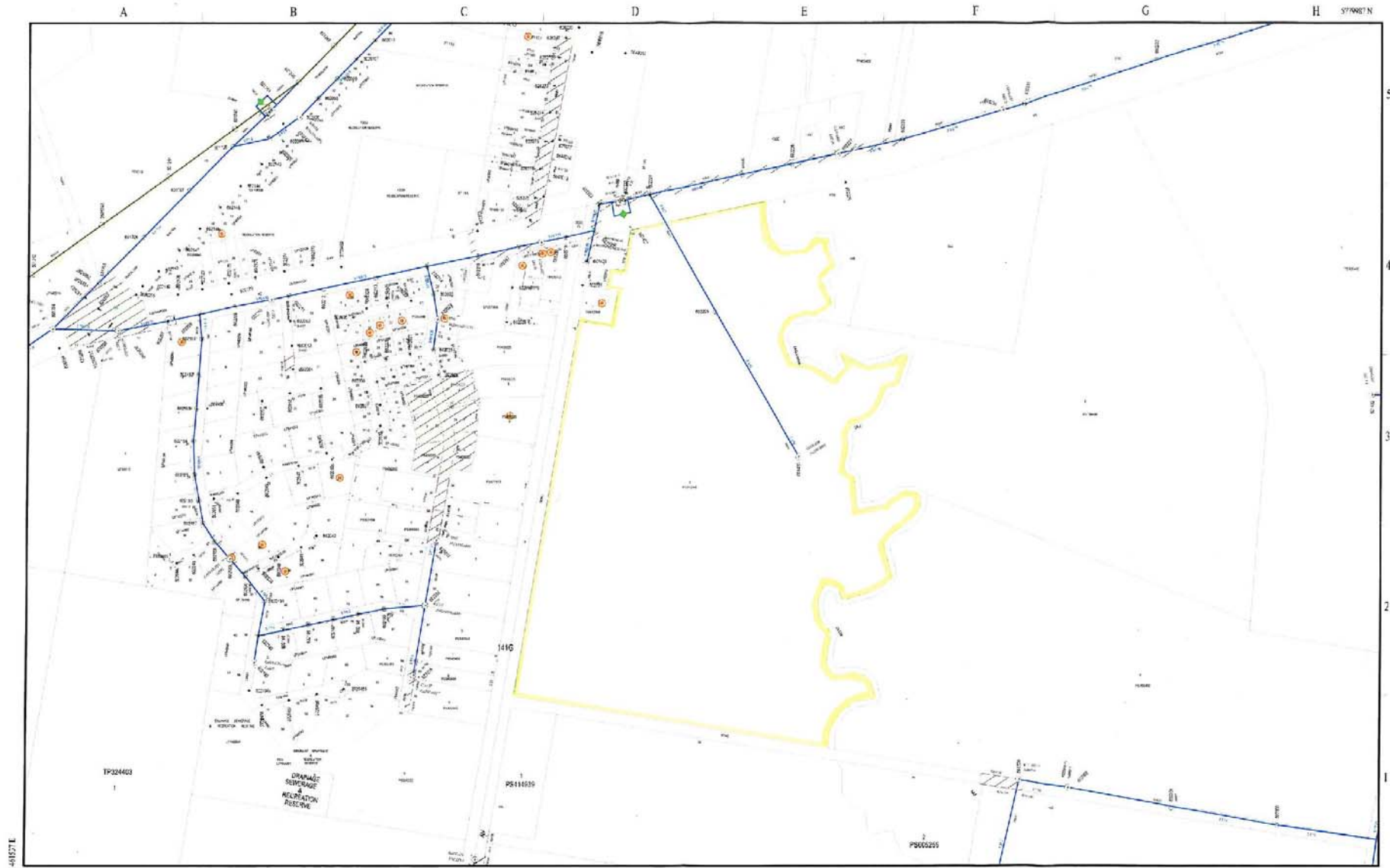
Phone: (03) 5173 9016
E-mail: lachlan.little@sp-ausnet.com.au



Directory Reference
CFA 530 Ref 62E 80N
Vic Roads 98 B3
Heyfield 2,500/14.17



AMENDMENT C74 LATROBE PLANNING
SCHEME - 100, 101 CAIRNBROOK RD
GLENGARRY



41827E
5795737 N

TP224402

DRAINAGE
SEWERAGE
&
RECREATION
RESERVE

1410

PS114539

PS400225

Directory Reference
CFA 530 Ref 62E 79N
Vic Roads 98 B3
Heyfield 2,500/14.16



Submission 4



Your Reference: Amendment C74/LH

20 June 2012

Ms Leah Harper
Strategic Planning
Latrobe City Council
P.O. Box 264
MORWELL VIC 3840

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Dear Ms Harper

Amendment C74 to the Latrobe Planning Scheme

I refer to your letter of 1 June 2012 regarding the above-mentioned Planning Amendment.

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

Please contact me on telephone 5139 3113 if you require further information.

Yours sincerely

VINCE LOPARDI
Manager Water Resources & Catchment Planning

Submission 5

Our Ref: 27582 – PL8013
Your Ref: C74

12 June 2012

Ms Leah Harper
Acting Strategic Planner
Latrobe City Council
PO Box 264
MORWELL VIC 3840

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7 Church Street
Traralgon
Victoria 3844
PO Box 1332
Traralgon Victoria 3844
T: 1300 EPA VIC
F: 03 5174 7851
DX 219292
www.epa.vic.gov.au

Dear Leah,

PLANNING SCHEME AMENDMENT C74 AND PLANNING PERMIT
APPLICATION, GLENGARRY

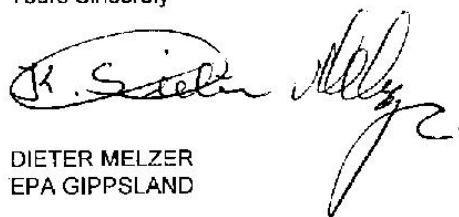
Thank you for your letter dated 1 June 2012 regarding the above planning scheme amendment and planning permit application.

The planning scheme amendment relates to the rezoning of land and applying a Development Plan Overlay in Glengarry. EPA has no objection or comments to make with regard to the proposed planning scheme amendment.

The planning permit application relates to the subdivision of land at 100 Cairnbrook Road, Glengarry. EPA has no objection to council issuing a planning permit.

Please contact Karen Taylor or myself on 1300 EPA VIC (1300 372 842) if you require further information or advice.

Yours Sincerely



DIETER MELZER
EPA GIPPSLAND



Submission 6

23 July 2012

Our ref: **COM/12/26547**
Your reference



Leah Harper
Acting Strategic Planner
Latrobe City Council
P.O. Box 264
MORWELL VIC 3840

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GIPPSLAND
WATER

Hazelwood Road
PO Box 348
Traralgon Victoria 3844
Telephone: (03) 5177 4600
Facsimile: (03) 5174 0103
contactus@gippswater.com.au
www.gippswater.com.au

Dear Leah,

RE: Amendment C74

In response to the amendment C74, Gippsland Water has no objection as it is inline with the Glengarry Structure Plan.

If there are any matters about this response that you would like to discuss, please contact myself via either email paul.young@gippswater.com.au or phone 51 774 728.

Yours sincerely


Paul Young
Senior Planning Engineer

Submission 7



CMA Application No: WG-F-2012-0229-LAT
Document No: 1
Council No: 2012/103
Date: 21 June 2012

Jody Riordan
 Statutory Planner
 Latrobe City Council
 PO Box 264
 Morwell Vic 3840

Dear Jody,

Application Number (CMA Ref): WG-F-2012-0229-LAT
Section: 55
Property Street: 100 Cairnbrook Road, Glengarry, VIC 3854
Cadastral: Lot 2, PS512358, Parish of Toongabbie South

I refer to your correspondence dated 16 May 2012, received at the West Gippsland Catchment Management Authority on 16 May 2012 in accordance with the provisions of *Section 55* of the *Planning and Environment Act 1987*. I apologise for the delay with this response.

Below is the Authority's understanding of the application:

The applicant(s), Peter Walkley
 Represented by Fiona Wiffrie, Beveridge Williams and Co Pty Ltd

Propose the following;

Proposed Development Type: Subdivision
Proposed Development Description: 2 lot subdivision and Planning Scheme Amendment

on the abovementioned proposed development location.

The Authority's assessment indicates that the property is covered by the following Zones and Overlays in the Latrobe Planning Scheme:

Zone(s): FZ - Farming Zone
Overlay(s): LSIO - Land Subject to Inundation Overlay

The Authority does not have any official record of flooding for the property described above on which to base its assessment. However anecdotal evidence indicates that the property is subject to flooding from the Eaglehawk Creek. Photography taken during the 1993 flood event indicates that a significant portion of the northern part of the property was inundated.

The application seeks to subdivide the land into two lots with Lot 1 to be rezoned to Residential 1 Zone (R1Z) for future subdivision and Lot 2 to remain in the Farming Zone (FZ).

To further assess the flood risk and suitability for residential type development, the authority would require a detailed hydrological/hydraulic assessment of this reach of Eaglehawk Creek to more accurately define the 1% AEP flood extent. The results from this hydraulic assessment would be the basis for determining the final layout of a sub-division to ensure that all lots are located outside the 100 year ARI flood extent.

The Authority also notes the presence of a minor tributary of the Eaglehawk Creek that traverses the property from a general north/south direction. At the time of development, due consideration would need to be given to protecting the environmental and ecological value of the waterway. It is noted that drainage investigations will be undertaken at the time of application for subdivision on proposed Lot 1

In light of the above information and pursuant to *Section 56 of the Planning and Environment Act 1987*, the Authority **does not object** to the granting of a permit, subject to the following conditions:

- Prior to Certification of the subdivision and rezoning of Lot 1 to Residential 1 Zone, the West Gippsland Catchment Management Authority requires confirmation that the boundary of Lot 1 is located a minimum of 30 metres from all designated waterways
- Prior to Certification of the subdivision and rezoning of Lot 1 to Residential 1 Zone, the West Gippsland Catchment Management Authority requires a flood study to determine the flood risk associated with Eaglehawk Creek and confirmation that the boundary of Lot 1 is outside of the 1% AEP flood extent.

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

Should you have any queries, please do not hesitate to contact me on 1300 094 262. To assist the CMA in handling any enquiries please quote **WG-F-2012-0229-LAT** in your correspondence with us.

Yours sincerely,



Adam Dunn
Land Planning Manager

Cc: Peter Walkley, fisimo5141@bevwill.com.au

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

4. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
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CMA Application No: WG-F-2012-0319-LAT
Council No: Amendment C74
Date: 18 July 2012

Leah Harper
 Strategic Planner
 Latrobe City Council
 PO Box 264
 Morwell Vic 3840

Dear Leah,

Location **Street:** **100 & 101 Cairnbrook Road, Glengarry, VIC 3854**
 Cadastral: **Lot 2 PS512358 and Lot 1 TP122959, Parish of Toongabbie South**

Regarding: **Amendment C74 - Latrobe Planning Scheme - Notice Of Preparation of an Amendment and Notice of an Application for Planning Permit Given under S96c of the Planning & Environment Act 1987.**

Thank you for the opportunity for the West Gippsland Catchment Management Authority (WGCMA) to provide comment on the proposed Amendment and Notice of Application for Planning Permit at 100 and 101 Cairnbrook Road, Glengarry. The WGCMA has previously responded to the Planning Permit application on the 21 June 2012 and the proposed Amendment on the 3 July 2012. On further investigation the WGCMA provides an amended submission under S96c of the Planning and Environment Act 1987. This submission supersedes any previous submissions provided by the WGCMA on the Amendment and Planning Permit Application.

The WGCMA has an interest in assessing amendments and subsequent development to ensure a balance between satisfactory local and regional environmental outcomes, and the right for development to occur in areas zoned for development.

Flooding

The Authority does not have any official record of flooding, for the locations on which to base its assessment. However anecdotal evidence indicates that the property is subject to flooding from the Eaglehawk Creek (Figure 2). Please note that the flooding overlay in Figure 2 is a Land Subject to Inundation Overlay (LSIO) as the Authority does not have sufficient information to delineate between the LSIO and the higher hazardous Floodway Overlay (FO). However, this does not mean that the properties are not subject to high hazard depth and flows.

Photographs taken during the 1995 flood event show that a significant portion of the properties were inundated (Figure 3 and Figure 4). The Authority does not know the magnitude or recurrence interval of this particular event.

There appears to be large portions on each of the properties that are elevated and unlikely to be inundated in a 100 year Average Recurrence Interval (ARI5) flood event. The 100 year ARI flood event is also referred to as the 1% Annual Exceedence Probability (AEP3) flood event. Based on the available flood photography the Authority would consider that a considerable portion of the properties would be suited to further development (e.g. rezoning) on the western portion of the property of 100 Cairnbrook Road and northern portion of 101 Cairnbrook Road.

In addition, the Latrobe Planning Scheme, Clause 21.06-4 (Glengarry – Residential) states that the objectives of the Small Town Structure Plan Glengarry - Residential are to:

- *Encourage residential development to the east of the township which is to be sensitive to the Eaglehawk Creek environment and floodplains (Areas 5 & 6)*
- *Investigate and resolve the extent of the Eaglehawk Creek floodplain (Area 12)*

Figure 1: Proposed rezoning from Farming Zone to Residential 1 Zone. A blue line represents designated waterways under the Water Act 1989. Any works within 30 metres of these waterways, or any direct connection to these waterways for discharge of runoff will require separate approval from the Authority. The Authority would require appropriate buffer zones of 30 metres each side to be set aside (as shown as hatched green area) for each waterway in accordance with Section 14.02-1 of the Planning Scheme.

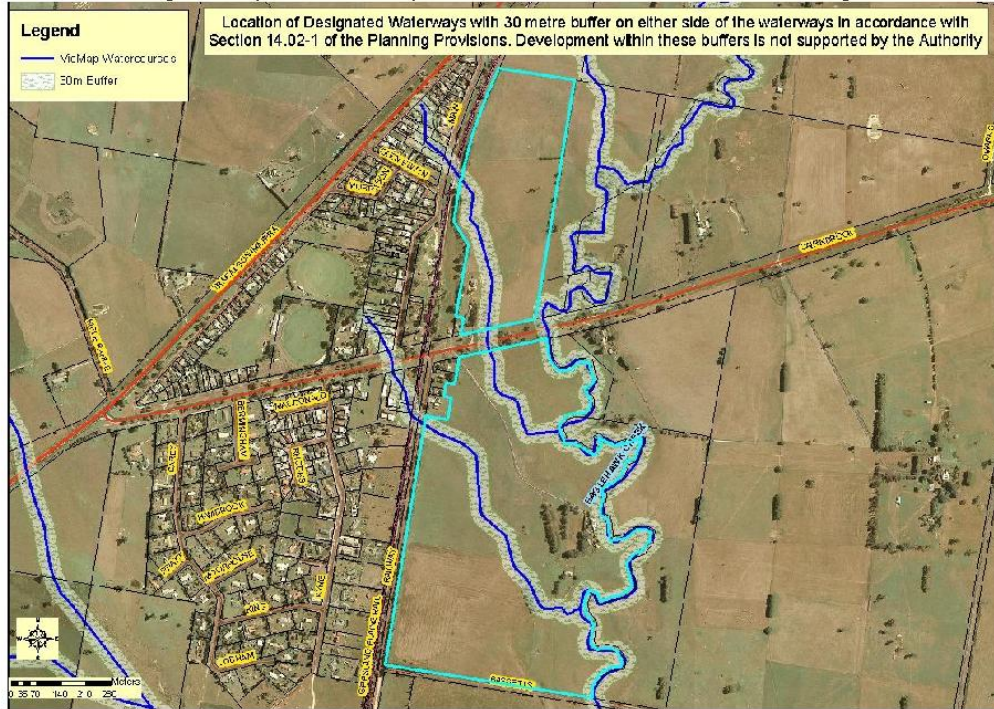


Figure 2: Land Subject to Inundation Overlay

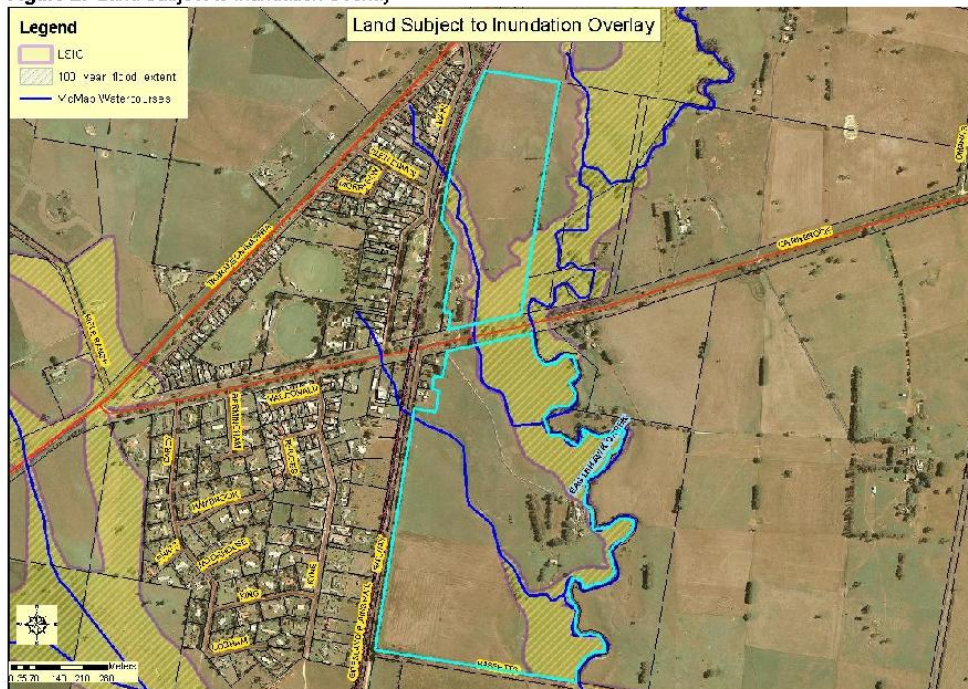


Figure 3. Aerial flood photography taken during 1995 showing flooding occurring along Eaglehawk Creek, crossing Cairnbrook Road into subject properties.

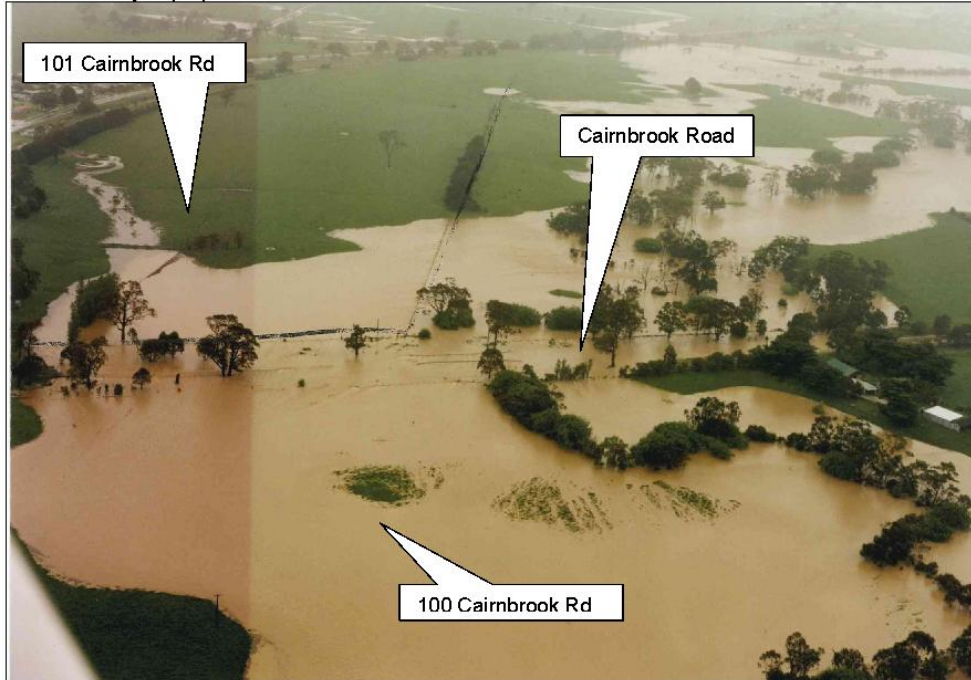
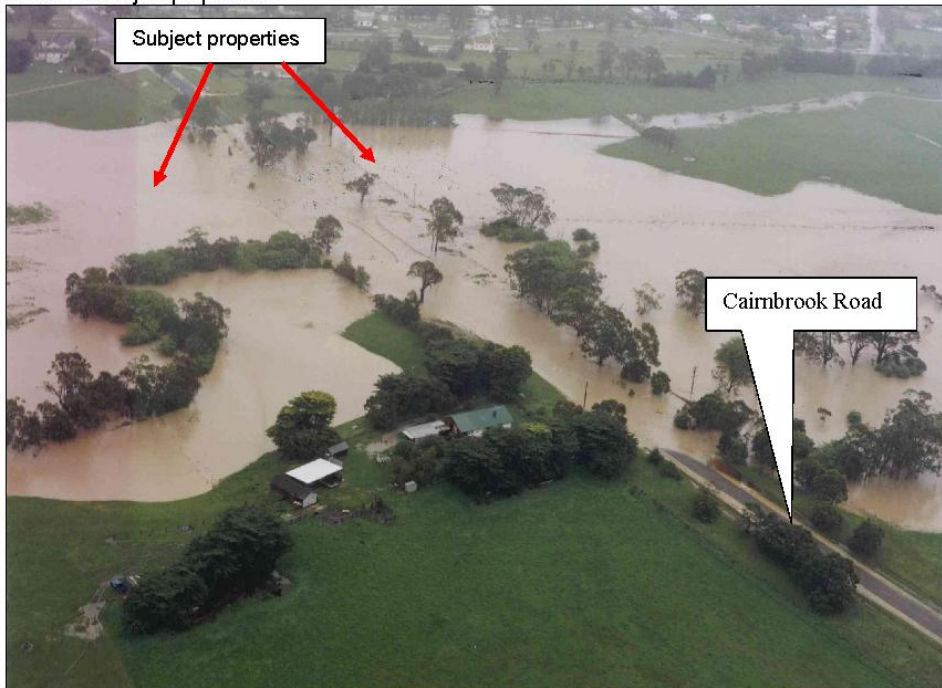


Figure 4. Aerial flood photography taken during 1995 showing flooding occurring along Eaglehawk Creek, crossing Cairnbrook Road into subject properties.



Comments on proposed area of subdivision and rezoning:

The change in land use from Farming Zone to Residential 1 Zone for 100 and 101 Cairnbrook Road, Glengarry has the potential to impact on designated waterways, floodplains, water quality and quantity associated with the land as well as on receiving waterways. Increased flooding is likely downstream of these future development areas due to increased hard surfaces leading to increased stormwater runoff.

To further assess the flood risk and suitability for residential type development the Authority would require, prior to the subdivision and rezoning being finalised, a detailed hydrological/hydraulic assessment of the Eaglehawk Creek on 100 and 101 Cairnbrook Road to more accurately define the 1% AEP flood extent. The results from the hydraulic assessment would be the basis for determining the boundary of the proposed Lot 1 at 100 Cairnbrook Road and egress to Cairnbrook Road from both properties as it is significantly impacted during floods. This information should also be provided to any potential developers of the relevant land parcels, should it be rezoned.

The requested flood study will need to include:

- A hydrology study of Eaglehawk Creek and the Tributary through both properties.
- A two dimensional hydraulic model (WGCMA can provide Lidar data for this). The model will need to extend from downstream of Bassets Rd to upstream of the northern property boundary of 101 Cairnbrook Rd.
- Survey of any existing structures over the waterway.
- The flood study will need to be prepared by a suitably qualified consultant.

The WGCMA is happy to work with the Planning Scheme Amendment proponents regarding the above details.

The Authority also notes the presence of a minor tributary of the Eaglehawk Creek on 100 Cairnbrook Road that traverses the land from a general north/south direction (Figure 1). At the time of drafting the development plan and before development, due consideration would need to be given to protecting the environmental and ecological value of the waterway. The WGCMA also notes that the proposed DPO5 required consideration of buffers from waterways.

Water quality is also likely to be impacted by the proposed rezoning due to the increased volume of stormwater. Stormwater quality infrastructure such as constructed wetlands, bio-retention systems and swales are typically needed to manage the expected sediment and nutrient loads associated with residential development. Again at the time of drafting the development plan and before development, due consideration would need to be given to such infrastructure.

The proposed rezoning provides an opportunity for stormwater to be managed strategically and to be integrated with recreation and public open space needs of the area. The Authority would like to work with Latrobe City Council to develop a strategic response to flooding and stormwater management. This work needs to be done as part of the drafting of the development plan for both 100 and 101 Cairnbrook Road as the potential mitigation works may impact on the amount and the layout of land available for development.

Should you have any queries, please do not hesitate to contact me on 1300 094 262. To assist the CMA in handling any enquiries please quote **WG-F-2012-0319-LAT** in your correspondence with us.

Yours sincerely,



Adam Dunn
Land Planning Manager

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CMA Application No: WG-F-2012-0319-LAT
Document No: 3
Bev Will Ref: 0900992 / 1100592
Council No: Amendment C74
Date: 2 August 2012

Leah Pollard
 Strategic Planner
 Latrobe City Council
 PO Box 264
 Morwell Vic 3840

Dear Leah,

Application Number (CMA Ref): WG-F-2012-0319-LAT

Location Street: 100 & 101 Cairnbrook Road, Glengarry, VIC 3854

Cadastral: Lot 1, TP122959, Parish of Toongabbie South

Regarding: Amendment C74

The WGCMA have been corresponding with Beveridge Williams who are acting on behalf of the land owner of 101 Cairnbrook Rd, Glengarry.

As part of that correspondence it has been brought to the Authority's attention that we provided a letter dated 24 Sep 2009 to Latrobe City Shire in which we stated that a flood study will be required for any future "Planning Permit" application to determine the amount of land that is impacted by the 1% AEP flood. The Authority's intention in providing this statement was to ensure that any future planning application would require a flood study to determine the amount of developable land as soon as possible in the planning process rather than it applying explicitly to a Planning Permit.

The Authority accepts the letter stated that a flood study will be required for any future Planning Permit application and we will honour the response provided in the letter dated 24 Sept 2009.

Given this, the Authority would like to take this opportunity to update our response for Amendment C74 for 101 Cairnbrook Rd and withdraw our requirement for a flood study as part of the rezoning of this land.

No such undertaking was given regarding 100 Cairnbrook Rd and the Authority remains of the view that a Flood Study should be done as part of the rezoning of this land to determine the extent of the 1% AEP flood and from this the amount of residential land available and if access from Cairnbrook Rd is feasible.

Given that a flood study is still required for 100 Cairnbrook Rd, it may still be beneficial for the owner of 101 Cairnbrook to be involved in the Flood Study process as the scope and extent of the flood study will need to cover both properties to accurately determine the 1% flood extent.

Should you have any queries, please do not hesitate to contact me on 1300 094 262. To assist the CMA in handling any enquiries please quote **WG-F-2012-0319-LAT** in your correspondence with us.

Yours sincerely,



Adam Dunn
Land Planning Manager

Cc: Fiona Wiffrie, Beveridge Williams (wiffrief@bevwill.com.au)

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CMA Application No: WG-F-2012-0319-LAT
Document No: 4
Council No: Amendment C74
Date: 21 January 2013

Leah Pollard
 Strategic Planner
 Latrobe City Council
 PO Box 264
 Morwell Vic 3840

Dear Leah,

Application Number (CMA Ref): WG-F-2012-0319-LAT

Location Street: 100 & 101 Cairnbrook Road, Glengarry, VIC 3854

Cadastral: Lot 1, TP122959, Parish of Toongabbie South

Regarding: Eaglehawk Creek Flood Study for Amendment C74

Thank you for the Eaglehawk Creek Flood Study relating to Amendment C74 received at the West Gippsland CMA on Tuesday 15th January, 2013.

The Flood Study of Eaglehawk Creek has provided detailed information on the extent and flood risk to the proposed development area of 100 and 101 Cairnbrook Road, Glengarry.

The flood study has confirmed:

- Safe vehicle access, outside of the identified flood extent, to Glengarry to both 100 and 101 Cairnbrook Rd is available on the western side of the Eaglehawk Creek floodplain. Access to the northern part of 101 Cairnbrook Rd will require a crossing of the waterway which runs across the south western portion of the property. Prior to any works a works on waterways licence and a Planning Permit will be required for this crossing.
- The south east corner of 101 Cairnbrook Rd and the waterway which runs across the south western portion of the property are not suitable for residential development and will require protection through the creation of a reserve vested in council. These areas may also be suitable for stormwater quality treatment. Creation of the reserves vested in council can be done at the time of subdivision.
- Inundation has been identified in the southern portion 100 Cairnbrook Rd. This area is not suitable for residential development and will require protection through the creation of a reserve vested in council. This area may be suitable for stormwater quality treatment. Creation of the reserve vested in council can be done at the time of subdivision.

In addition to the above any future subdivision application will need to provide detailed information regarding waterway and stormwater management as set out below.

A Stormwater Management Plan must be developed, which will identify appropriate Water Sensitive Urban Design features to provide stormwater treatment to meet best practice guidelines. The applicant must clearly identify how stormwater runoff from the entire development will be managed and treated, prior to discharge to any designated waterways.

Any proposed discharge of stormwater requiring a direct connection to a designated waterway (as defined by the Water Act 1989) will require approval by the Authority. A Works on Waterways application should be submitted to the Authority for assessment. This is a separate process to the Planning and Environment Act 1987 and needs to be considered early in the project development phase.

To ensure the long term protection of designated waterways, and to minimise future maintenance requirements for any reserves created over the waterways, Waterway Management Plans will be required. The Waterway Management Plan must include detail of the existing environmental values, any initial stabilisation and vegetation works, a maintenance regime and the long term management and maintenance actions that will be required.

This plan should be developed by a suitably qualified and experienced professional and also show:

- A landscape plan showing the revegetation of the riparian zone including a species list and proposed density of the plantings. The plantings should be representative of the Ecological Vegetation Class for the site; and
- A maintenance plan detailing the establishment, short, medium and long term actions and agencies/developers responsible for each stage.

In the light of the above information the WGCMA **does not object** to the proposed rezoning as outlined in Amendment C74.

Should you have any queries, please do not hesitate to contact myself on 1300 094 262. To assist the CMA in handling any enquiries please quote **WG-F-2012-0319-LAT** in your correspondence with us.

Yours sincerely,



Adam Dunn
Statutory Planning Manager

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

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CMA Application No: WG-F-2012-0229-LAT
 Document No: 2
 Council No: 2012/103
 Date: 7 February 2013

Leah Harper
 Strategic Planner
 Latrobe City Council
 PO Box 264
 Morwell Vic 3840

Dear Leah,

Application Number (CMA Ref): WG-F-2012-0229-LAT
Section: 55
Property Street: 100 Cairnbrook Road Glengarry, VIC 3854
Cadastral: Lot 2, PS512358, Parish of Toongabbie South

I refer to your correspondence dated 24 January 2013, received at the West Gippsland Catchment Management Authority on 24 January 2013 in accordance with the provisions of *Section 55* of the *Planning and Environment Act 1987*.

Below is the Authority's understanding of the application:

The applicant(s), Peter Walkley
 Represented by Fiona Wiffrie, Beveridge Williams and Co Pty Ltd

Propose the following;

Proposed Development Type: Subdivision
Proposed Development Description: 2 lot subdivision and Planning Scheme Amendment

on the abovementioned proposed development location.

The Authority's assessment indicates that the property is covered by the following Zones and Overlays in the Latrobe Planning Scheme:

Zone(s): FZ - Farming Zone
Overlay(s): LSIO - Land Subject to Inundation Overlay

Flood levels for the 1% Annual Exceedance Probability (AEP³) flood event have not been designated or declared for this area under the *Water Act 1989*. The estimated 1% flood level for the location described above is 39.15 metres AHD⁴ which was obtained from the Eaglehawk Creek Flood Study for 100 & 101 Cairnbrook Road, Glengarry (Beveridge Williams, January 2013).

The 1% AEP flood event means that a flood of that magnitude (or greater) has a 1% chance of occurring in any given year. It is also known as the 100 year Average Recurrence Interval (ARI⁵) flood; however a flood of this size (39.15 metres AHD) or greater may occur more frequently than this, and can happen more than once in any year. Please note that the 1% probability flood is the minimum standard for planning in Victoria, and is not the largest flood that could occur. There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.

The Authority notes that the mapped extent of the 1% AEP flood event extends further north than the LSIO currently indicates, and shows that a portion of proposed Lot 1 is subject to inundation. The Authority does not consider that it is appropriate to rezone floodprone land for residential development, as this would result in an unreasonable expectation of the future development potential of the land.

It is also noted that page 16 of the report suggests that the flooding in this portion of the property could be managed by filling the site and realigning the drainage channel. The Authority does not support the use of fill to increase developable land, and would only approve realignment of the drainage channel if it would result in a significant improvement in waterway health.

In light of the above information and pursuant to *Section 56* of the *Planning and Environment Act 1987*, the Authority **does not object** to the granting of a permit, subject to the following condition:

Prior to Certification of the subdivision and rezoning of Lot 1 to Residential 1 Zone, amended plans must be submitted to the West Gippsland Catchment Management Authority which demonstrate that Lot 1 is wholly outside the mapped extent of the 1% AEP flood, as per the Eaglehawk Creek Flood Study for 100 & 101 Cairnbrook Road, Glengarry (Beveridge Williams, January 2013).

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

Should you have any queries, please do not hesitate to contact Penny Phillipson on 1300 094 262. To assist the CMA in handling any enquiries please quote **WG-F-2012-0229-LAT** in your correspondence with us.

Yours sincerely,



Adam Dunn
Statutory Planning Manager

Cc: Peter Walkley C/- Beveridge Williams and Co Pty Ltd

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CMA Application No: WG-F-2012-0229-LAT
 Document No: 3
 Council No: 2012/103
 Date: 21 February 2013

Leah Harper
 Strategic Planner
 Latrobe City Council
 PO Box 264
 Morwell Vic 3840

Dear Leah,

Application Number (CMA Ref): WG-F-2012-0229-LAT

Section: 55

Property Street: 100 Cairnbrook Road Glengarry, VIC 3854

Cadastral: Lot 2, PS512358, Parish of Toongabbie South

I refer to correspondence from the applicant's representatives received at the West Gippsland Catchment Management Authority on 20 February 2013 seeking a review of the following condition, which the Authority applied to planning permit 2012/103 in our recent correspondence to you dated 7 February 2013:

Prior to Certification of the subdivision and rezoning of Lot 1 to Residential 1 Zone, amended plans must be submitted to the West Gippsland Catchment Management Authority which demonstrate that Lot 1 is wholly outside the mapped extent of the 1% AEP flood, as per the Eaglehawk Creek Flood Study for 100 & 101 Cairnbrook Road, Glengarry (Beveridge Williams, January 2013).

This condition was in response to a proposal to import fill to the floodplain to minimise the area of land in proposed Lot 1 impacted by the 1% AEP flood extent.

The applicant has advised that the portion of the property proposed to be filled is not an active floodway, and that it is not considered to be a part of the main Eaglehawk Creek floodplain, but rather a low-lying backwater area.

In light of this, the following condition replaces that previously provided in our 7 February 2013 response to Council.

Pursuant to *Section 56 of the Planning and Environment Act 1987*, the Authority **does not object** to the granting of a permit, subject to the following condition:

Land levels must not increase by more than 100mm in the area identified as the 100yr ARI flood extent unless permitted in writing by the responsible authority and the West Gippsland Catchment Management Authority.

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

Should you have any queries, please do not hesitate to contact Penny Phillipson on 1300 094 262. To assist the CMA in handling any enquiries please quote **WG-F-2012-0229-LAT** in your correspondence with us.

Yours sincerely,



Adam Dunn
Statutory Planning Manager

Cc: Peter Walkley C/- Beveridge Williams and Co Pty Ltd adams@bevwill.com.au

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

Definitions and Disclaimers

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

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

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

Attachment 6



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EAGLEHAWK CREEK FLOOD STUDY

100 & 101 Cairnbrook Road, Glengarry

DOCUMENT CONTROL DATA

	Beveridge Williams	Title	<i>Eaglehawk Creek Flood Study</i>
	Melbourne Office	Author	Adam Smith
	1 Glenferrie Road Malvern Vic 3144	Checked	Luke Haddon
	PO Box 61 Malvern Vic 3144 Tel: (03) 9524 8888 Fax: (03) 9524 8899 www.beveridgewilliams.com.au	Project Manager	Fiona Wiffrie
		Synopsis	<i>Flood Study of the Eaglehawk Creek and its tributaries adjacent to 100 & 101 Cairnbrook Road.</i>

Reference: 1100592

Client: 100 & 101 Cairnbrook Road Landowners

Revision Table

Rev	Description	Date	Authorised
A	Flood Study	10/01/2013	AS

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APPENDICES

APPENDIX A CATCHMENT PLAN & FLOOD MAP

APPENDIX B SURVEY PHOTOS

GLOSSARY OF TERMS

Alphabetical list of terms and abbreviations used in report

ARI	Average Recurrence Interval - <i>ARI (measured in years) is a term used to describe flood size. It is a means of describing how likely a flood is to occur in a given year. For example, a 100 year ARI flood is a flood that occurs or is exceeded on average once every 100 years.</i>
AR&R	Australian Rainfall & Runoff
Client	Land Owners of 100 & 101 Cairnbrook Road
CMA	Catchment Management Authority (West Gippsland CMA)
Council	Latrobe City Council

1 EXECUTIVE SUMMARY

Beveridge Williams have been commissioned to complete a flood study of the catchment surrounding the proposed developments at 100 & 101 Cairnbrook Road, Glengarry. The flood study is required to obtain approval for the planning scheme amendment c74.

The aim of this study is to provide a definition of the flooding regime, and to comment on the level of hazard and risk, the potential for flood damage and the subsequent impacts on infrastructure, and surrounding land parcels.

The section of Eaglehawk Creek adjacent to the site is approximately 8m wide. The natural contours of the land show a floodplain which varies from 100 to 350m wide. There are two road crossings at Cairnbrook Road and Bassets Lane. A drainage channel is cut across both the sites discharging to the Creek.

During 1995 a flood of Eaglehawk Creek occurred. The flood inundated significant portions of the subject properties and Cairnbrook Road. This flood was of unknown magnitude or recurrence interval. This flood has been used to establish a Land Subject to Inundation Overlay LSIO for the site.

Eaglehawk Creek originates from the Eaglehawk Creek reference area. This area is heavily forested. The total catchment contributing up to the Bassets Lane crossing is 72.53 km². This catchment produces significant stormwater runoff. These stormwater flows were calculated using hydrological computer software (RORB) and were modelled in hydraulic software (HEC-RAS) to obtain 100yr ARI event flood levels and extents.

The average maximum depth of flow along the Eaglehawk Creek flood plain is 0.6m. Depth ranges from 0.1 to 3.9m during the peak. The average peak velocity is 0.7m/s with a maximum of 1.55m/s. The flow width along the flood plain varies between 100 to 350m. The drainage structures crossing Eaglehawk Creek were determined to be largely under capacity.

As a guide floods are a risk to safety if the depth is greater than 0.35m, the velocity is greater than 1.5m/s and if the product of depth by velocity is greater than 0.35m²/s. One or all of these risk indicators has been exceeded throughout the flood area. However, if access is restricted and appropriate signage and depth indicators are implemented at Cairnbrook Road crossing the safety risk can be effectively and economically managed. The flood extents are shown on the catchment plan attached in Appendix A.

The southern section of 101 Cairnbrook Road, between the road and the drainage channel crossing the site, is not considered suitable for development without significant infrastructure and bulk earthworks. However development is still feasible and options can be put forward at the planning and development stage. The northern section, the majority of the site, is elevated and stays dry allowing development with a low risk and cost. Gaining access off Main Street and crossing the Gippsland Plains Rail Trail should be discussed as an alternative for site access to 101 Cairnbrook Road.

100 Cairnbrook Road can have access off Cairnbrook Road during the 100yr ARI event. This allows the area proposed for rezoning to be developed maintaining particular attention to the flood levels and required freeboard. Access to the property in the south can also be maintained or alternative access crossing the drainage channel can be provided if the potential developer of site sees benefit.

The proposed developments do not obstruct or divert floodwater and do not increase flood risk. Any assets can be constructed above the flood level and are not surrounded or isolated by floodwaters. Surrounding and downstream land parcels would not be affected by appropriate development of these sites.

2 INTRODUCTION

2.1 The Brief

Beveridge Williams have been commissioned to complete a flood study of the catchment surrounding the proposed developments at 100 & 101 Cairnbrook Road, Glengarry. The flood study is required to obtain approval from Latrobe City Council and West Gippsland Catchment Management Authority (WGCMA) to amendment c74. Obtaining this approval requires confirmation of the extent of the Land Subject to Inundation Overlay (LSIO), as shown in Figure 1 Subject Site and LSIO.

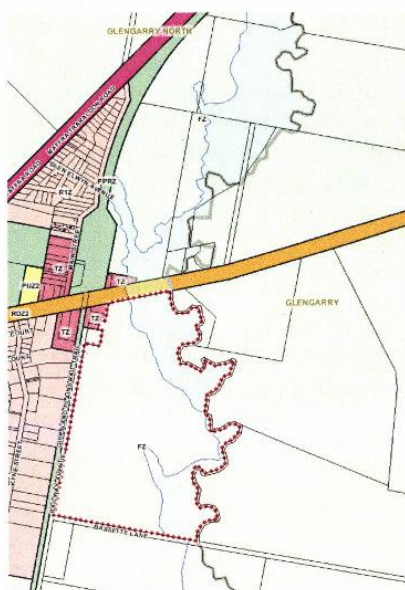


Figure 1 Subject Site and LSIO

WGCMA has recognised the requirement to investigate the impact and severity of flow restrictions, and the extent of inundated land during the major 100 year ARI event to establish a safe, relatively low risk and controlled flood regime post development.

The aim of this study is to provide Council and WGCMA with a definition of the flooding regime adjacent to the development sites, and to comment on the level of hazard and risk, the potential for flood damage and the subsequent impacts on infrastructure, and surrounding land parcels.

2.2 Scope of Works

- Hydraulic modelling of the section of Eaglehawk Creek between 100m north of 101 Cairnbrook Road to 100m south of Bassets Road.
- Flows calculated by BW using RORB for the Eaglehawk Creek Catchment. WGCMA will check the calculated flows against regional equations.
- WGCMA to provide LiDAR for the appropriate area to be modelled.
- Beveridge Williams to survey any structures over the waterways, including culverts.
- Beveridge Williams to provide WGCMA with 1D (HEC RAS) hydraulic model to confirm extent of 100yr ARI flows in this area.

2.3 Site Description

The site consists predominately of grassed paddocks which are currently zoned farming. Existing dwellings are located on the eastern boundary of 100 Cairnbrook Road near Eaglehawk Creek. The site is generally clear of vegetation, excluding groups of planted trees near the dwellings and brush and trees along the creek and drainage channels crossing the sites.

The section of Eaglehawk Creek adjacent to the site is approximately 8m wide. The natural contours of the land show a floodplain which varies from 100 to 350m wide.

The catchment plan is attached in Appendix A. This plan shows the location of the site and the contributing catchment.

2.4 Creek Condition

The creek bed has sediment build up especially around the bridge at Bassets Lane and the culverts under Cairnbrook Road. Anecdotal evidence has suggested that clearing and farming of the upstream catchment over the last 30 years has resulted in significant sediment generation. It has also been suggested that the sediment build up has reduced the depth of the creek by metres. If the anecdotal evidence is true then the flood conditions have been worsened by uncontrolled development of the upstream catchment.

2.5 Structures Across the Creek

The photos in Appendix B show the structures along the creek. Site 'A' shows the drainage assets on Main Street on the western boundary of 101 Cairnbrook Road. Site 'B' is Cairnbrook Road. Site 'C' is Railway Avenue adjacent to 100 Cairnbrook Road. Site 'D' is Bassets Lane. Storm water flows enter the properties at Site 'A' and 'C'.

Site 'A'

- 300mm by 600mm concrete box culvert crossing beneath Main Street.
- Two 1.1m diameter corrugated iron culverts beneath the Gippsland Plains Rail Trail.

Site 'B'

- 3m by 3m semicircular corrugated iron culverts along the main creek.
- Three concrete box culverts 1m by 1.2m west of the main creek.

Site 'C'

- Two 900mm diameter concrete pipes with a winged concrete headwall

Site 'D'

- Three 450mm diameter concrete pipes cross Bassets Lane to the west of the main creek.
- A concrete bridge spans the Eaglehawk Creek. The bridge is approximately 23m long, 5m wide and 500mm deep. The bridge sits approximately 1.6m above the creek.

2.6 Assumptions and Limitations

Several assumptions have been made throughout this strategy to form conclusions.

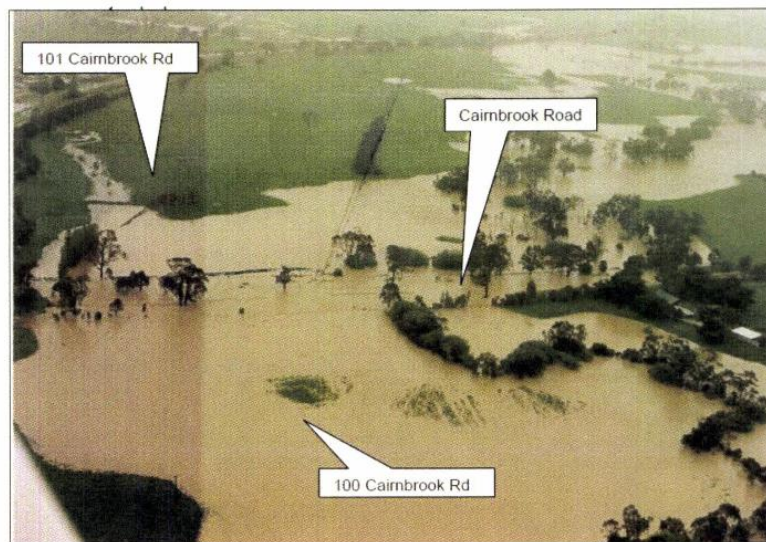
- The catchments have been delineated using available 10m Land Vic contour data.
- Lidar has been assumed to give an accurate representation of the ground conditions.
- The hydraulic model is of the full extents of Lidar provided by WGCMA.

3 FLOOD CONDITIONS

During 1995 a flood of Eaglehawk Creek occurred. The flood inundated significant portions of the subject properties and Cairnbrook Road. This flood was of unknown magnitude or recurrence interval.

Photos taken during this event show clearly the extent of inundation during flood conditions.

Figure 2 Aerial flood photography, taken during 1995, shows flood occurring along Eaglehawk Creek. (Photos sourced from WGCMA correspondence to council dated 18 July 2012)



The photos give an indication of the flood extents. It should be noted that they do not show the peak extents. It is assumed that the peak flow would have passed through earlier and these photos are showing the receding flood waters. Hydraulic computer modelling of these flood conditions will determine the 100 year ARI peak.

Figure 3 Flood Conditions



4 HYDROLOGY

4.1 Catchment and Flows

Eaglehawk Creek originates from the Eaglehawk Creek reference area. This area is heavily forested. The total catchment contributing up to the Bassets Lane crossing is 72.53 km². The catchment plan is attached as Appendix A. Flow direction and path is shown on the catchment plan. The catchment has been broken down into 26 subareas.

There is a tributary to Eaglehawk Creek (drainage channel) crossing each of the properties. The tributary crossing 101 Cairnbrook Road has a catchment area of approximately 4.6 km². The flows from this catchment travel down Maffra-Traralgon Road, Main Street, and across the lots (106, 102 and 61) between those two roads. The flow converges and enters the site through two 1.1m diameter corrugated iron culverts. The flows are likely to overtop the Gippsland Plains Rail Trail at this location.

The tributary crossing 100 Cairnbrook Road has a catchment of approximately 3.4 km². The storm water flow travels down Cairnbrook Road and Railway Avenue before entering the site through two 900mm diameter pipes. The flow is also likely to overtop Railway Avenue at this location.

4.2 RORB

RORB is a general runoff and stream flow routing program used to calculate flood hydrographs from rainfall and other channel inputs. It subtracts losses from rainfall to produce rainfall-excess and routes this through catchment storage to produce runoff hydrographs at any location. It can also be used to design retarding basins and to route floods through channel networks (RORB--version 6, Runoff Routing Program: User Manual.).

4.2.1 RORB Model Parameters and Files

RORB is based on the following equation relating storage (S) and discharge (Q) of a watercourse.

$$S = k \times Q^m \text{ where } k = K_c \times K_r$$

The values K_c and m are parameters that can be obtained by calibration of the model using corresponding sets of data on rainfall for selected historical flows. If historical flows are unknown, values can be estimated from regional analysis or by values suggested by Australian Rainfall and Runoff (AR&R).

In this case, flow gauging information was not available. However a parameter set has been developed by AR&R for regions of Victoria with mean annual rainfall (MAR) greater than 800mm. This relationship was adopted and is detailed below.

4.2.2 RORB Model Description

The RORB model parameters are:

- $K_c = 2.57A^{0.45} = 17.67$
- $m = 0.8$
- Initial loss = 15 mm
- Continuing Loss = 4 mm/h

Appendix A details the catchment plan used for the RORB model setup. Table 1 and Table 2 detail the tabulation of the RORB model setup (i.e. catchment areas, fraction imperviousness and reach lengths etc). Glengarry rainfall intensities were utilized.

Table 1 RORB Model Reaches

Reach_num	USnode_num	DSnode_num	Reach_ID	Reach_Type	Reach_Length, Km	Reach_Slope, %
1	1	4	A-D	1	4.1	
2	2	4	B-D	1	3.5	
3	3	4	C-D	1	2.3	
4	4	33	D-DEF	1	3	
5	5	33	E-DEF	1	2.3	
6	6	33	F-DEF	1	1.9	
7	33	34	DEF-GH	1	2.6	
8	7	34	G-GH	1	1.2	
9	8	34	H-GH	1	1.2	
10	34	35	GH-I1	1	2.7	
11	9	35	I-I1	1	1	
12	35	36	I1-J1	1	2	
13	10	36	J-J1	1	0.6	
14	36	40	J1-PJ	1	1.6	
15	11	37	K-KLM	1	2.3	
16	12	37	L-KLM	1	1.4	
17	13	37	M-KLM	1	1	
18	37	14	KLM-N	1	1.4	
19	14	38	N-O1	1	0.6	
20	15	38	O-O1	1	1.7	
21	38	39	O1-P1	1	2	
22	16	39	P-P1	1	1.6	
23	39	40	P1-PJ	1	0.8	
24	40	17	PJ-Q	1	1	
25	17	18	Q-R	1	3	
26	18	27	R-AA	1	2	
27	27	29	AA-AC	1	1.3	
28	19	29	S-AC	1	0.7	
29	20	21	T-U	2	1.7	1.2
30	21	28	U-AB	2	0.6	1.2
31	28	29	AB-AC	1	0.8	
32	29	31	AC-AE	1	1.2	
33	22	31	V-AE	1	0.5	
34	23	24	W-X	1	1.3	
35	24	25	X-Y	2	1.5	1.3
36	25	30	Y-AD	2	1	0.8
37	30	26	AD-Z	1	0.4	
38	26	31	Z-AE	1	0.4	
39	31	32	AE-AF	1	0.4	

Table 2 RORB Subareas

SubArea_num	Node_num	SubArea	Area km ²	Impervious_Fraction
1	1	A	7.088	
2	2	B	5.07	
3	3	C	3.892	
4	4	D	4.51	
5	5	E	3.374	
6	6	F	3.916	
7	7	G	4.668	
8	8	H	3.301	
9	9	I	2.711	
10	10	J	3.537	
11	11	K	2.945	
12	12	L	2.156	
13	13	M	1.602	
14	14	N	2.162	
15	15	O	2.654	
16	16	P	3.128	
17	17	Q	3.877	0.1
18	18	R	1.749	0.1
19	19	S	0.933	0.1
20	20	T	2.809	0.1
21	21	U	1.832	0.1
22	22	V	0.846	0.1
23	23	W	0.944	
24	24	X	1.631	0.1
25	25	Y	0.838	0.1
26	26	Z	0.36	0.1

4.2.3 Model Check

To ensure that the model parameter set adopted is producing valid results the RORB peak flow was compared to a rational calculation and an empirical equation developed by N Nikolaou and Roel von't Steen, which compared the results of a large number of floods along the Great Dividing Range (DCNR, 1994): $Q = 4.67 \text{ Area}^{0.763}$

Table 3 RORB Model Flow Check

EAGLEHAWK CREEK MODEL CHECK			
C100 =	0.3	MWC LAND DEV. MANUAL	
FLOW AT CATCHMENT OUTLET			
Area, A	72.53	km2	
tc	3.87	hr	equation 1.4 AR&R
tc	232	min	
I ₁₀₀ =	21.4	mm/hr	
CATCHMENT AREA =	7253	HA	
RATIONAL (100 YR) =	129.4	m ³ /s	
DNRE (100 YR)=	122.7	m ³ /s	
RORB (100 YR) =	126.7	m ³ /s	12 HOURS
Model deemed OK for application.			

4.2.4 Design Flows and Volumes

Table 4 summarizes the RORB model peak flow results.

The peaks are measured at the locations outlined below;

Peak Description

- 0001 Calculated hydrograph, TOP OF EAGLEHAWK CREEK MODEL AREA
- 0002 Calculated hydrograph, UPPER TRIBUTARY FLOW (101 Cairnbrook)
- 0003 Calculated hydrograph, LOWER TRIBUTARY FLOW (100 Cairnbrook)
- 0004 Calculated hydrograph, FLOW OUT OF MODEL

Storms where critical peaks occur are highlighted red.

Table 4 Peak Flow Results

Run	Dur	ARI	Rain(mm)	ARF	Peak0001	Peak0002	Peak0003	Peak0004
1	10m	100y	29.17	0.83	3.8636	38.5003	7.5279	12.7753
2	15m	100y	36.31	0.83	9.3156	52.701	13.0118	22.1557
3	20m	100y	41.98	0.83	25.9805	61.8515	17.4153	29.9688
4	25m	100y	46.77	0.83	32.8218	65.951	21.2924	36.7601
5	30m	100y	50.85	0.83	38.66	62.3288	24.217	42.5759
6	45m	100y	60.73	0.86	57.7731	67.4501	32.7701	60.9812
7	1h	100y	68.4	0.89	74.5107	71.6502	37.1413	75.375
8	1.5h	100y	76.12	0.91	88.5097	87.0077	36.6762	81.3921
9	2h	100y	81.76	0.93	100.461	89.7598	37.681	90.4672
10	3h	100y	90.11	0.96	111.791	57.951	31.1689	109.748
11	4.5h	100y	99.18	0.96	118.418	61.2563	30.6061	116.69
12	6h	100y	106.19	0.97	123.396	45.8772	26.9687	122.013
13	9h	100y	117.02	0.97	127.534	39.9319	24.4942	126.017
14	12h	100y	125.43	0.97	127.021	34.3633	21.6821	126.736
15	18h	100y	149.62	0.98	115.9	19.6377	13.7489	118.893
16	24h	100y	169.21	0.98	105.286	21.3119	16.7217	116.681
17	30h	100y	185.71	0.98	95.6099	15.5209	11.0462	100.342
18	36h	100y	199.91	0.98	100.042	14.0823	11.5819	104.446
19	48h	100y	223.23	0.98	97.5167	18.653	12.174	99.9452
20	72h	100y	256.16	0.98	62.383	10.7403	6.3609	62.7297

4.2.5 Critical Storms

The critical storm durations which were selected for hydraulic modelling within the channel are highlighted in red in Table 4. This combination of storms represents the peaks for each section of Eaglehawk Creek being modelled. Modelling and comparing these storms will produce the maximum probable flood extents for the 100yr event.

5 HYDRAULICS

5.1 HEC RAS Application

HEC-RAS is designed to perform one-dimensional hydraulic calculations for a full network of natural and constructed channels. Bridges, culverts and other hydraulic structures can also be modeled. HEC RAS can carry out unsteady flow simulations. This allows for the storm hydrographs generated in RORB to be run through the Eaglehawk Creek flood plain.

5.2 Modeling Discussion

The Lidar provided by WGCMA was used to create a digital elevation model from which cross sections for the HEC RAS model could be cut. No filtering or alterations to these cross sections was carried out. The alignment of the HEC RAS reaches and cross sections were placed parallel and perpendicular to the flood flows respectively.

There are two flow regimes for Eaglehawk Creek, minor flows which are contained within the creek and major flood flows which inundate the larger flood plain. This model was built to analyse the major flood event. The distinctions between the two flow regimes were made to more accurately model the flood conditions. .i.e. if we were to attempt to model the exact creek alignment and junctions an incorrect representation of the flood would be obtained. Instead the junctions were modeled where the flows join during a major event and the cross sections are parallel with the flood flows rather than the creek alignment. An initial flow rate of 20 cubic meters per second was applied to the model to validate the major flood conditions.

A Manning's n value of 0.07 was adopted to represent the scattered brush and dense grass consistent with the site conditions.

The structures across the creek were surveyed by BW and represented within the model.

Unsteady flow (flow hydrographs) were input for the top of Eaglehawk Creek where flows enter the model, at the start of the two tributaries and lateral inflow was modeled for the flows generated from the areas within the model extents.

A normal depth downstream boundary condition was applied. The exact slope downstream of the model is unknown, therefore a conservative downstream slope of 1 in 500 was adopted.

A mixed flow regime was modeled; however the flow remains sub critical.

6 FINDINGS

6.1 100yr Maximum Flood Extents

The 100yr Maximum Flood extents are determined using the critical storms identified in section 4.2.5. The maximum extents for the main Eaglehawk Creek flood plain do not occur at the same time or from the same duration storm event as the maximum extents of the drainage channels across the sites. The maximum extents identified in this report are the maximum for any 100yr ARI duration event. The catchment plan attached in Appendix A shows the current LSIO and the calculated 100yr maximum flood extents.

6.2 Eaglehawk Creek Flood Plain

A peak flood level of 41.05 m was determined within Eaglehawk Creek along the western boundary of 101 Cairnbrook Road. The peak flood level adjacent to 100 Cairnbrook Road was found to be 39.15 m.

The average depth of flow along the Eaglehawk Creek flood plain is 0.6m. Depth ranges from 0 to 3.9 m during the peak. The critical duration storm for Eaglehawk Creek was the 12hr. The average peak velocity is 0.7 m/s with a maximum of 1.55 m/s. The flow width along the flood plain varies between 100 to 350 m.

The structures crossing Eaglehawk Creek were determined to be largely under capacity to accommodate the peak 100yr ARI event flows.

6.3 Drainage across the Sites

6.3.1 101 Cairnbrook Road

An average depth of flow of approximately one metre was observed in the drainage channel across 101 Cairnbrook Road. The peak depth was found to be 1.74 m. A maximum width of flow of 84m was observed. An average velocity of 0.9 m/s was determined, with a peak of 1.29 m/s. The critical storm duration was 2hrs.

6.3.2 100 Cairnbrook Road

An average depth of flow along the drainage channel was 0.7m. The peak depth was 1.25m. A maximum flow width of 82m was observed. An average velocity of 0.9 m/s was determined, with a peak of 1.24 m/s. The critical storm duration was 2hrs.

6.4 Cairnbrook Road Inundation

A peak flood level of 39.68 m was observed at Cairnbrook Road. At this level the road is overtopped by a maximum depth of 700 mm at the lowest point and for a width of 300 m, the velocity of flow is 0.88 m/s.

6.5 Bassets Lane Inundation

A peak flood level of 34.16 m was observed at the Bassets Lane crossing. This causes the road to be inundated to a maximum depth of 460 mm at the lowest point and for a width of 320 m. The peak velocity of flow across Bassets Lane is 1 m/s.

7 DISCUSSION

The flooding regime has been defined through the use of hydrologic and hydraulic models. The maximum 100yr flood extents have been displayed on the Catchment Plan attached as Appendix A and described in section 6. The flooding in this area is extensive but not beyond what the natural surface contours would indicate. The flows determined are also expected for a catchment of this size.

In Victoria the 1 in 100 year Average Recurrence Interval (ARI) or 1% Annual Exceedance Probability (AEP) flood is the current flood protection standard, which is used in providing flood level advice, in delineating land affected by flooding and setting requirements for most developments. The 1% AEP event (for the particular locality being considered) has a probability of 1% chance of being equalled or exceeded in any year and will occur, on average, once in 100 years.

There is a Land Subject to Inundation Overlay (LSIO) pertaining to this site. There is no Urban Floodway Zone (UFZ) Floodway Overlay (FO) or Special Building Overlay (SBO). These overlays indicate that the use and development of the land requires special consideration to flood risk. They do not provide a specific flood level for the property. Currently the LSIO on these sites is used as an interim measure to identify flood risk where no detailed information is available. This flood study provides the specific flood conditions required to assess the suitability of the proposed amendment to the planning scheme.

As a guide floods are a risk to safety if the depth is greater than 0.35m, the velocity is greater than 1.5m/s and if the product of depth by velocity is greater than $0.35\text{m}^2/\text{s}$. One or all of these risk indicators has been exceeded throughout the flood area. Cairnbrook Road and Bassets Lane inundation is a risk to the public attempting to cross by foot or in a vehicle. Appropriate signage, as a minimum, including depth indicators at these crossings is recommended to effectively and economically manage safety risk.

The inundation of Cairnbrook Road is of primary concern to these two sites (100 and 101 Cairnbrook Road). Access from the southern boundary of 101 Cairnbrook Road is restricted during a major flood event to approximately 100m of road frontage. The drainage channel across the site also divides the development. Therefore to accommodate development of the southern section of 101 Cairnbrook Road access would need to be located outside of the flooded area and the drainage channel across the site would need to be formalised and bridged. During the development stage with consultation with the CMA and Council the drainage channel alignment could be relocated to maximise developable area. Formalisation of the drainage channel including reshaping and deepening could also reduce the flooded width of the channel and maximise developable area. A drainage reserve will need to be created over the drainage channel. Ecological improvements are also possible through landscaping and the use of the reserve for stormwater treatment. The exact width of the reserve will vary depending on its intended use and final flow width after being formalised. As a guide the reserve is likely to be between 100 and 60m wide and will be established during the development stage. Gaining access off Main Street and crossing the Gippsland Plains Rail Trail should be discussed as an alternative for site access. The northern section of the development is elevated and stays dry allowing development with a low risk and cost.

100 Cairnbrook Road can have access off Cairnbrook Road during the 100yr ARI event. This allows the area proposed for rezoning to be developed maintaining particular attention to the flood levels and required freeboard. A minimum of 600mm freeboard is required above the 100 year flood level. The freeboard is taken from the flood level to the building floor level. The flooding on the southern section of the area to be rezoned (proposed rezoning shown as magenta hatch on the catchment plan) could be filled and the drainage channel across the remainder of the site reshaped to convey the peak flows away from this area. The western boundary of the proposed rezoning follows the peak flood level. In future, development of this entire site is possible. Access off Railway Avenue and Bassets Lane is achievable if the entire site is to be developed.

In any case surrounding land is not affected by these developments. Floodway encroachment is not proposed, therefore there is no loss of flood conveyance or storage volume and there will be no increase in flood velocities. Runoff generated as part of the development would need to address state best practice water treatment and CMA detention requirements. Development can be accommodated within the proposed municipal planning scheme amendment in accordance with the Planning and Environment Act 1987, Water Act 1989 and other relevant legislation.

8 CONCLUSION

100 and 101 Cairnbrook Road can be rezoned as proposed.

Any development after rezoning can be accomplished without obstructing or diverting floodwater or increasing flood risk. Surrounding and downstream land parcels would not be affected by appropriate development of these sites.

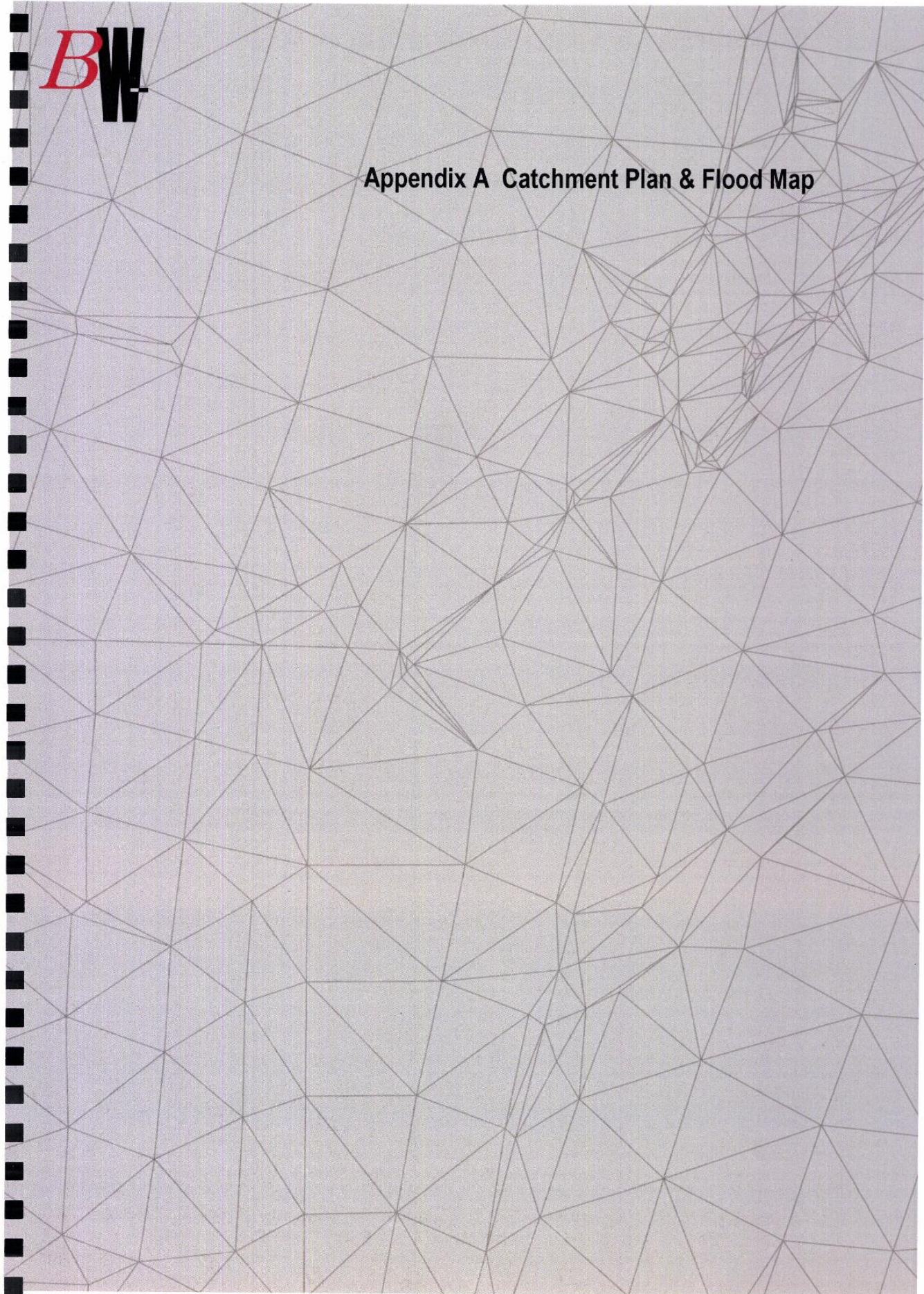
There is no reason to delay rezoning these land parcels according to the planning scheme amendment c74.

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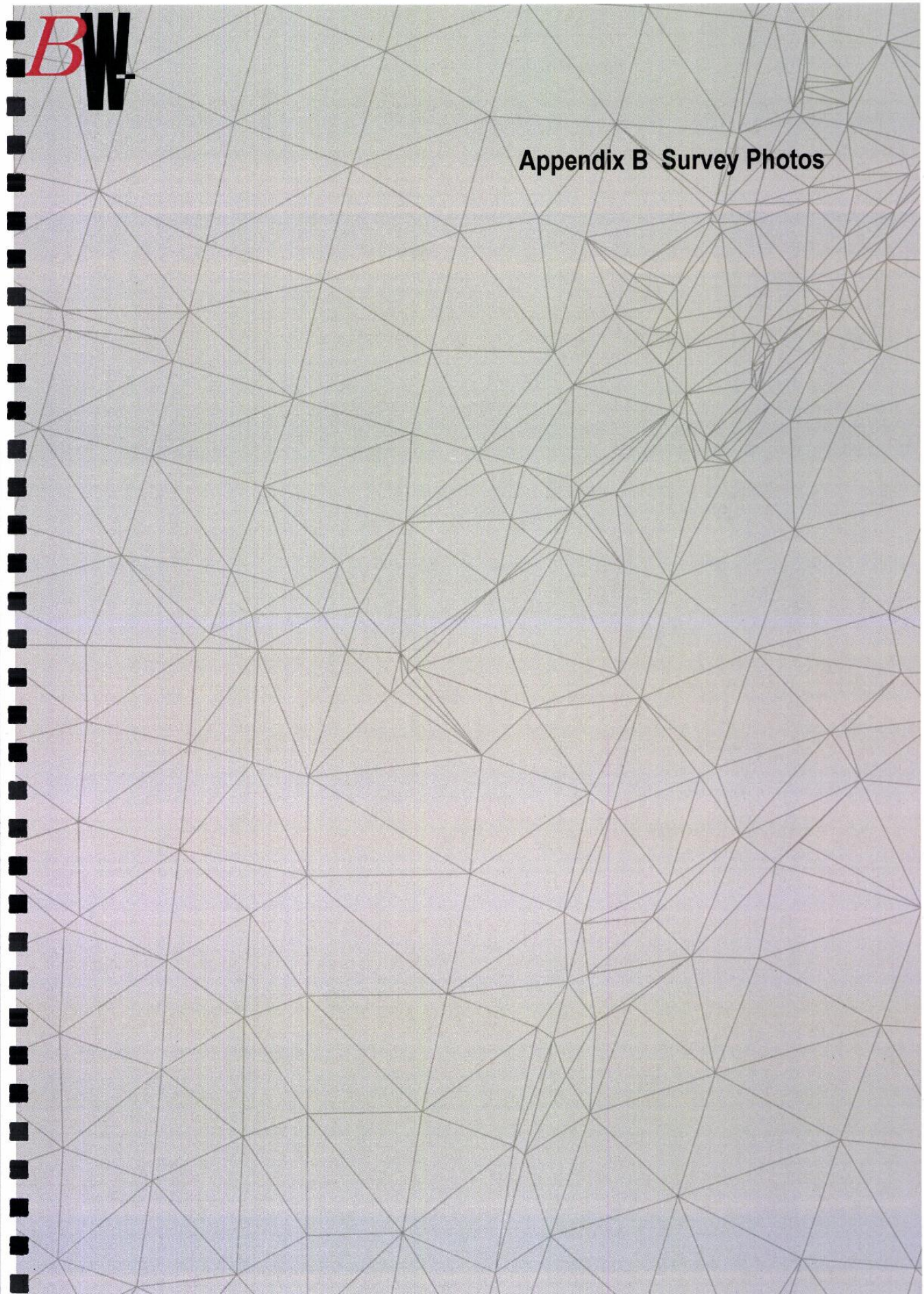


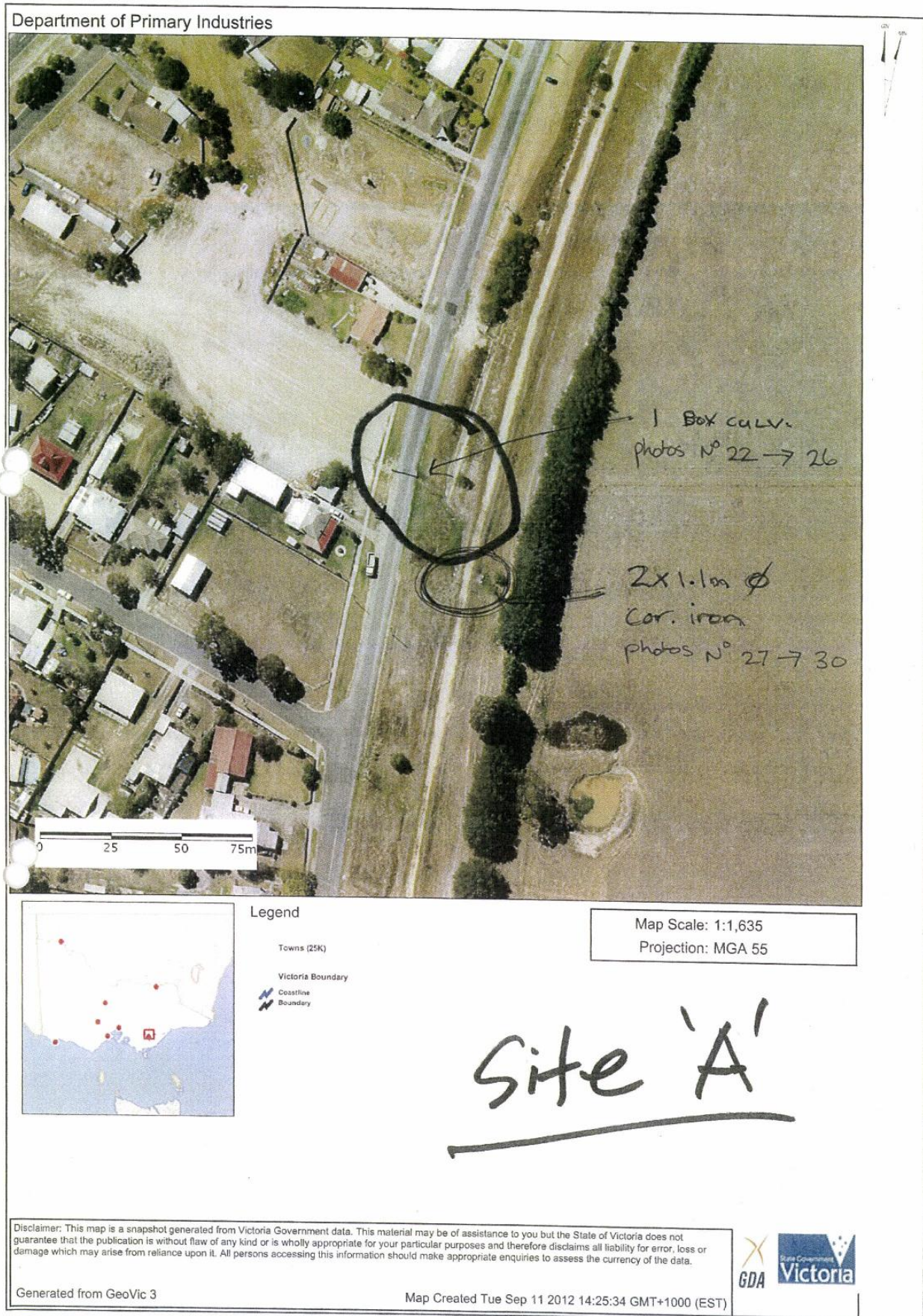
Appendix A Catchment Plan & Flood Map





Appendix B Survey Photos

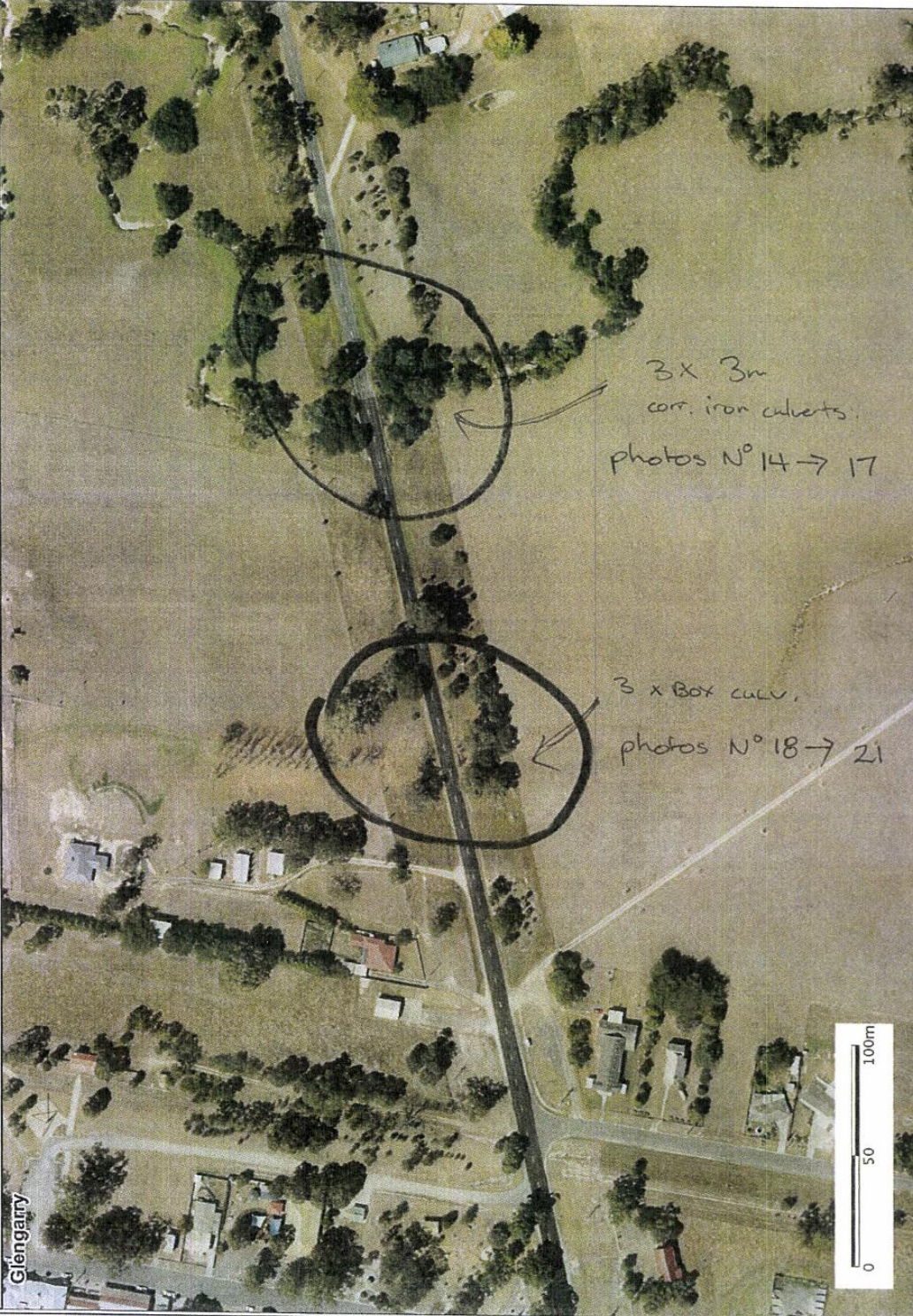




Site B

Legend

- Towns (25k)
- Victoria Boundary
- Coastline Boundary



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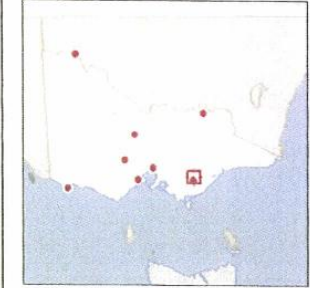
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Map Created Tue Sep 11 2012 14:29:31 GMT+1000 (EST)



Department of Primary Industries

Glengarry



Legend
Towns (25K)
Victoria Boundary
Coastline
Boundary

Map Scale: 1:1,774
Projection: MGA 55

Site 'C'

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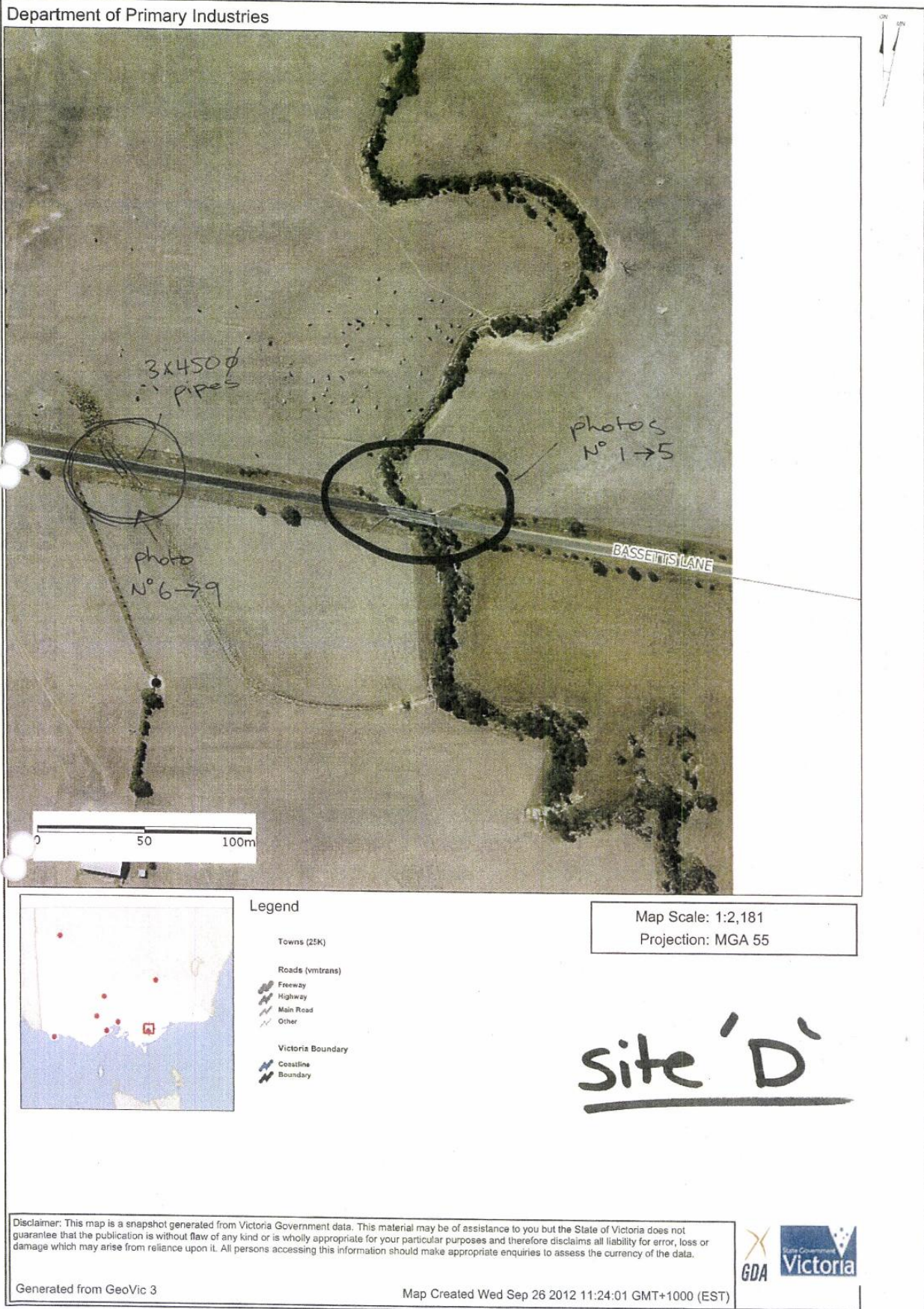




Photo 1



Photo 2

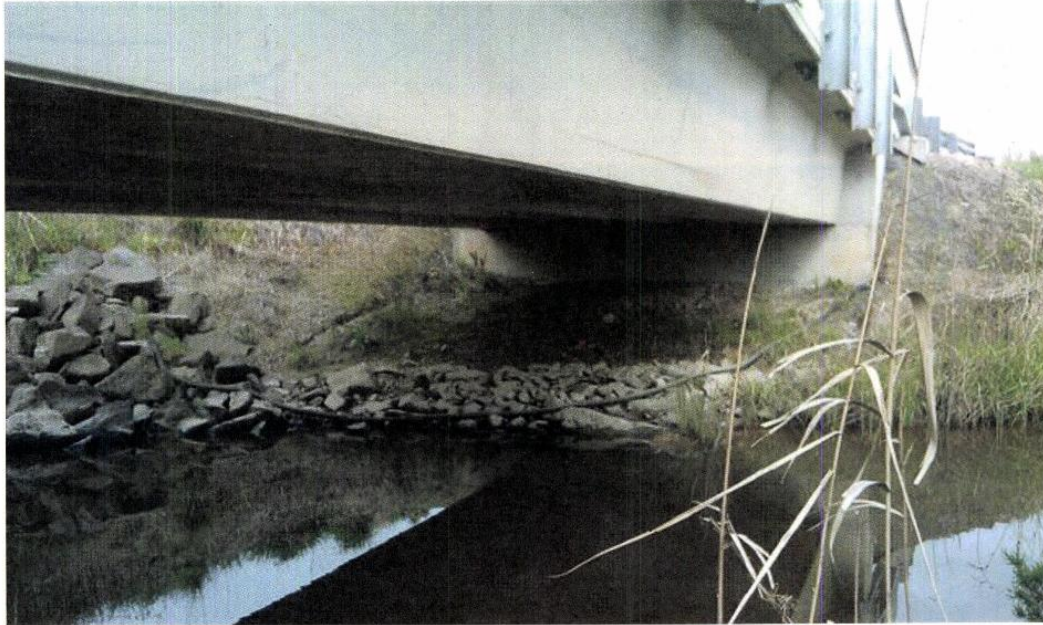


Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13



Photo 14



Photo 15



Photo 16



Photo 17



Photo 18



Photo 19



Photo 20



Photo 21



Photo 22



Photo 23



Photo 24



Photo 25



Photo 26



Photo 27



Photo 28



Photo 29

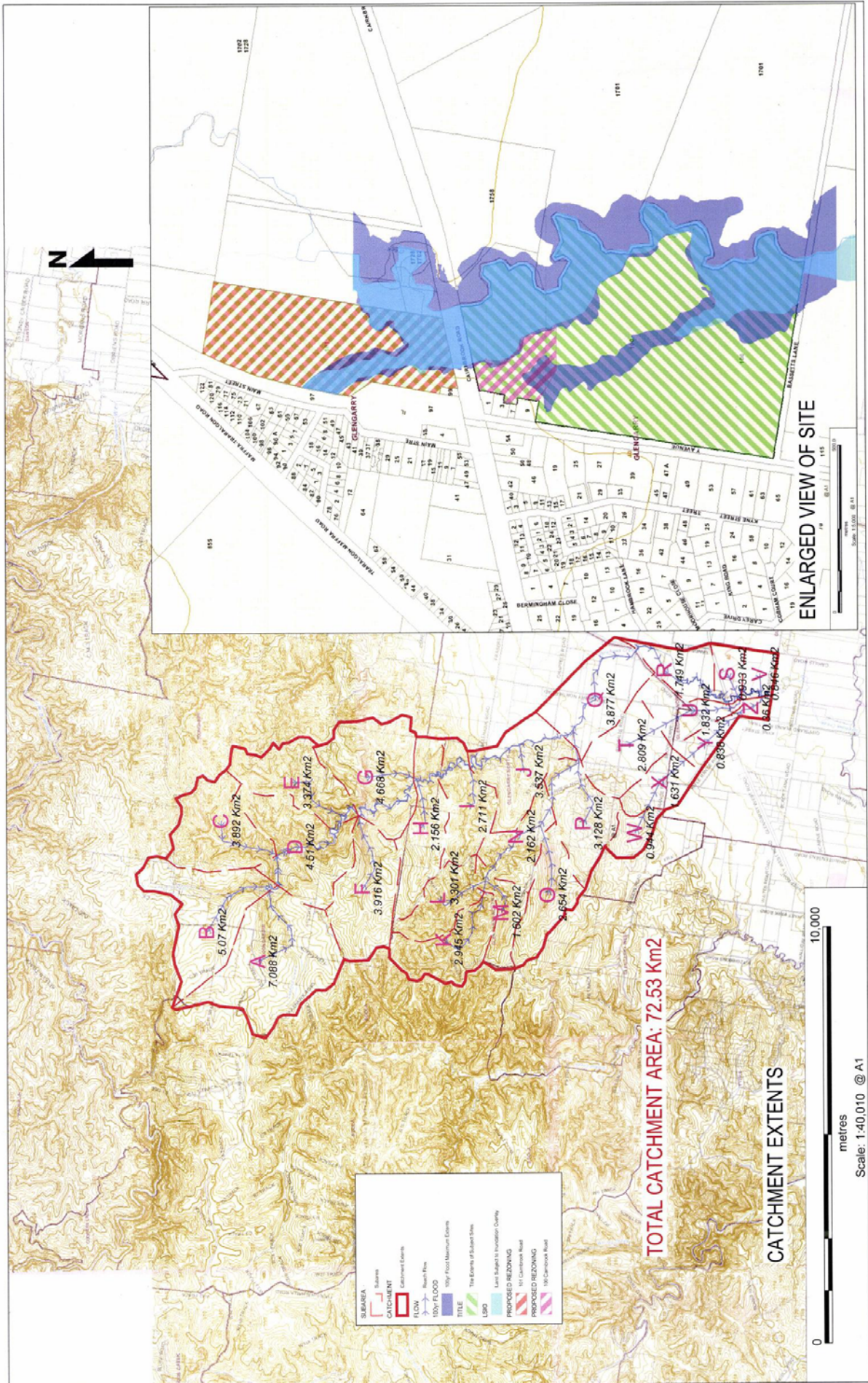


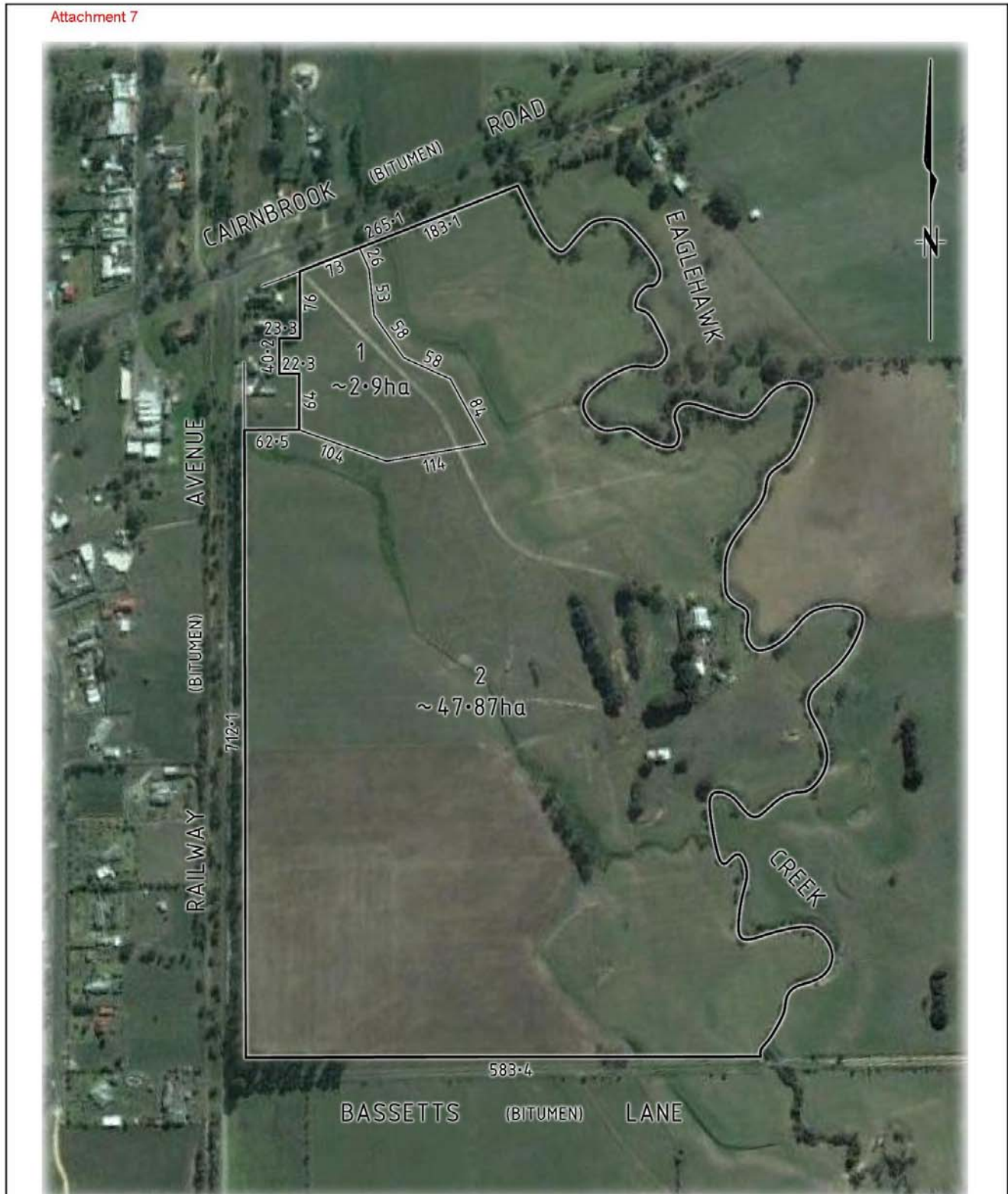
Photo 30

PLAN NO: CP1-1100592
 MODEL BY: ADAMI SMITH
 DRAWN: ADAMI SMITH
 DATE: 10/01/2013
 REV: B


EAGLEHAWK CREEK FLOOD STUDY
 100 & 101 CAIRNBROOK ROAD GLENGARRY

BEVERIDGE WILLIAMS & Co
 Melbourne - 1 Glenferrie Road, Malvern, Victoria, 3144
 (PO Box 61, Malvern, Vic. 3144)
 ph: 03 9524 8888 fax: 03 9524 8899





NOTES:
 DIMENSIONS ARE APPROXIMATE ONLY AND SUBJECT TO FINAL SURVEY.
 PHOTO SOURCE: GOOGLE EARTH

PLAN OF PROPOSED SUBDIVISION		ORIGINAL		PREPARED A. SPEIR	
 <p>Beveridge Williams development & environment consultants Traralgon ph : 03 5176 0374 www.beveridgewilliams.com.au</p>	Scale	Sheet Size	SURVEY T. HAMILTON		<p>PETER WALKLEY</p> <p>100 CAIRNBROOK ROAD, GLENGARRY PS512358 LOT 2 C/T VOL 1861 FOL 095</p> <p>LATROBE CITY COUNCIL</p>
	1:4000	A3	CHECKED P.G. DELL		
	Dwg No 1100592-PPS DGN		DATE 15/12/2011		
	Sheet 1 of 1		AUTHORISED FOR ISSUE		
		Proj No 1100592			

Attachment 8

Planning and Environment Regulations 2005 Form 9

PLANNING PERMIT

GRANTED UNDER DIVISION 5 OF PART 4 OF
THE PLANNING AND ENVIRONMENT ACT
1987

Permit No.: 2012/103

Planning Scheme: Latrobe Planning Scheme

Responsible Authority: Latrobe City Council

ADDRESS OF THE LAND:
100 CAIRNBROOK ROAD GLENGARRY
VIC 3854 (CERTIFICATE OF TITLE
VOLUME 10844 AND FOLIO 644 BEING
LOT 2 ON PS512358A)

THE PERMIT ALLOWS:
TWO (2) LOT SUBDIVISION

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Subdivision conditions:

1. The layout of the subdivision as shown on the endorsed plan must not be altered without the permission of the Responsible Authority.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
3. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
4. The plan of subdivision submitted for certification under the *Subdivision Act* 1988 must be referred to the relevant authority in accordance with section 8 of that Act.
5. The owner of the land must enter into an agreement with:
 - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry

Date Issued:

<<insert date>>

Date Permit comes into operation:

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the Responsible Authority

Planning and Environment Regulations 2005 Form 9

specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- c) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - d) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
6. 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.
7. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988, the owner must enter into an agreement with the Responsible Authority made pursuant to section 173 of the Planning and Environment Act 1987 and must make application to the Registrar of Titles to have the agreement registered on the titles to the land under section 181 of the Act, which provides that any subsequent building approval or planning approval for lot 1 created as a result of planning 2012/103 issued on (insert date) will trigger the requirement for one vehicle crossing to service Lot 2 which must be constructed to Latrobe City Council standards for a rural culvert crossing, including provision of an all-weather sealed surface from the edge of the existing road pavement to a distance of six (6) metres toward the property boundary if the road upon which the vehicle crossing is to be constructed also has a sealed surface. The type of vehicles accessing Lot 1 from Lot 2 subsequent to the above occurring is limited to passenger vehicles only (no agricultural machinery).

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

Prior to the Statement of Compliance being issued the Applicant/Owner must provide Council with a copy of the dealing number issued by the Titles Office. Once titles are issued Council requires the Applicant or its legal representative to provide either:

- a) a current title search; or
 - b) a photocopy of the duplicate certificate of Title as evidence of registration of the section 173 agreement on title.
8. The operator of this permit must meet the requirements of West Gippsland Catchment Management Authority (WGCMA) in that, prior to the issues of Certification/Statement of Compliance, they:
- a) Land levels must not increase by more than 100mm in the area identified as the 100yr ARI flood extent unless permitted in writing by the responsible authority and the West Gippsland Catchment Management Authority.

Date Issued:	Date Permit comes into operation:	Signature for the Responsible Authority
<<insert date>>	(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)	

Planning and Environment Regulations 2005 Form 9

9. **Expiry condition:**

This permit will expire if:

- a) the plan of subdivision is not certified within 2 years of the date of this permit; or
- b) the registration of the subdivision is not completed within 5 years of certification.

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

Note: The commencement of the subdivision is regarded by Section 68(3A) of the *Planning and Environment Act 1987* as the certification of the plan, and completion is regarded as the registration of the plan.

- Note 1. A Latrobe City Vehicle Crossing Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Vehicle Crossing Permit will apply to all vehicle crossing works. It is a requirement that all vehicle crossing works be inspected by Latrobe City Council's Asset Protection Officer.

Date Issued:

<<insert date>>

Date Permit comes into operation:

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the Responsible Authority

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister administering the **Planning and Environment Act 1987** under section 96I of that Act.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if -
 - * the development or any stage of it does not start within the time specified in the permit, or
 - * the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - * the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if -
 - * the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit, or
 - * the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if -
 - * the development or any stage of it does not start within the time specified in the permit, or
 - * the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit, or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision -
 - * the use or development of any stage is to be taken to have started when the plan is certified; and
 - * the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

- * Any person affected may apply for a review of -
 - a decision of the responsible authority refusing to extend the time within which any development or use is to be started or any development completed; or
 - a decision of the responsible authority refusing to extend the time within which a plan under the **Subdivision Act 1988** is to be certified, in the case of a permit relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**; or
 - the failure of the responsible authority to extend the time within one month after the request for extension is made.
- * An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- * An application for review must be made on an Application for Review form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- * An application for review must state the grounds upon which it is based.
- * An application for review must also be served on the Responsible Authority.
- * Details about applications for review and the fees payable can be obtained from Victorian Civil and Administrative Tribunal.

**16.5 PLANNING PERMIT APPLICATION 2012/252 SIX (6) LOT
SUBDIVISION - 57-59 AND 61 KYNE STREET, GLENGARRY**

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to determine Planning Permit Application 2012/252 for the subdivision of land to six lots at 57-59 Kyne Street and 61 Kyne Street, Glengarry.

DECLARATION OF INTERESTS

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

In 2026, Latrobe Valley benefits from a well planned built environment that is complimentary to its surroundings and which provides for a connected and inclusive community.

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

Gippsland's Regional City

Strengthening our profile

An active connected and caring community

Supporting all

Attract, retain, support

Enhancing opportunity, learning and lifestyles

Strategic Direction – Built Environment

Promote and support high quality urban design within the built environment. Ensure proposed developments enhance the liveability of Latrobe City, and provide for a more sustainable community.

Legislation

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

BACKGROUND

SUMMARY

Land:	57-59 Kyne Street, Glengarry, known as Lot 6 on Plan of Subdivision 300353; and 61 Kyne Street, Glengarry, known as Lot 1 on Plan of Subdivision 543464.
Proponent:	P & D Williams and G Bramich C/O Beveridge Williams & Co Pty Ltd
Zoning:	Residential 1 Zone (R1Z)
Overlay	No Overlays

A Planning Permit is required for the subdivision of land in the Residential 1 Zone in accordance with Clause 32.01-2 of the Latrobe Planning Scheme (the Scheme).

PROPOSAL

The application is for the subdivision of land within the Residential 1 Zone. The subdivision will create six (6) lots with key characteristics as follows:

- Proposed Lot 1 encompassing the existing single dwelling (57 Kyne Street), covering an area of 3,780 square metres with a 60.5 metre frontage to Kyne Street;
- Proposed Lot 2 located directly east of proposed Lot 1, covering an area of 2,420 square metres, obtaining access to Kyne Street via a proposed common property driveway located to the south of the Lot;
- Proposed Lot 3 located directly east of proposed Lot 2, covering an area of 2,960 square metres, obtaining access to Kyne Street via a proposed common property driveway located to the south-west of the Lot;
- Proposed Lot 4 located directly south of proposed Lot 3, covering an area of 1,660 square metres, obtaining access to Kyne Street via a proposed common property driveway located to the north-west of the Lot;

ORDINARY COUNCIL MEETING AGENDA 22 APRIL 2013 (CM405)

- Proposed Lot 5 located directly west of proposed Lot 4, covering an area of 1,610 square metres, obtaining access to Kyne Street via a proposed common property driveway located to the north of the Lot; and
- Proposed Lot 6 encompassing the existing single dwelling (61 Kyne Street), covering an area of 2,340 square metres with a 38.5 metre frontage to Kyne Street.

The Lots will generally be of a rectangular shape with the common property driveway located in the centre of the subdivision having an 8 metre frontage to Kyne Street, and covering an area of 840 square metres. A 1 metre wide landscaping strip is to be provided to either side of the driveway at appropriate locations. Some filling of the land is required as part of the application for proposed lots 3 and 4.

For further details, please refer to *Attachment 1* to view a copy of the proposed plan.

Subject Land:

The subject land is located at the south eastern corner of the residential precinct within the Glengarry Township, and covers an overall area of 15,610 square metres with a 107 metre frontage to Kyne Street. The lots are of a rectangular shape, with a dwelling and ancillary outbuildings encompassed within each respective lot.

The sites are generally flat, predominantly covered in grass, with a slight fall of approximately 1.5 metres across the site towards the lowest point in the south-east corner.

Surrounding Land Use:

North:	53 Kyne Street, Glengarry Single dwelling and ancillary outbuilding;
South:	63 Kyne Street, Glengarry Single dwelling and ancillary outbuilding;
East:	Gippsland Plains Rail Trail Council Land located within the Public Park and Recreation Zone;

ORDINARY COUNCIL MEETING AGENDA 22 APRIL 2013 (CM405)

West: Road, sealed with kerb and channel (Kyne Street); and

24-30 King Rd, Glengarry
Single dwelling and ancillary outbuilding; and

58 Kyne Street, Glengarry
Single dwelling and ancillary outbuilding.

HISTORY OF APPLICATION

The history of the assessment of planning permit application 2012/252 is identified within *Attachment 2*.

The relevant provisions of the Scheme relevant to this application are identified within *Attachment 3*.

ASSESSMENT AGAINST THE RELEVANT PLANNING POLICIES

The State and Local Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS) have been considered as part of this application, and it is found that the provisions of the Scheme provide a strategic basis to support residential subdivision of the subject site.

The SPPF encourages new urban residential areas to be developed in a sustainable manner with regard to the protection of agricultural land and water catchments. Subdivisions should achieve attractive, liveable, walkable, cyclable, diverse and sustainable neighbourhoods.

Clause 21.06-4 Specific Small Town Strategies – Glengarry serves to provide a strategic direction for the Glengarry Township and details the specific purpose of areas within the Structure Plan. The subject site is located within Area 3 of the Structure Plan which is identified as Residential with the following direction; *‘encourage subdivision and development of large vacant and developed allotments within existing residential areas Area 3’*.

The background report for the Small Town structure plan highlights that Glengarry has the capacity to *‘accommodate greater development than that which has occurred in recent years’*, and identifies that there are numerous large-sized lots which are developed and undeveloped, that have the potential to facilitate further subdivision. The background report does not stipulate a clear figure in relation to densities, rather assumes that the R1Z will achieve a density of 8 lots per hectare, achieving lot sizes of approximately 1,250 m². Given that no development plan exists for the township, and the current small town structure plan does not specify a preferred density, a mandatory density requirement cannot be applied for subdivisions or developments.

The R1Z would allow applications to be considered for further subdivision of the subject lots. The current subdivision application will not substantially limit the future development potential of the land, and it is noted that any further subdivision would require planning approval.

The proposal seeks to subdivide land located in a Residential 1 Zone for residential purposes, thereby providing infill development in the township. The proposed lot sizes, which would range from 1610 m² to 3780 m², which would increase diversity in residential allotment sizes within the township boundary, whilst having regard to the physical and environmental constraints of the land. This will result in a greater variety of housing choice and lot types available within Glengarry, consistent with the purpose of the Residential 1 Zone; *'to provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households'*. The zoning of the site provides further strategic basis to support residential subdivision of the land.

CLAUSE 56 ASSESSMENT

Clause 32.01-2 in the Residential 1 Zone requires that a subdivision must meet the requirements of Clause 56 Residential Subdivision. The objectives and standards of Clause 56 relate to community, movement network, pedestrians and cyclists, lot size and orientation, street design, street construction, drainage systems and utilities provision.

The lot sizes within the Glengarry Township are varying from 800m² to in excess of 4,000 m² in size; properties located within the immediate vicinity of the Township area are generally smaller than 2,000m² in area, whilst lots further south of the Township are in excess of 2,000m². Based on this information, the proposal is considered to be generally consistent with the character of the neighbourhood.

A minor amendment is required to the plan of subdivision, in that a minimum 9 metre frontage is provided for proposed lots 3 and 4 to the common property driveway; this measure will ensure that a sufficient frontage is provided to the lots in order to establish a clear access point and not detrimentally impact the future development potential of the lots.

In addition, a landscaping plan has been requested for the common property driveway in order to ensure that the appearance of the driveway is not out of character for the area and does not impact on the amenity of Kyne Street. This will ensure that the driveway does not appear as a 'gun barrel', but will serve to establish a positive and attractive streetscape. The inclusion of a bin storage area in the plan is considered to be necessary, taking into consideration the length of the proposed driveway, and the distance any subsequent residents of lots 2, 3, 4 and 5 to the Kyne Street frontage.

In order to ensure that the measures relating to landscaping and bin storage are adhered to, and to prevent any possible detriment to the wider area in regards to bins being inappropriately located or stored, a Section 173 agreement will be requested to support the plan.

The proposal has been assessed against the relevant provisions of the Scheme and it is considered that the subdivision generally meets the standards and purposes of Clause 56, subject to conditions that form part of the recommendations to this report.

OBJECTIONS

The application received two (2) submissions in the form of objections. A copy of these objections can be viewed at *Attachment 4* of this report. The issues raised were:

1 Increase of traffic activity

Officer Comment:

Given the scale of the subdivision, the potential increase of traffic activity within the Street as a result of the proposal is considered to be minor. It is recognised that the proposed subdivision could potentially lead to the development of additional dwellings within the subject land; however any subsequent traffic activity would be anticipated to be of a residential nature and generally not involve commercial or industrial vehicle activity. The proposal is appropriately sited, in an existing residential area, and therefore the increase of traffic activity will not have a detrimental impact to the amenity of the area.

2 Increase of noise emanating from the site

Officer Comment:

The application is for the subdivision of land and does not propose any development. Any additional noise associated from any new dwellings being built in the future is expected within an urban environment. However, given the scale and residential nature of and subsequent the development, any noise emanating from the sites are expected to be consistent with noises generated in urban areas; as a result, the proposal will not result in any material detriment to the surrounding area.

3 Location of driveway and potential car lights impacting 24 King Road

Officer Comment:

The location of the proposed driveway is considered to be appropriate as the central location, between the two existing dwellings, has the capacity to provide ample access to Kyne Street for any future residents. It is noted that some vegetation is present along the Kyne Street frontage of the King Road dwelling, however no fence is present.

By analysing the proposed plan of subdivision, it becomes apparent that any vehicles utilizing the proposed driveway could have some light spill protruding into the property. Issues of this nature have previously been addressed at VCAT; members have concluded that the inclusion of blinds, additional vegetation or fencing at the land owner's discretion can alleviate the issue.

FINANCIAL, RISK 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).

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014.

INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Notification:

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

Two (2) submissions in the form of written objections were received for the application. The issues raised in the objections are discussed in section 5.3 of this report.

External:

The application was referred under Section 55 of the Act to the following authorities:

- Gippsland Water;
- Telstra;
- SP AusNet;
- APA Group

All the above authorities gave consent to the granting of a Planning Permit for the proposal, subject to the inclusion of appropriate conditions and notes (where applicable).

Internal:

Internal officer comments were sought from Council's Infrastructure Planning team in relation to access and drainage. The Infrastructure Planning team did not object to the granting of a Planning Permit in relation to their area of expertise, subject to appropriate conditions if approved.

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It is noted that these comments only relate to part of the assessment process and should be considered in conjunction with the assessment details provided elsewhere in this report.

Details of Community Consultation following Notification:

Following the referral and advertising of the application, two submissions in the form of objections were received.

A mediation meeting was held on 31 January 2013 which was attended by the applicant, the objectors and Council's planning officers. The grounds of the objections were discussed, including numerous issues outside of the realms of the application. The applicants had presented numerous options and expressed an intention to address the objectors' concerns; however consensus was not reached between the parties, which would have allowed the matter to be determined by officer delegation.

OPTIONS

Council has the following options in regard to this application:

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

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

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 provisions of Clause 56; and
- Consistent with Clause 65 (Decision Guidelines).

The objections received have been considered against the provisions of the Latrobe Planning Scheme. Having evaluated the proposal against the relevant provisions of the Scheme, it is considered that the application meets the requirements of the Scheme, subject to the inclusion of appropriate Planning Permit conditions and notes.

Attachments

1. ATTACHMENT 1 - Proposed Plan of Subdivision
2. ATTACHMENT 2 - History of the Application
3. ATTACHMENT 3 - Latrobe Planning Scheme Provisions
4. ATTACHMENT 4 - Copy of Objections

RECOMMENDATION

That Council Issue a Notice of Decision to Grant a Planning Permit, for the subdivision of land in to six lots at 57-59 Kyne Street and 61 Kyne Street, Glengarry, with the following conditions:

Amended Plans:

1. Prior to the certification of the plan under the *Subdivision Act* 1988, amended plans must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans submitted with the application but modified to show:

A minimum frontage of 9 metres for proposed lots 3 and 4 to the proposed common property area; and b) The width of the common property driveway area should be 9 metres, with a landscaping area of 1.5 metres in width on either side of the driveway at appropriate locations; and

- c) A bin storage area to service any potential dwellings located within lots 2, 3, 4 and 5 of the subdivision. The storage area should be located within the proposed landscaping area of the common property driveway, set back at least 10 metres from the Kyne Street frontage and have adequate landscaping provided to shield the appearance of the area from Kyne Street.

When approved, the plans will be endorsed and then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided.

2. The layout of the subdivision as shown on the endorsed plan must not be altered without the permission of the Responsible Authority.

Landscaping Conditions:

3. Prior to the certification of the plan under the *Subdivision Act* 1988, a substantial landscape plan for the proposed common property driveway area must be submitted to and approved by the Responsible Authority. The plan must show:

- a) A survey (including botanical names) of all existing vegetation to be retained and/or removed;
- b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant; and
- c) Detail measures that will be implemented to ensure that the landscaping shown on the endorsed plans is to be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

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

When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided.

4. Prior to the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.

Section 173 Agreement:

5. Prior to the issue of Statement of Compliance, the operator of this permit must:
 - a) enter into an agreement with the Responsible Authority made pursuant to Section 173 of the *Planning and Environment Act 1987* (the Act) that requires the following:
 - i. The requirements set out in the landscaping plan endorsed as part of Planning Permit 2012/252, will be adhered to by the residents within Lots 2, 3, 4 and 5 of the subdivision.
 - b) Make application to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act; and
 - c) Pay the reasonable costs of the preparation, review, and execution and registration of the Section 173 Agreement; and
 - d) Provide Council with a copy of the dealing number issued by the Titles Office; and
 - e) Once titles are issued, provide either:
 - i. a current title search; or
 - ii. a photocopy of the duplicate certificate of Title as evidence of registration of the Section 173 Agreement on the titles.

SP-AusNet Conditions:

6. 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) The plan of subdivision submitted for certification must be referred to SPI Electricity Pty Ltd in accordance with Section 8 of the Subdivision Act 1988.
 - b) 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.

- c) 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 by also be required.

Telstra Conditions:

- 7. The operator of this permit must meet the requirements of Telstra Corporation Ltd in that, prior to the issues of Certification/Statement of Compliance, they:

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

Engineering Conditions:

- 8. The plan of subdivision submitted for certification under the Subdivision Act 1988 must show appropriate easements set aside for drainage purposes to the satisfaction of the Responsible Authority.
- 9. Prior to the certification of the plan of subdivision under the Subdivision Act 1988, a site drainage plan including all hydraulic computations must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The drainage plan must be prepared in accordance with the requirements of Latrobe City Council's Design Guidelines and must provide for the following:
 - a) How the land including all existing buildings and paved areas will be drained for a 1 in 5 year ARI storm event.
 - b) An underground pipe drainage system conveying stormwater to the legal point of discharge and connection from the legal point of discharge to an approved drainage system.
 - c) Stormwater discharge from each lot not part of an Owners Corporation must be conveyed separately to the legal point of discharge and to a receiving stormwater drainage system.
 - d) The provision of storm water detention within the site and prior to the point of discharge into an approved drainage system if the total rate of stormwater discharge from the property exceeds the rate of discharge that would result if a co-efficient of run-off of 0.4 was applied to the whole of the property area.

- 10. 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.**
- 11. Prior to the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988, the operator of this permit must submit documentation to the satisfaction of the Responsible Authority, to show that approval has been given for the construction of drainage pipes and the concentrated discharge of stormwater onto the land managed by the Gippsland Plains Rail Trail Committee of Management including the creation of appropriate easements or agreements for this drainage, registered on title.**
- 12. Prior to the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988, the operator of this permit must complete the following works to the satisfaction of the Responsible Authority:**
 - a) All drainage works must be constructed in accordance with the approved site drainage plan.**
 - b) The construction of all on-site stormwater detention works in accordance with the site drainage plan approved by the Responsible Authority.**
 - c) A new vehicle crossing must be constructed for the common property access way in accordance with the endorsed plans, at right angles to the road and must comply with the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 306 and LCC 212 including provision of an all-weather sealed surface from the edge of the existing road pavement for a distance of six (6) metres toward the property boundary.**
 - d) The existing vehicle crossings providing access from Kyne Street to lot 1 and to lot 6, must be upgraded between the edge of the existing road pavement and the property boundary to comply with the vehicle crossing standards as set out in Latrobe City Council's Standard Drawing LCC 306 and LCC 212 including provision of an all-weather sealed surface from the edge of the existing road pavement for a distance of six (6) metres toward the property boundary.**

- e) Areas for common property vehicle access within the land must be constructed in accordance with plans endorsed by the Responsible Authority and be surfaced with concrete, reinforced concrete, brick paving or hot mix asphalt and drained in accordance with an approved site drainage plan.

13. Filling on the land must be carried out utilising fill material and compaction in accordance with Australian Standard AS 3798 "Guidelines on earthworks for commercial and residential developments".

14. Before a Statement of Compliance is issued for this subdivision under the Subdivision Act 1988, the operator of this permit must provide to the satisfaction of the Responsible Authority:

- a) A plan certified by a licensed surveyor showing the extent and depth of fill in excess of 300 mm placed on all land within or abutting the subdivision.

Mandatory Conditions:

15. The owner of the land must enter into an agreement with:

- a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

16. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- a) a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- b) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Gippsland Water Conditions:

- 17. The operator of this permit must meet the requirements of Gippsland Water in that, prior to the issues of Certification/Statement of Compliance, they:**
- a. Pay to Gippsland Water contributions for Headwork charges and Outfall/Disposal charges for the change in development of the land. These charges are based on Gippsland Water'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 supply standards, unless otherwise agreed with by Gippsland Water.**
 - c. Primary/Secondary Slave water services required. Install a primary water service meter within the common property to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.**
 - d. Install separate slave water services, terminating within lots 2,3,4 & 5, to allow future connection for lot 2,3,4 & 5 to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water. (The existing meters for the dwellings on Lots 1 & 6 must be tied into the primary meter and a sketched plan demonstrating how this has been done).**
 - e. Install a separate sewage disposal connection for Lots 2,3,4 & 5 (inclusive) to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.**
 - f. Combined drain permitted. Common drain must be laid, terminating with lot 2,3,4 & 5 to allow future connection for lot 2,3,4 & 5. Plans indicating drain location and connection point for lot 2,3,4 & 5 must be submitted to Gippsland Water.**
 - g. Carry out works necessary to ensure all existing water services supplying the land are contained solely within the boundary of the individual lots, to the satisfaction of Gippsland Water.**
 - h. Lots must be filled to ensure Gippsland Water's lot control requirements are achieved to all lots, to Gippsland Water's satisfaction.**
 - i. Create easements for Pipeline or Ancillary Purposes and/or Reserves in favour of the Central Gippsland Region Water Corporation over all existing and proposed water and sewerage works located within the subdivision.**
 - j. Provide Gippsland Water with a copy of the Owners Corporation Schedule.**
 - k. The certified plan of subdivision must create easements, under Section 12(2) of the Subdivision Act, over all existing water and sewerage works within the subdivision.**

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

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

Expiry of Permit:**18. This permit will expire if:**

- a) the plan of subdivision is not certified within 2 years of the date of this permit; or
- b) the registration of the subdivision is not completed within 5 years of certification.

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

Note: The commencement of the subdivision is regarded by Section 68(3A) of the *Planning and Environment Act 1987* as the certification of the plan, and completion is regarded as the registration of the plan.

Telstra Notes

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

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

Engineering Notes:

Note 3: Unless exempted by Latrobe City Council, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Latrobe City Council's Local Law No. 3. Latrobe City Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.

Note 4: A Latrobe City Vehicle Crossing Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Vehicle Crossing Permit will apply to all vehicle crossing works. It is a requirement that all vehicle crossing works be inspected by Latrobe City Council's Asset Protection Officer.

**ORDINARY COUNCIL MEETING AGENDA
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- Note 5:** A Latrobe City Stormwater Connection Permit must be obtained prior to the connection of all new stormwater drainage into Latrobe City Council's stormwater drainage system. All new stormwater drainage connections must be inspected by Latrobe City Council's Asset Protection Officer before any backfilling of the connection is undertaken.
- Note 6:** The location of the Legal Point of Discharge for any property and the connection point into Latrobe City Council's stormwater drainage system can be obtained by completing a Legal Point of Discharge form, found at www.latrobe.vic.gov.au/Our_Services/Other_Services/Infrastructure/Work_Permits_and_Property_Information

16.5

PLANNING PERMIT APPLICATION 2012/252 Six (6) Lot Subdivision - 57-59 and 61 Kyne Street, Glengarry

- | | | |
|----------|--|------------|
| 1 | ATTACHMENT 1 - Proposed Plan of Subdivision | 363 |
| 2 | ATTACHMENT 2 - History of the Application | 365 |
| 3 | ATTACHMENT 3 - Latrobe Planning Scheme Provisions | 367 |
| 4 | ATTACHMENT 4 - Copy of Objections | 369 |



NOTE:
 DIMENSIONS ARE APPROXIMATE ONLY AND SUBJECT TO FINAL SURVEY.
 PHOTO SOURCE: BEVERIDGE WILLIAMS

1m WIDE LANDSCAPING STRIP TO BE PROVIDED ON EITHER SIDE OF DRIVEWAY TO LOTS 2, 3, 4 & 5.
 PROPOSED 2m WIDE DRAINAGE EASEMENT IN FAVOUR OF LOTS 2-6 ON PLAN.
 EASEMENT LOCATED OVER A COMMON DRAINAGE SYSTEM AND SUBJECT TO AN UNLIMITED OWNERS CORPORATION & SECTION 173 AGREEMENT. REFER TO STORMWATER MANAGEMENT PLAN FOR DETAILS.

⊙ EXISTING PLANTED TREE

- AREA TO BE FILLED <300mm DEPTH
- AREA TO BE FILLED >300mm DEPTH

<p>Beveridge Williams development & environment consultants Traralgon ph : 03 5176 0374 www.beveridgewilliams.com.au</p>	<p>ORIGINAL</p> <p>Scale 1:800 Sheet Size A3</p> <p>Dwg No PPS DGN</p> <p>Sheet 1 of 1</p>	<p>PLAN OF PROPOSED SUBDIVISION</p>	<p>PREPARED A. SPEIR</p> <p>SURVEY</p> <p>CHECKED I.G. KEITH</p> <p>DATE 19/06/2012</p> <p>AUTHORISED FOR ISSUE</p> <p>Proj No 1200347</p>	<p>P.T. & D.A. WILLIAMS & G. BRAMICH</p> <p>57-59 & 61 KYNE STREET, GLENGARRY PS300353T LOT 6 & PS543464B LOT 1 C/T VOL 9978 FOL 406 & VOL 10995 FOL 687</p> <p>LATROBE CITY COUNCIL</p>
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History of the Application

27 September 2012	Application received by Council.
24 October 2012	Application referred internally to Council's Infrastructure Planning team and to external authorities
25 October 2012	Referral response received from Telstra
26 October 2012	Referral response received from APA Group
11 November 2012	Referral response received from SP-AusNet
20 November 2012	Notification package sent to applicant
5 December 2012	Objection received from Wayne Phillips Objection received from Jodie Rodman
6 December 2012	Statutory declaration received
18 December 2012	Response from applicant received in relation to objections
2 January 2013	Referral response received from Gippsland Water
31 January 2013	Mediation Meeting Held
12 February 2013	Response from applicant received with proposed compromise measures – refused by objectors
20 February 2013	Referral response received from Council's Infrastructure Planning team.

LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 11.02 'Urban Growth'
Clause 11.05 'Regional Development'
Clause 15.01 'Urban Environment'
Clause 16.01 'Residential Development'

Local Planning Policy Framework

Clause 21.02 'Municipal Vision'
Clause 21.04 'Built Environment Sustainability'
Clause 21.06 'Small Towns'

Zoning – Residential 1 Zone

The subject land is located within a Residential 1 Zone.

Overlay

There are no overlays that affect this property.

Particular Provisions

Clause 56 – Residential Subdivision

General Provisions

Clause 65 'Decision Guidelines'

Incorporated Documents

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

pw 6/6
Advan

Wayne Phillips
24 King Road
Glengarry 3854

LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
RECEIVED	
05 DEC 2012	
R/O	Doc No
Comments/Copies Circulated to	
<input type="checkbox"/> Copy registered in DataWorks	<input type="checkbox"/> Invoice to work

Objection to subdivision application 2012/252, 57-59
Kyne Street, Glengarry.

1. Proposal not ready to be viewed until 29th November when the letter sent out said the 24/11/2012.
2. Amount of Traffic will increase by a third of what travels past our house at the moment.
3. We moved here 12mths ago after arguing with a neighbour about their barking dog and the sub division of the house block next door when JG King homes purchased the block 17 Barkers Crescent Traralgon and built 1.2 meters of the fence, so we moved here for some peace and quite as i am a shift worker and don't sleep well at the best of times.
4. We purchased this property because Kyne Street was a

dead end street and would have to put up with only a few cars travelling past our house.

5. Where the drive way will be situated car lights will shine directly into our outdoor entertaining area where we BBQ and entertain,even though we have trees along the fence line 6. 4 more properties means at least 8 or more vehicles and much more noise,and barking dogs,thier poodle barks enough at 10-11-12 at night,now it will bark all the time and i will have to call the Shire to get you's to shut it up because the owners let it bark .

7. The only way I would agree for this proposal to go ahead would be if a 6 foot fence was to be erected on our fence line, at the expence of the applicant, for privacy and to block car head lights from shining into our entertaining area which we often sit at night and relaxe.

8. I have seen the proposal and agree that it is probably the best place for the driveway, but not for me.

9. Can the driveway gain access from the rear at Railway Avenue then it wouldn't affect me ?

Jodie Rodman
24 King Road
Glengarry 3854

p.w. 6/6 Adman

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
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Comments/Copies Circulated to:	
<input type="checkbox"/> Copy registered in Data/Notes	<input type="checkbox"/> Invoice forwarded to accounts

Objection to subdivision application 2012/252, 57-59 Kyne Street,
Glengarry.

1. Proposal not ready to be viewed until 29th November.
2. Volume of Traffic.
3. We moved here 12mths ago for the peace and quite as my partner does shift work and like the area because of the dead end St.
4. Moved from previous property due to sub division taking place next door (15 Barker Crescent, Traralgon) and the high volume of noise and traffic.
5. Where the drive way will be situated, car lights will shine directly into our outdoor entertaining area where we BBQ and entertain.
6. 4 more properties means at least 8 more vehicles and much more noise.
7. The only way I would agree for this proposal to go ahead would be if a 6 foot fence was to be erected on our property, at the expence of the applicant, for privacy and to block car head lights from shining into our entertaining area.

**16.6 PLANNING PERMIT APPLICATION 2012/248 - DEVELOPMENT
OF A SECOND DWELLING ON A LOT AND TWO LOT
SUBDIVISION, 11 FAIRVIEW STREET TRARALGON**

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to determine Planning Permit Application 2012/248 for the Development of a Second Dwelling on a Lot and for a Two Lot Subdivision, both at 11 Fairview Street, Traralgon.

DECLARATION OF INTERESTS

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

In 2026, Latrobe Valley benefits from a well planned built environment that is complimentary to its surroundings and which provides for a connected and inclusive community.

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

Gippsland's Regional City
Strengthening our profile

An active connected and caring community
Supporting all

Attract, retain, support
Enhancing opportunity, learning and lifestyles

Strategic Direction – Built Environment

Promote and support high quality urban design within the built environment. Ensure proposed developments enhance the liveability of Latrobe City, and provide for a more sustainable community.

ORDINARY COUNCIL MEETING AGENDA 22 APRIL 2013 (CM405)

Legislation

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

BACKGROUND

SUMMARY

Land:	11 Fairview Street, Traralgon, known as Lot 18 on Plan of Subdivision 017805
Proponent:	G.J. & W.M. Inman C/O Beveridge Williams & Co Pty Ltd
Zoning:	Residential 1 Zone
Overlay	No Overlays

A Planning Permit is required for the subdivision of land in the Residential 1 Zone in accordance with Clause 32.01-2 of the Latrobe Planning Scheme (the Scheme).

A Planning Permit is required for the development of a second dwelling on a lot for land in the Residential 1 Zone in accordance with Clause 32.01-4 of the Scheme.

PROPOSAL

The application is for the development of a second dwelling and subdivision of land within the Residential 1 Zone. The development will result in a second dwelling on a lot, and a subsequent two (2) lot subdivision which is consistent with the boundaries established by the dwellings and the proposed private open space areas.

The proposed dwelling will contain three (3) bedrooms, a kitchen, living and dining area and 3 bathrooms. It is located three (3) metres from the Mackay Street frontage, with the entrance addressing the Mackay Street frontage and garage access achieved via the proposed driveway. Two (2) garage spaces have been provided for the dwelling, in addition to the 4.9 metre long driveway which will have the capacity to service another two (2) vehicles.

The private open space areas for proposed dwelling will abut the western boundary of the site, whilst the existing dwelling will have the private open space area located directly to the north of the proposed car port.

Two (2) new crossovers are proposed from the Mackay Street frontage to establish access to the driveways servicing the proposed garages/carport.

ORDINARY COUNCIL MEETING AGENDA 22 APRIL 2013 (CM405)

Landscaping treatments are proposed along the southern boundary, addressing the Mackay Street frontage. Proposed Lot 1 will cover an area of 250 square metres, whilst proposed Lot 2 will cover an area of 380 square metres. The Lots will generally be of a rectangular shape and encompass each respective dwelling.

For further details, please refer to *Attachment 1* to view a copy of the proposed plans.

Subject Land:

The subject land is located to the west of the Traralgon Township in an established residential precinct, and covers an overall area of 630 square metres with a 37.5 metre frontage to Mackay Street, and 16.8 metre frontage to Fairview Street. The lot is of a rectangular shape, with a dwelling and ancillary outbuilding encompassed within the lot. The site is generally flat, predominantly covered in grass and some planted vegetation.

Surrounding Land Use:

North:	13 Fairview Street, TRARALGON Residential 1 Zone Single dwelling and ancillary outbuilding;
South:	Road, sealed with kerb and channel (Mackay Street); and 9 Fairview Street, TRARALGON Residential 1 Zone Single dwelling and ancillary outbuilding;
East	Road, sealed with kerb and channel (Fairview Street); and 12 Fairview Street, TRARALGON Residential 1 Zone Single dwelling and ancillary outbuilding
West:	2 Mackay Street, TRARALGON Residential 1 Zone Single dwelling

HISTORY OF APPLICATION

The history of the assessment of planning permit application 2012/248 is identified within *Attachment 2*.

The relevant provisions of the Scheme relevant to this application are identified within *Attachment 3*.

ASSESSMENT AGAINST THE RELEVANT PLANNING POLICIES

The State and Local Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS) have been considered as part of this application. It is considered that the proposal complies with both the SPPF and LPPF which state that planning for urban growth should consider opportunities for the consolidation, redevelopment and intensification of existing urban areas.

This includes increasing housing diversity and affordability. The proposal will add to the range of available housing types to meet increasingly diverse needs, and assist in directing urban growth into Traralgon, which is an important regional centre as identified in the Scheme.

Clause 21.05-6 Specific Main Town Strategies – Traralgon serves to provide a strategic direction for the Traralgon Township and details the specific purpose of areas identified within the Structure Plan. The subject site is located within close proximity to the Transit Cities precinct of the Structure Plan, which serves to *‘encourage higher density housing in the Transit City Precinct and existing and future neighbourhood clusters in Traralgon’*.

In addition, the site is located within an existing Urban Area, in which policy currently serves to *‘encourage well designed, infill residential development throughout the existing urban area, especially in locations close to activity centres’*, and *‘encourage walkable neighbourhood centres and increased densities around Transit City areas and neighbourhood clusters’*. Therefore the development and subsequent subdivision is considered to be appropriate having regard to the strategic direction of the Structure Plan for the Township.

The proposal seeks to develop and subdivide land located in a Residential 1 Zone for residential purposes, thereby providing infill development in the township. The proposed lot sizes, being 250 metres squared and 380 metres squared, would increase diversity in residential allotment sizes within the township boundary, whilst having regard to the physical and environmental constraints of the land.

The purpose of the Residential 1 Zone, amongst other things, is *'to provide for residential development at a range of densities with a variety of dwellings to meet the housing needs of all households'*. The zoning of the site provides further strategic basis to support the residential development and subdivision of the land.

CLAUSE 55 ASSESSMENT

Clause 32.01-4 in the Residential 1 Zone requires that a subdivision must meet the requirements of Clause 55 Two or More Dwellings on a Lot and Residential Buildings. The objectives and standards of Clause 55 endeavour to *'achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character'*, *'encourage residential development that provides reasonable standards of amenity for existing and new residents'*, and to *'encourage residential development that is responsive to the site and the neighbourhood'*.

The proposal has been assessed against the relevant provisions of the Scheme and is considered that the subdivision generally meets the standards and purposes of Clause 56, subject to conditions that form part of the recommendations to this report.

OBJECTIONS

The application received two (2) submissions in the form of objections. One objection was subsequently withdrawn once the applicant provided additional information to the objector. A copy of the remaining objection can be viewed at *Attachment 4* of this report. The objection raised the following issues:

- 1 Dual crossovers will result in an additional traffic burden

Officer Comment:

Council's Infrastructure Planning Team has assessed the application and has found the crossover locations to be in accordance with Council policy. In addition, the Infrastructure Planning Team has not raised any concerns regarding traffic congestion as part of the assessment of the proposal. It is envisaged that the level of traffic generated from the dwelling will not be excessive and will be consistent with the level of traffic activity found in urban residential areas.

- 2 Applicants did not approach neighbours in regards to the proposal

Officer Comment:

The *Planning and Environment Act 1987* or the Latrobe Planning Scheme does not require applicants to approach adjoining property owners for applications of this nature. Standard notification measures were undertaken at the request of Council's Planning Department which involved letters being sent to adjoining property owners, and a sign being placed on the site for a period of no less than 14 days.

FINANCIAL, RISK 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).

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014.

INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Notification:

The application was advertised pursuant to Section 52(1)(a) and Section 52(1)(d) of the Act. Notices were sent to all adjoining and adjacent landowners and occupiers and an A3 notice was displayed on site for 14 days. Gippsland Water was also notified of the proposal as an asset was identified on the site.

Two (2) submissions in the form of written objections were received for the application. As a result of the mediation meeting, the applicant agreed to provide additional documentation to one of the objectors, being revised shadow diagrams, to illustrate the impact the new dwelling will have during the winter season. The objector was satisfied with information and subsequently withdrew their objection. The issues raised in the remaining objection are discussed in section 5.3 of this report.

Gippsland Water initially objected to the proposal as the development encroached over an asset; revised plans were submitted which addressed these concerns and the objection was subsequently withdrawn.

External:

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

Internal:

Internal officer comments were sought from Council's Infrastructure Planning team in relation to access and drainage. The Infrastructure Planning team did not object to the granting of a Planning Permit in relation to their area of expertise, subject to appropriate conditions if approved.

It is noted that these comments only relate to part of the assessment process and should be considered in conjunction with the assessment details provided elsewhere in this report.

Details of Community Consultation following Notification:

Following the referral and advertising of the application, two submissions in the form of objections were received.

A mediation meeting was held on 6 March 2013 which was attended by a ward Councillor, the applicant, the objectors and Council's planning officers. The grounds of the objections were discussed, including issues outside of the realms of the application. The applicants had presented options and expressed an intention to address the objectors' concerns; it was agreed with one objector that additional information would be provided in an attempt to appease their concerns. Consensus was not reached between the remaining objector and the applicant, which would have allowed the matter to be determined by officer delegation.

OPTIONS

Council has the following options in regard to this application:

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

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

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 provisions of Clause 55; and
- Consistent with Clause 65 (Decision Guidelines).

The objections received have been considered against the provisions of the Latrobe Planning Scheme. Having evaluated the proposal against the relevant provisions of the Scheme, it is considered that the application meets the requirements of the Scheme, subject to the inclusion of appropriate Planning Permit conditions and notes.

Attachments

1. ATTACHMENT 1 - Development and Subdivision Plans
2. ATTACHMENT 2 - History of the Application
3. ATTACHMENT 3 - Provisions from Latrobe Planning Scheme
4. ATTACHMENT 4 - Copy of Objection

RECOMMENDATION

- 1 That Council Issue a Notice of Decision to Grant a Planning Permit for the Development of a Second Dwelling on a Lot and Two Lot Subdivision at Lot 18 on Plan of Subdivision 01780511, which is also known as 11 Fairview Street, Traralgon with the following conditions:**

General Conditions:

- 1. The development and subdivision as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**

Subdivision Conditions:

- 2. Prior to the issue of Statement of Compliance, the operator of this permit must:**
 - a. Commence the development of the dwelling allowed by permit 2012/248 to the satisfaction of the Responsible Authority; OR**
 - b. Enter into an agreement with the Responsible Authority made pursuant to Section 173 of the *Planning and Environment Act 1987* (the Act) that requires any future development of the land be in accordance with the plans endorsed as part of Planning Permit 2012/248; and**

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

- **Make an application to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act; and**
- **Pay the reasonable costs of the preparation, review, and execution and registration of the Section 173 Agreement; and**
- **Provide Council with a copy of the dealing number issued by the Titles Office.**

Once titles are issued, Council requires that the operator of the permit provide either:

- **a current title search; or**
 - **a photocopy of the duplicate certificate of Title as evidence of registration of the Section 173 Agreement on the titles.**
- 3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
 - 4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
 - 5. The plan of subdivision submitted for certification under the *Subdivision Act* 1988 must be referred to the relevant authority in accordance with section 8 of that Act.**
 - 6. Prior to the certification of the plan of subdivision under the Subdivision Act 1988, a site drainage plan including all hydraulic computations must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The drainage plan must be prepared in accordance with the requirements of Latrobe City Council's Design Guidelines and must provide for the following:**
 - a. How the land including all buildings and paved areas will be drained for a 1 in 5 year ARI storm event.**
 - b. An underground pipe drainage system conveying stormwater discharge from each lot separately to the legal point of discharge.**

- c. An underground pipe drainage system conveying stormwater from the legal point of discharge and connecting into Latrobe City Council's stormwater drainage system.
 - d. The provision of storm water detention within the site and prior to the point of discharge into the Council drainage system if the total rate of stormwater discharge from the property exceeds the rate of discharge that would result if a co-efficient of run-off of 0.4 was applied to the whole of the property area.
7. The plan of subdivision submitted for certification under the Subdivision Act 1988 must show appropriate easements set aside for drainage purposes to the satisfaction of the Responsible Authority
8. Prior to the issue of a Statement of Compliance for this subdivision under the Subdivision Act 1988, the operator of this permit must complete the following works to the satisfaction of the Responsible Authority:
 - a. The construction of all new property stormwater drainage connections in accordance with the approved site drainage plan, so that each lot is separately drained from its legal point of discharge to Latrobe City Council's stormwater drainage system.
 - b. The construction of on-site stormwater detention works in accordance with the approved site drainage plan.
 - c. A new vehicle crossing must be constructed to provide access to the existing dwelling, at right angles to the road and must comply with the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 307.

Development Conditions:

9. Before an Occupancy Permit is issued for the dwelling hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:
 - a. All stormwater discharging from the proposed dwelling and associated buildings and works must be conveyed to the property stormwater drainage connection in accordance with the approved site drainage plan.

10. The vehicle crossing to provide access to the new dwelling must be constructed in accordance with the endorsed plans, at right angles to the road and must comply with the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 307.
11. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
12. 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.

Landscaping Conditions:

13. Prior to the occupancy of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
14. 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.

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; or
 - b) The development is not completed within four years of the date of this permit.
 - c) the plan of subdivision is not certified within 2 years of the date of this permit; or
 - d) the registration of the subdivision is not completed within 5 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 1987* as the certification of the plan, and completion is regarded as the registration of the plan.

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

- Note 1:** This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
- Note 2:** Before any earthworks are undertaken, it is recommended that you contact Dial Before You Dig on 1100.
- Note 3:** Unless exempted by Latrobe City Council, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Latrobe City Council's Local Law No. 3. Latrobe City Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.
- Note 4:** A Latrobe City Stormwater Connection Permit must be obtained prior to the connection of all new stormwater drainage into Latrobe City Council's stormwater drainage system. All new stormwater drainage connections must be inspected by Latrobe City Council's Asset Protection Officer before any backfilling of the connection is undertaken.
- Note 5:** The location of the Legal Point of Discharge for any property and the connection point into Latrobe City Council's stormwater drainage system can be obtained by completing a Legal Point of Discharge form, found at www.latrobe.vic.gov.au/Our_Services/Other_Services/Infrastructure/Work_Permits_and_Property_Information.
- Note 6:** A Latrobe City Vehicle Crossing Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Vehicle Crossing Permit will apply to all vehicle crossing works. It is a requirement that all vehicle crossing works be inspected by Latrobe City Council's Asset Protection Officer.

16.6

PLANNING PERMIT APPLICATION 2012/248 - Development of a Second Dwelling on a Lot and Two Lot Subdivision, 11 Fairview Street Traralgon

- 1 ATTACHMENT 1 - Development and Subdivision Plans 387**
- 2 ATTACHMENT 2 - History of the Application 393**
- 3 ATTACHMENT 3 - Provisions from Latrobe Planning
Scheme 395**
- 4 ATTACHMENT 4 - Copy of Objection 397**

BUILDING REGULATION PART 4- REFER TO SITE PLAN FOR DETAILS			
408/9	STREET SETBACK	COMPLIES	3.00m SIDE STREET (EXISTING 7.7m)
410	BUILDING HEIGHT	COMPLIES	7.83m (9.0m MAX)
411	SITE COVERAGE	COMPLIES	46.14% (90% MAX)
412	PERMEABLE AREA	COMPLIES	36.42% (GREATER THAN 20% MIN)
413	CARPARKING	COMPLIES	2 GARAGE / 2 CARPORT / 2 VISITOR SPACES
414	SIDE & REAR SETBACKS	COMPLIES	UNAFFECTED (1.0m MIN)
415	WALLS ALONG BOUNDARIES	COMPLIES	UNAFFECTED
416	DAYLIGHT TO EXIST HAB. WINDOWS	COMPLIES	UNAFFECTED
417	EXISTING NORTH FACING WINDOWS	COMPLIES	UNAFFECTED
418	OVERSHADOWING	COMPLIES	UNAFFECTED
419	OVERLOOKING	COMPLIES	UNAFFECTED
420	NORTH FACING WINDOWS	COMPLIES	UNAFFECTED
421	PRIVATE OPEN SPACE	COMPLIES	EXISTING RES 211.45m ² PROPOSED RES 125.02m ²

General Notes for Residential Works

GENERAL NOTES
(NCC 2012 BCA Vol 2)

All materials and work practices shall comply with, but not limited to the Building Regulations 2006, the National Construction Code Series 2011 Building Code of Australia Vol 2 and all relevant current Australian Standards (as amended) referred to herein.

All materials and construction practice shall meet the Performance Requirements of the Building Code of Australia. Where an alternative solution is proposed then prior to implementation or installation, it first must be assessed and approved by the relevant Building Surveyor as meeting the Performance Requirements of the Building Code of Australia.

Cladding including safety glazing shall be installed to a size type and thickness as to comply with:
- BCA Part 3.9 for Class 1 and 10 buildings within a design wind speed of not more than N3, and
- BCA Part 3.14 for Class 2 to 9 buildings

Waterproofing of wet areas, being bathrooms, showers, shower rooms, laundries, sanitary compartments and the like shall be provided in accordance with AS 3740 2009: Waterproofing of Wet Areas in Residential Buildings.

These Drawings shall be read in conjunction with any House Energy Rating (HERS) report and shall be constructed in accordance with the approved plans endorsed by the accredited Thermal Performance Assessor without alteration.

Roof sizes (other than for spiral stairs) to be:
- Floors (G): 150mm maximum and 15mm minimum
- Ceiling (C): 35mm maximum and 24mm minimum
- 2R + 1G = 70mm maximum and 55mm minimum
with less than 125mm gap between open leads.

All brails, landings and the like to have non-slip finish or suitable non-slip strip (near edge of nosing).

Roof brails/nosings where change in level exceeds 1000mm above the surface beneath landings, ramps and/or stairs; balustrades (other than terraces) and/or balustrades to be:
- 1000mm min. above finished surface level of balconies, landings or the like, and
- 865mm min. above finished surface level of stair nosing or ramp, and
- vertical with less than 25mm gap between, and
- any horizontal element within the balustrade between 150mm and 700mm above the floor must not facilitate climbing unless it is in level exceeds 400mm above the surface beneath landings, ramps and/or stairs.

Wet balustrade ends (balustrade) to comply with NCC 2011 - BCA Volume 2 Part 3.9.2.5 for Class 1 and 10 Buildings and NCC 2011 - BCA Volume 1 Part D2.16 for other Classes of Buildings.
Hand rails to be 865mm minimum above stair nosing and landings.

Window sizes as marked are nominal only. Actual size may vary according to manufacturer. Windows to be finished all around.

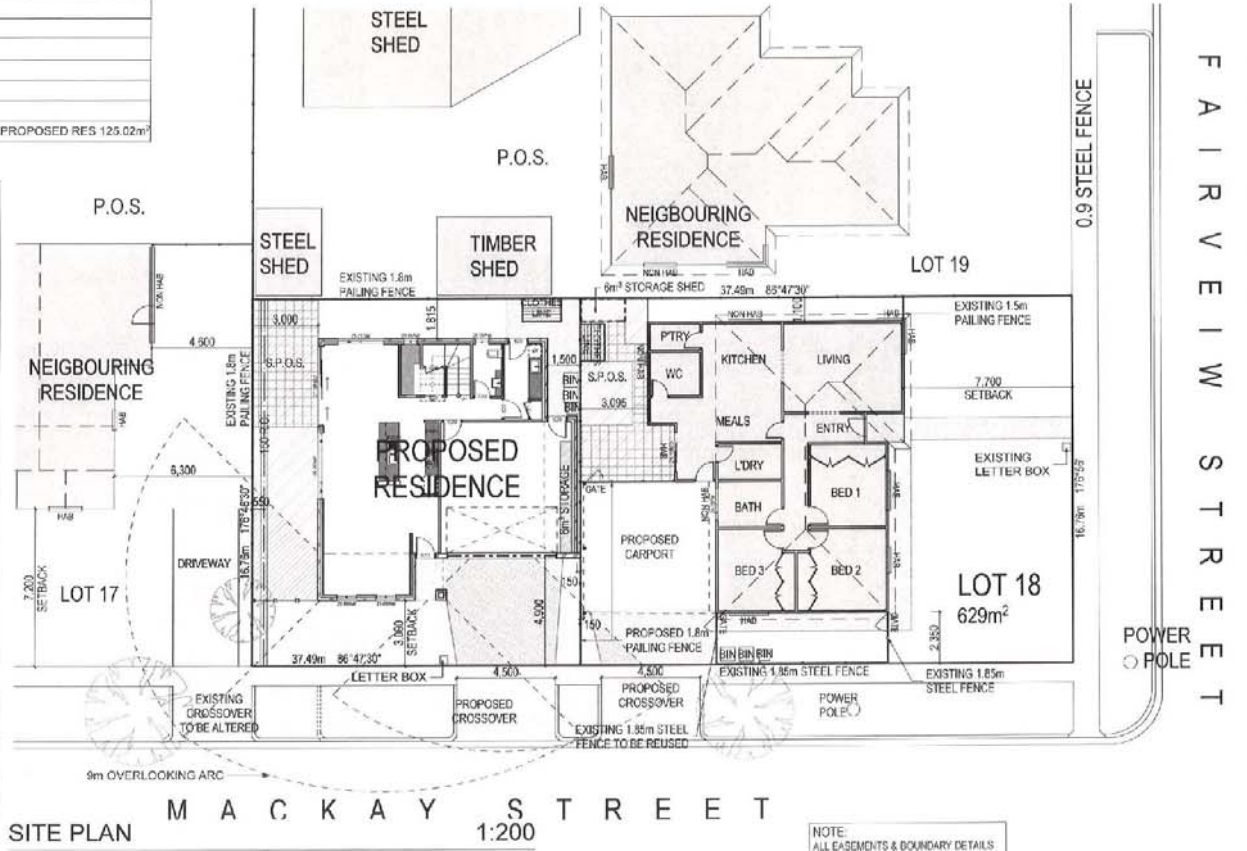
Where the building includes a detached Class 10 structure located in a bushfire prone area the area to, under side of building and perimeter to be treated against termite and:
- Provide Termite Protection to AS 3602.1
Part A - Under Sika spray & Part B - Perimeter Spray
With the use of L.O.S.P. 'Termesure' treated framing.

CONCRETE STUMPS:
up to 100mm long to be 100mm x 100mm (1 No. H.D. Wire)
- 400mm to 800mm long to be 100mm x 100mm (2 No. H.D. Wire)
- 800mm to 2000mm long to be 125mm x 125mm (2 No. H.D. Wire)
- 100mm x 100mm stumps exceeding 1200mm above ground level to be braced where no perimeter base bracing provided.

For buildings in masonry or other opaque environments shall have masonry units, mortar and all built in components and the like complying with the durability requirements of Table 4.1 of AS 4773.1-2010 Masonry in small buildings 'Part 1: Design'.
All cladding to be taken to the legal point of discharge to the Relevant Authorities approval.
These drawings shall be read in conjunction with all relevant structural and all other consultants drawings/details and with any other written instructions issued in the course of the contract.
Site plan measurements in millimetres all other measurements in metres/kilometres.
Figure dimensions take precedence over scaled dimensions.
The Builder shall take all steps necessary to ensure the stability and general water tightness of all new and/or existing structures during all works.
All site easements and boundary details are to be confirmed with the title prior to commencing construction works.
Finished floor levels to be confirmed and agreed off on with the owner prior to commencing construction.
Toilet doors to be fitted with lift off hinges.
The Builder and Subcontractors shall check and verify all dimensions, setbacks, levels and specifications and all other relevant documentation prior to the commencement of any works. Report all discrepancies to this office for clarification.
Installation of all services shall comply with the respective supply authority requirements.
The Builder and Subcontractor shall ensure that all stormwater drains, sewer pipes and the like are located at a sufficient distance from any buildings, loading and/or slab edge beams so as to prevent general moisture penetration, dampness, waterlogging and undermining of any building and its footing system.
These plans have been prepared for the exclusive use by the Client of SRM Design & Drafting ('The Designer'), for the purpose expressly notified to the Designer. Any other person who uses or relies on these plans without the Designer's written consent does so at their own risk and no responsibility is accepted by the Designer for such use and/or reliance.
The approval by this office of a substitute material, work practice, variation or the like is not an authorisation for its use or a contracted variation. Any such variations must be accepted by all parties to the agreement and where applicable the Relevant Building Surveyor prior to implementing the said variation.

NOTE:
FLOOR LEVEL TO BE CONFIRMED WITH OWNER ON SITE PRIOR TO START OF CONSTRUCTION

BUSHFIRE PRONE AREA - BAL LOW
THIS SITE HAS BEEN ASSESSED UNDER SECTION 2 - AS 3859 2009 VIC.
METHOD 1 NOTE: NO SIGNIFICANT VEGETATION WITHIN 100m RELEVANT FIRE DANGER INDEX - VICTORIA - FOR I00



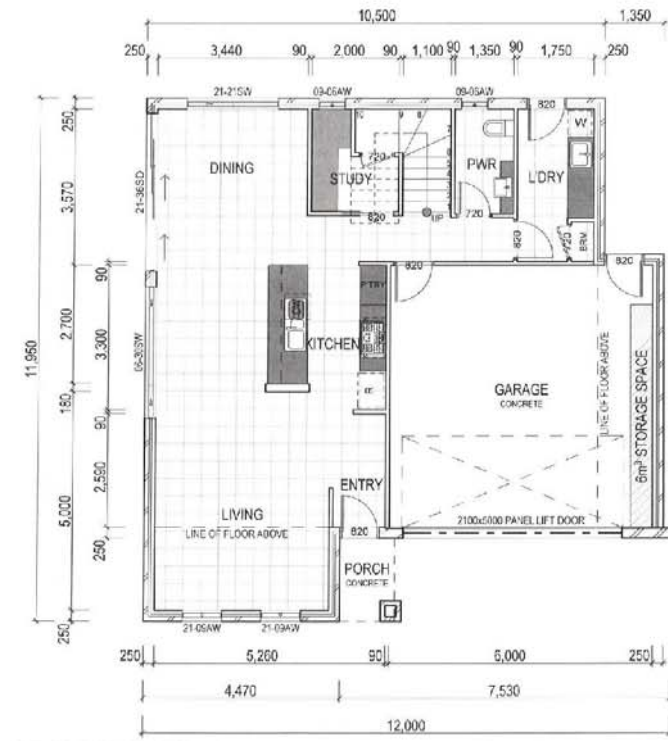
NOTE:
PRIOR TO STARTING SET-OUT FOR CONSTRUCTION, CHECK FOR SERVICES WHICH MAY OBSTRUCT DRIVEWAY IF SERVICES ARE GOING TO AFFECT THE RESIDENCE. PLEASE CONTACT THE SRM DESIGN & DRAFTING OFFICE FOR RECTIFICATION.

BUILDING AREA SUMMARY	
GROUND FLOOR LIVING:	51.56m ² 5.08%
FIRST FLOOR LIVING:	95.26m ² 10.78%
TOTAL LIVING:	143.19m ² 15.86%
GARAGE:	33.29m ² 4.22%
POORCH:	2.18m ² 0.24%
TERRACE:	10.53m ² 1.19%
TOTAL:	225.02m ² 25.71%

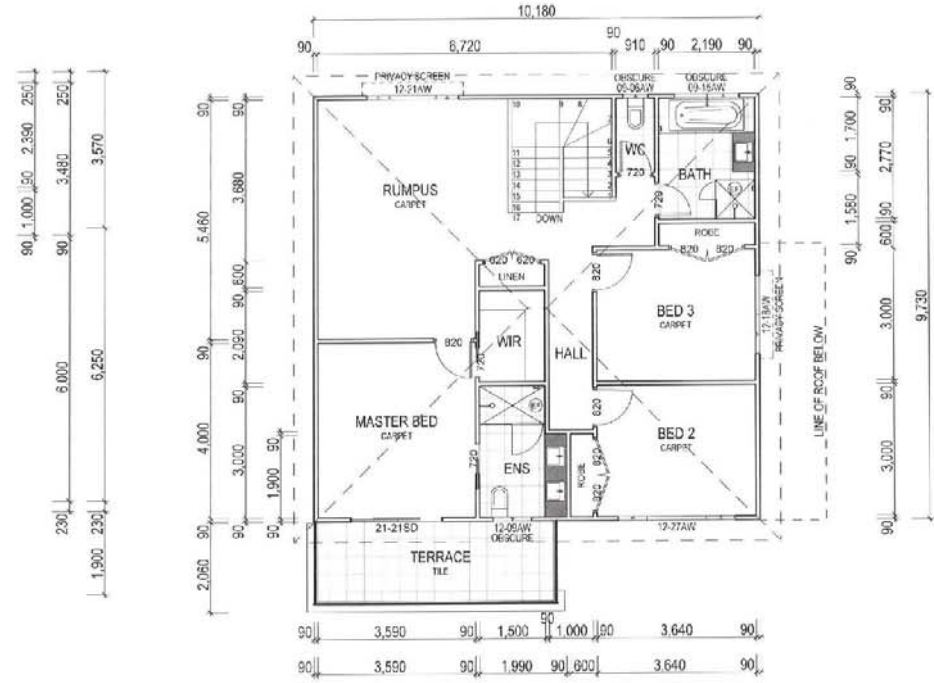
DESIGN & DRAFTING

SRM DESIGN & DRAFTING
118 FAIRVIEW STREET TRARALGON VIC 3844
TEL: 03 8710 0200
WWW.SRMDESIGN.COM.AU

PROJECT: PROPOSED MULTI RESIDENTIAL DEVELOPMENT	
CLIENT: WENDY & GREG INMAN	
118 FAIRVIEW STREET TRARALGON VIC 3844	
DRAWING TITLE: SITE PLAN	REVISION NUMBER: 1/P-B
DRAWN BY: BLOOMER	PROJECT NUMBER: 121153
DATE: 20/09/12	DRAWING NUMBER: 1/P-02
SCALE: AS SHOWN @ 1:200	



GROUND FLOOR PLAN 1:100



FIRST FLOOR PLAN 1:100

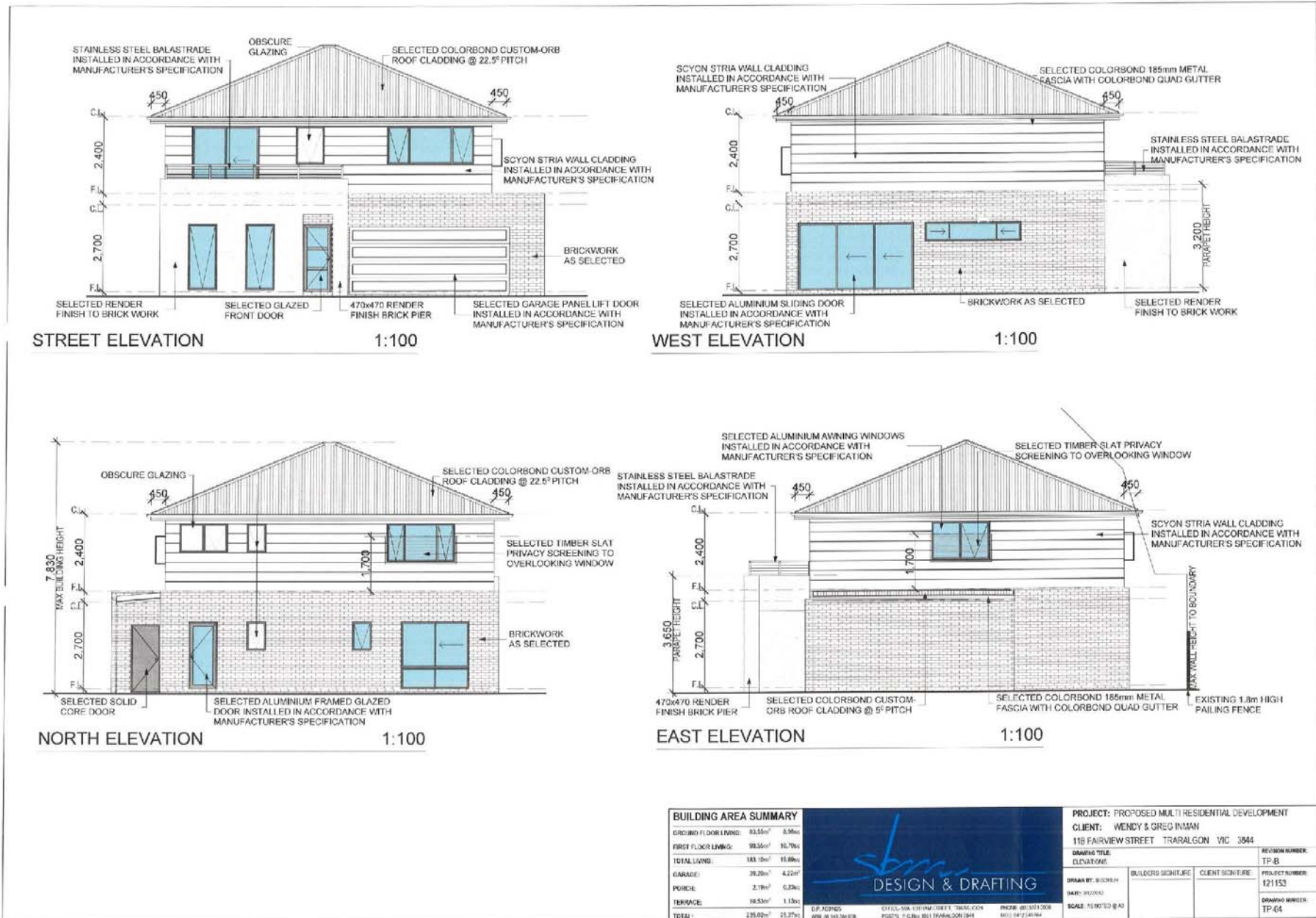
BUILDING AREA SUMMARY

GROUND FLOOR LIVING:	83.55m ²	8.96m
FIRST FLOOR LIVING:	99.55m ²	10.70m
TOTAL LIVING:	183.10m ²	19.66m
GARAGE:	39.29m ²	4.22m
PORCH:	2.78m ²	0.29m
TERRACE:	10.51m ²	1.13m
TOTAL:	235.92m ²	25.27m

DESIGN & DRAFTING
 D.P. ASPIRES
 400/181/104/826
 111/111/104/826
 111/111/104/826
 111/111/104/826

PROJECT: PROPOSED MULTI RESIDENTIAL DEVELOPMENT		REVISION NUMBER:
CLIENT: WENDY & GREG INMAN		TP-B
119 FAIRVIEW STREET TRARALGON VIC 3864		PROJECT NUMBER:
DRAWING TITLE:		421153
FLOOR PLANS		DRAWING NUMBER:
DRAWN BY: B.000214	BUILDER'S SIGNATURE:	TP-03
DATE: 31/03/12	CLIENT SIGNATURE:	
SCALE: AS SHOWN @ A3		





BUILDING AREA SUMMARY

GROUND FLOOR LIVING:	83.55m ²	8.96%
FIRST FLOOR LIVING:	98.55m ²	10.70%
TOTAL LIVING:	182.10m ²	19.66%
GARAGE:	39.20m ²	4.22m ²
PORCH:	2.18m ²	0.23%
TERACE:	18.53m ²	1.99%
TOTAL:	235.03m ²	25.37%

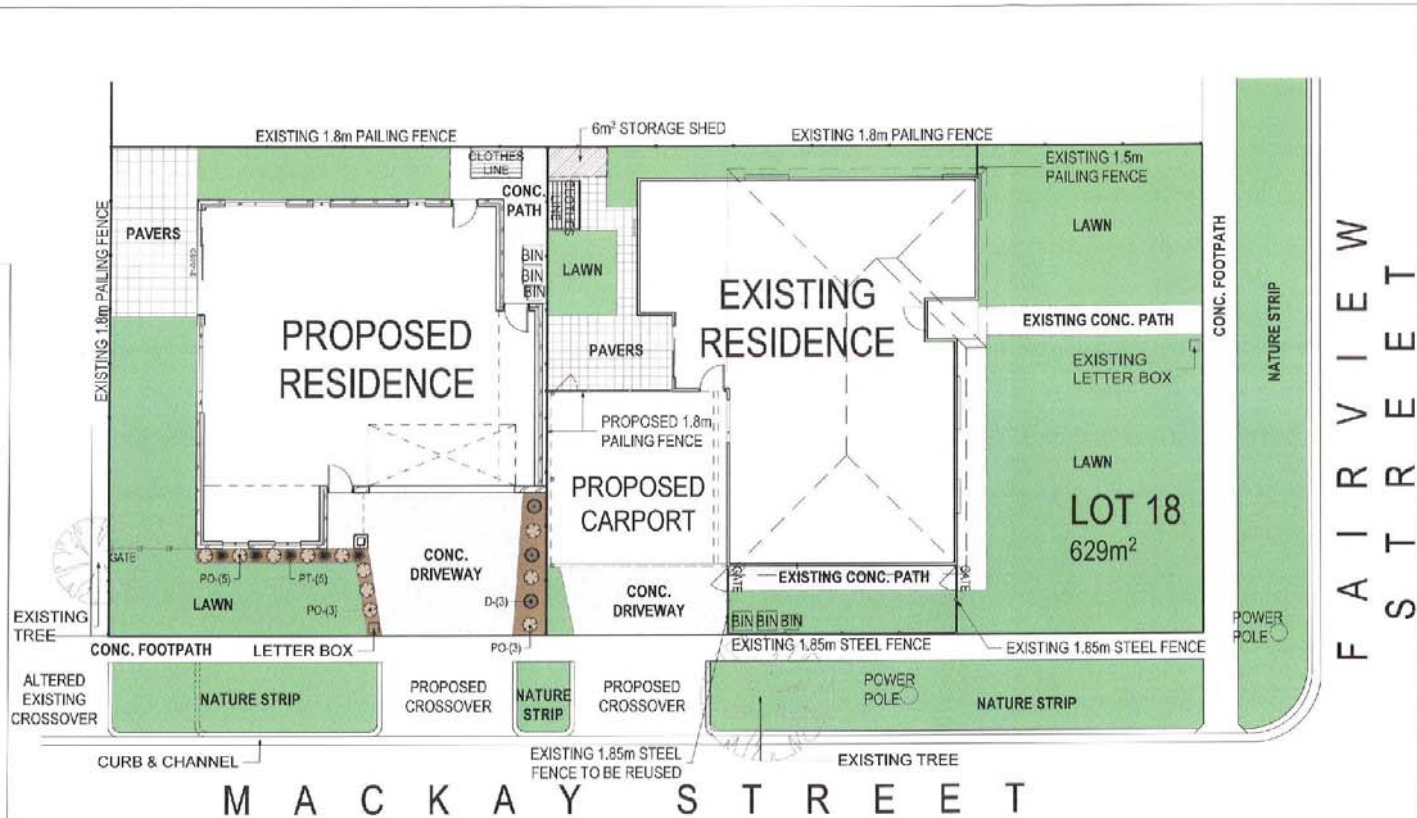
DESIGN & DRAFTING

DP: ADPNS
 APR 18 2012 2:02 PM
 OFFICE: 118 FAIRVIEW STREET 1 TRARALGON
 PHONE: 042 241 2000
 POSTAL: 3700 VIC 3700 TRARALGON VIC 3700
 FAX: 042 241 2004

PROJECT: PROPOSED MULTI RESIDENTIAL DEVELOPMENT		REVISION NUMBER:
CLIENT: WENDY & GREG INMAN		TP-B
118 FAIRVIEW STREET TRARALGON VIC 3844		PROJECT NUMBER:
DRAWING TITLE:		121153
ELEVATIONS:		DRAWING NUMBER:
DRAWN BY: B. GIBSON		TP-04
BUILDER SIGNATURE:	CLIENT SIGNATURE:	
DATE: 2012/04/18	SCALE: 1/100	

- LANDSCAPING NOTES:**
- Plants are to be placed in the centre of the holes.
 - Plants must be set at a level such that the crown of the plants establish a normal and natural relationship with surrounding levels.
 - Plants to be removed from containers by tipping container upside down and letting plant fall into hand.
After removing from container, the handling of the root system must be done with a minimum of root disturbance particularly Australian native species.
 - Plants must be healthy and plant root systems must be moist at the time of planting. Plants must be watered in, with approximately 10 litres of water at time of planting.
 - All plants exceeding 200mm pot size, shall be staked against prevailing winds. Ties shall be of a flexible nature to allow sufficient movement to encourage root formation.
 - All plants shall receive a slow release fertilizer at a quantity relative to the pot size.
 - All garden beds shall be covered with 1/2" Pine Bark at a depth of 75mm.
 - Soil level on garden bed side of restraining edge shall be graded 50mm below top of edge to allow for garden mulch placement.
Soil levels on lawn side to be kept 20mm below restraining edge to allow for correct turf sod placement.
Prior to laying of turf, all areas are to be raked by hand, and then luted to provide a perfect flat bed, free of any depressions or high points.
 - All lawn areas shall be instant Turf, washed free Turf to be Festuca Arundinacea, and shall be laid in stretcher bond pattern, and dressed with a fertilizer application of Pivcot 900, at 40 grams per square metre.
 - All landscape areas are to receive a 100mm fill of screened and p.h. tested topsoil sourced from a local supply. This soil must be free of any organic debris. Topsoil will be compatible with soils of the area.

Maintenance:
At the completion of the Landscape Development. The landscape consultant shall provide a full and comprehensive Maintenance Program for a 13 week period.
It shall be the contractors responsibility to ensure that plants and turf are established during this period.
Replacement of substandard Landscape, Structural or Horticultural, will be the Contractors responsibility.



PLANT SCHEDULE

Key	Botanical Name	Common Name	Size H x W (m)	Pot Size	Qty.
PO	POA LABILLARDIERI	ESKDALE	0.8 x 0.8	150mm	11
PT	PHORMIUM (TRICOLOUR)	FLAX	1 x 1	200mm	5
D	DIANELLA	LITTLE REV	0.75 x 0.4	150mm	3

BUILDING AREA SUMMARY

GROUND FLOOR LIVING:	83.55m ²	8.15m ²
FIRST FLOOR LIVING:	99.55m ²	19.70m ²
TOTAL LIVING:	183.10m ²	28.20m ²
GARAGE:	39.90m ²	4.20m ²
PORCH:	2.10m ²	0.20m ²
TERRACE:	19.53m ²	1.13m ²
TOTAL:	235.09m ²	35.22m ²

PROJECT: PROPOSED MULTI RESIDENTIAL DEVELOPMENT
CLIENT: WENDY & GREG INMAN
118 FAIRVIEW STREET TRARALGON VIC 3644

DRAWING TITLE: LANDSCAPING PLAN

DRAWN BY: B. GIBSON
DATE: 3/10/2012
SCALE: AS NOTED @ 1:50

BUILDERS SIGNATURE: _____ CLIENT SIGNATURE: _____

PROJECT NUMBER: 121153
DRAWING NUMBER: 114-06



MATERIAL SCHEDULE



SHEET ROOF
WOODLAND GREY



GUTTERS & FASCIA
WOODLAND GREY



DOWNPIPES & GARAGE DOOR
PAPERBARK



FACE BRICKWORK
HOMESTEAD MUSHROOM



BRICK RENDER /
LIGHTWEIGHT CLADDING
COLORBOND JASPER

BUILDING AREA SUMMARY

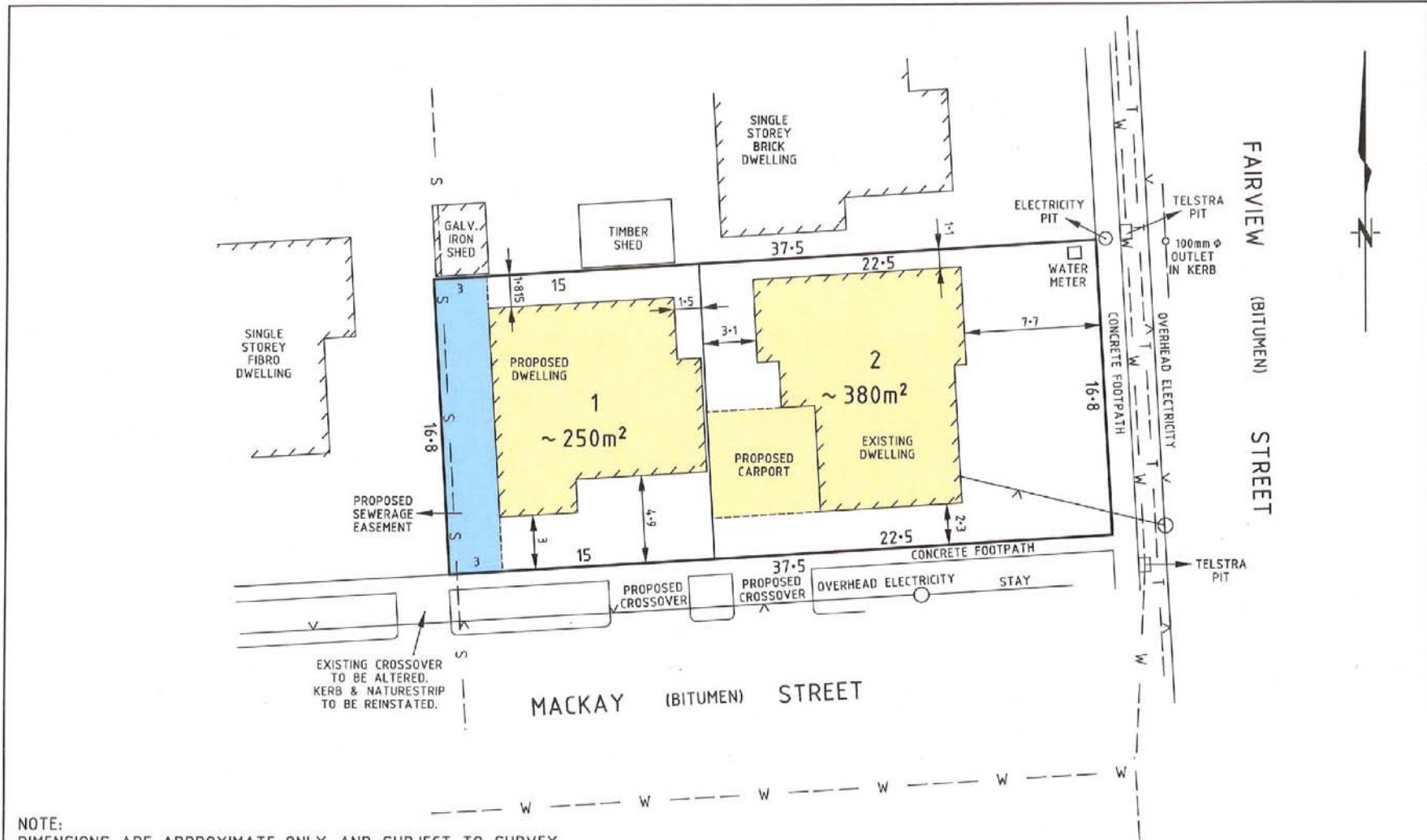
GROUND FLOOR LIVING:	87.55m ²	8.78sq
FIRST FLOOR LIVING:	80.58m ²	18.70sq
TOTAL LIVING:	168.13m ²	19.55sq
GARAGE:	39.20m ²	4.20m ²
PORCH:	2.85m ²	0.75sq
VERANDAH:	10.33m ²	1.13sq
TOTAL:	220.51m ²	25.77sq

11 LORRAIR
ADM: 08 46 24 090

27 REG. 86114/11/2008 - TRARALGON
POSTAL: P.O. Box 1081 TRARALGON VIC 3844

PHONE: 03 57 11 000
MOR: 0452 04 804

PROJECT: PROPOSED MULTI-RESIDENTIAL DEVELOPMENT		REVISION NUMBER:
CLIENT: WENDY & GREG INMAN		11-0
11B FAIRVIEW STREET TRARALGON VIC 3844		PROJECT NUMBER:
DRAWING TITLE: STREETSCAPE PERSPECTIVE		121153
DRAWN BY: B. JACKSON	BUILDER'S SIGNATURE:	CLIENT SIGNATURE:
DATE: 09/09/12		
SCALE: AS NOTED @ A3		DRAWING NUMBER:
		11-07



NOTE:
DIMENSIONS ARE APPROXIMATE ONLY AND SUBJECT TO SURVEY.
 BUILDING ENVELOPES - EXISTING AND PROPOSED DWELLINGS.

<p>Beveridge Williams development & environment consultants Traralgon ph : 03 5176 0374 www.beveridgewilliam.com.au</p>	<p>ORIGINAL</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="border: 1px solid black; padding: 2px;">Scale 1:200</td> <td style="border: 1px solid black; padding: 2px;">Sheet Size A3</td> </tr> <tr> <td colspan="2" style="border: 1px solid black; padding: 2px;">Dwg No PPS DGN V2</td> </tr> <tr> <td colspan="2" style="border: 1px solid black; padding: 2px;">Sheet 1 of 1</td> </tr> </table>	Scale 1:200	Sheet Size A3	Dwg No PPS DGN V2		Sheet 1 of 1		<p>PLAN OF PROPOSED SUBDIVISION</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="padding: 2px;">PREPARED A. SPEIR</td></tr> <tr><td style="padding: 2px;">SURVEY</td></tr> <tr><td style="padding: 2px;">CHECKED N. STOW</td></tr> <tr><td style="padding: 2px;">DATE 12/11/2012</td></tr> <tr><td style="padding: 2px;">AUTHORISED FOR ISSUE</td></tr> <tr><td style="padding: 2px;">Proj No 1101083</td></tr> </table>	PREPARED A. SPEIR	SURVEY	CHECKED N. STOW	DATE 12/11/2012	AUTHORISED FOR ISSUE	Proj No 1101083	<p>G.J. & W.M. INMAN 11 FAIRVIEW STREET, TRARALGON LP17805 LOT 18 CROWN ALLOTMENT 48 (PART) PARISH TRARALGON C/T VOL 9421 FOL 645 LATROBE CITY COUNCIL</p>
	Scale 1:200	Sheet Size A3														
Dwg No PPS DGN V2																
Sheet 1 of 1																
PREPARED A. SPEIR																
SURVEY																
CHECKED N. STOW																
DATE 12/11/2012																
AUTHORISED FOR ISSUE																
Proj No 1101083																

History of the Application

26 September 2012	Application received by Council.
24 October 2012	Further Information Letter sent to Applicant
21 November 2012	Response received from Applicant – Revised Plans submitted
5 December 2012	Revised Plans submitted by Applicant
11 December 2012	Application referred to Engineering Notification Package sent to Applicant Section 52 Notice sent to Gippsland Water
22 January 2013	Statutory declaration received Objection received from Gippsland Water
25 January 2013	Objection received from Angelo and Anne De Bono
29 January 2013	Gippsland Water objection Withdrawn
1 February 2013	Objection received from Mark and Lynette Elliott
2 January 2013	Referral response received from Gippsland Water
6 March 2013	Mediation Meeting Held
7 March 2013	Referral response received from Council's Infrastructure Planning team.
22 March 2013	Objection from Angelo and Anne De Bono withdrawn

●
LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 11.02 'Urban Growth'
Clause 11.05 'Regional Development'
Clause 15.01 'Urban Environment'
Clause 16.01 'Residential Development'
Clause 18.01 'Integrated Transport'
Clause 18.02 'Movement Networks'

Local Planning Policy Framework

Clause 21.02 'Municipal Vision'
Clause 21.03 'Natural Environment Sustainability'
Clause 21.04 'Built Environment Sustainability'
Clause 21.05 'Main Towns'
Clause 21.07 'Economic Sustainability'
Clause 21.08 'Liveability'

Zoning – Residential 1 Zone

The subject land is located within a Residential 1 Zone.

Overlay

There are no overlays that affect this property.

Particular Provisions

Clause 52.06 Car Parking
Clause 55 'Two or More Dwellings on a Lot'
Clause 56 – Residential Subdivision

General Provisions

Clause 65 'Decision Guidelines'

Incorporated Documents

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

PM 4/2/12
Adnan

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
RECEIVED	
1 FEB 2013	
R/O:	Doc No:
Comments/Copies Circulated to:	
<input type="checkbox"/> Copy registered in DataWorks	<input type="checkbox"/> Invoice forwarded to accounts

31/1/2013

To
DUTY
The Planning Officer
Latrobe City Planning Office
Commercial Rd.
Morwell 3840

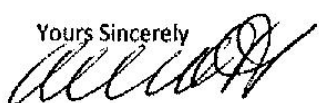
Dear Sir/Madam

Re: **Current Planning Application (Innman) for Building of a New Two Storey Dwelling at 11 Fairview St., Traralgon .**

We are Mark Elliott and Lyn Elliott, owner and residents of the adjacent property at 9 Fairview St. Traralgon 3844 Ph 51760545 and wish to forward the following objections regarding this proposal.

1. That the building of two separate crossovers constitutes an additional and unwelcome traffic burden and ask if the second 'crossover' can be rejected. There is an existing vehicle 'crossover' and ask why this cannot be utilised.
2. That the owners/applicants regarding this proposal have not approached us to discuss their proposal. The fact that this proposal includes the building of a new two storey dwelling which directly overlooks the 'backyard' of our own allotment is experienced as offensive and insensitive; particularly in view of their ownership of 11 Fairview St since 2007 and the obvious lengthy period they have enjoyed in formulating and submitting their proposal. Further, the owners have not provided any personal contact details or phone numbers whereby they could be contacted.

We welcome an appropriate and timely response in advising us how these objections can be discussed and resolved to the satisfaction of relevant stakeholders.

Yours Sincerely

Mark Elliott and Lynette Elliott

**16.7 PLANNING APPLICATION NO. 2012/242 - DEVELOPMENT OF
LAND FOR AN OFFICE AND REDUCTION IN CAR PARKING
REQUIREMENTS AT 5-7 CHURCH STREET, TRARALGON**

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to determine Planning Permit Application 2012/242 for the development of the land for an office and reduction in car parking requirements at 5-7 Church Street, Traralgon.

DECLARATION OF INTERESTS

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

In 2026, Latrobe Valley benefits from a well planned built environment that is complimentary to its surroundings and which provides for connected and inclusive community.

Latrobe City Council Plan 2012 - 2016

Strategic Direction – Built Environment

- *Promote and support high quality urban design within the built environment; and*
- *Ensure proposed developments enhance the liveability of Latrobe City, and provide for a more sustainable community.*

Shaping Our Future

An active connected and caring community

Latrobe City is a vibrant, multicultural and diverse community. Council continues to respond to the changing needs and aspirations of our diverse community by providing facilities, services and opportunities that promote an inclusive and connected community.

Legislation –

Planning & Environment Act 1987

SUMMARY

Land:	5-7 Church Street, Traralgon, known as Lots 1, 4 and 5 on Plan of Subdivision 309118F
Proponent:	L. R. D. G. Project Management Pty Ltd
Zoning:	Business 1 Zone
Overlay	Nil

A Planning Permit is required to develop the land for an office and for a reduction in car parking requirements in accordance with Clause 34.01 Business 1 Zone and Clause 52.06 Car Parking of the Latrobe Planning Scheme.

PROPOSAL

The application is for the development of a three storey office building with associated car parking. The building would be located directly on the front property boundary and would be constructed to both side boundaries. It would have a width of 20.11 metres, a depth of 24.8 metres, and an overall height of 12.5 metres. Each of the building's three floors would have office space and staff amenities. The floors would be accessible via a lift located in the north-east corner of the site and internal stairs located at the rear of the building. The building would have a total of 1,200 square metres of office floor area.

Twenty-eight car parking spaces would be provided at the rear of the site with access via a proposed double crossover from Deakin Street. Landscaping is proposed along the northern and western boundaries of the car park. Five bicycle spaces would be provided at the rear of the building.

The building would be a contemporary design and would be constructed from painted reinforced concrete wall panels. The front façade of the building would be largely glazed. The ground floor would have clear glazing and the first and second floors would have tinted solar controlled glazing. The remainder of the front façade would be clad in orange-bronze glass cladding and aluminium cladding panels. The front façade would be inset 2.3 metres for a length of 8.8 metres along the frontage at all floor levels. A canopy finished in aluminium cladding would protrude from the front of the building at ground floor level and would overhang the footpath 1.4 metres with a clearance height of 2.7 metres from ground level.

The sides and rear of the building would be painted concrete panels and would have windows on the second floor level on the sides of the building and windows on the first and second floor levels at the rear.

ORDINARY COUNCIL MEETING AGENDA 22 APRIL 2013 (CM405)

A canopy also clad in aluminium panels would be located at the rear of the building over the rear doorway.

Refer to Attachment 1 for a copy of the plans of proposed development.

Subject Land:

The subject site is regular in shape and is located on the western side of Church Street in Traralgon. It has a frontage of 20.11 metres, a depth of 66.29 metres and an overall area of 1,347 square metres. A 6 metre wide easement of way, drainage and sewerage runs north-south across the middle of the site.

The site is currently occupied by a single storey office building located at the front of the site. A secure car parking area is located at the rear of the site with access via a double crossover located in the middle of the Deakin Street frontage. A disused single crossover is located at the northern end of this frontage.

The site is made up of three titles, two of which are subject to a Section 173 agreement which stipulates that the easement that crosses the site may be constructed and used as a road when Council determines that it is required. The agreement was registered on the titles in 1991 by the then City of Traralgon. It is understood that Council's intention at that time was to construct a road between Deakin Street and Hotham Street which would provide access to a Council car park to be located in the block defined by Church Street, Princes Street, Deakin Street and Hotham Street. The road and car park have not been constructed to date.

Surrounding Land Use:

North:	Single storey retail premises with frontage to Church Street. Car parking at the rear of the property with access from Deakin Street.
South:	Two storey office building with frontage to Church Street. Wholesale and retail fruit supplies store with frontage to Deakin Street
East	Royal Exchange Hotel
West	Target Country retail premises

Refer to Attachment 2 for a locality plan.

HISTORY OF APPLICATION

The history of the assessment of the planning permit application is set out in Attachment 3.

The provisions of the scheme that are relevant to the subject application have been included in Attachment 4.

LATROBE PLANNING SCHEME**State Planning Policy Framework (SPPF)**

The proposal has been considered against the relevant clauses under the State Planning Policy Framework.

Clause 11.01-2 Activity Centre Planning encourages the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments in activity centres to provide a variety of land uses which are highly accessible to the community.

Strategies to achieve this include:

- *Provide a focus for business, shopping, working, leisure and community facilities.*
- *Encourage economic activity and business synergies.*
- *Improve the social, economic and environmental performance and amenity of the centre.*

Clause 11.05-1 Regional settlement networks aims to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan. The Moe, Morwell and Traralgon cluster is identified as a major regional city where urban growth should be directed.

Clause 15.01-1 'Urban Design' requires development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.

The objective of Clause 17.01-1 Business is "*to encourage development which meet the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities*". One strategy listed to achieve this is to "*locate commercial facilities in existing or planned activity centres*".

The proposal is for a commercial building located in the existing activity centre of Traralgon. The proposal is considered to be suitably located as the Traralgon Primary Activity Centre is a focus for business, shopping, working, leisure and community facilities.

Increased office floor area will add to existing mix of uses found in the centre. It is therefore considered that the proposal is consistent with the State Planning Policy Framework.

Local Planning Policy Framework (LPPF)

Municipal Strategic Statement (Clause 21)

The proposal has been considered against the relevant clauses under the Local Planning Policy Framework.

Clause 21.04 Built Environment Sustainability recognises the towns of Moe, Morwell, Traralgon and Churchill as having their own unique characteristics which contribute to their local sense of place and provide diversity. Each town has developed its own role and function with Traralgon identified as being the commercial centre of Latrobe City.

Clause 21.04-5 Urban Design Overview has the objective “to provide a visually attractive urban environment which displays a high level of civic pride and community satisfaction, and creates a positive image”.

Strategies to achieve this include:

- *Promote and support high quality urban design within the built environment.*
- *Continue to improve the urban design elements of urban areas throughout the municipality and to upgrade degraded areas.*

Clause 21.05-6 Specific main town strategies – Traralgon shows the site located in the Traralgon Primary Activity Centre on the Traralgon Structure Plan. The clause lists the following relevant strategies for commercial development:

- *Establish neighbourhood clusters in key locations as outlined in the Traralgon Structure Plan and encourage basic goods, services, community services and facilities in these clusters.*
- *Encourage the development of new retail, office and residential mixed use developments within Traralgon Primary Activity Centre (Area 4) and Argyle Street.*
- *Discourage significant new retail and office development outside of areas Area 4, Argyle Street and Princes Highway and Stammers Road (Area 14).*
- *Encourage increased densities and vertical growth of Traralgon's town centre to support the growth of the office sector.*
- *Discourage dispersion of the office sector.*

The proposal is considered to satisfy the Local Planning Policy Framework as it would be located in Area 4 in the Traralgon Primary Activity Centre where new office development is encouraged. The proposal would support Traralgon's role as the commercial centre of Latrobe City.

The built form of the proposal is considered to display good urban design principles through the use of modern materials and varied front setbacks providing visual interest. The development of a three storey office building would increase the intensity of use on the site and would support the growth of the office sector.

Zoning

The site is located within a Business 1 Zone and is not subject to any overlays. The purpose and decision guidelines of the Business 1 Zone have been taken into account as part of the assessment of this application and it is considered that the application complies with the zoning provisions.

These elements will be further discussed in the 'Issues' section of this report.

Particular Provisions

Clause 52.06 Car Parking:

The applicable car parking rate for office is 3.5 spaces per 100 square metres of net floor area. The proposed floor area is 1,200 square metres, therefore 42 car parking spaces are required to satisfy this clause. Twenty-eight car parking spaces are proposed leaving a shortfall of 14 spaces for the application. The provision of car parking for the proposal is further discussed in the 'Issues' section of this report.

Clause 52.34 Bicycle Facilities

A total of 5 bicycle spaces to be used by employees and visitors are required to be provided for the development. The proposal satisfies this requirement as five spaces are proposed to be provided at the rear of the building.

Decision Guidelines (Clause 65):

The relevant decision guidelines have been considered as part of the assessment of this application.

Incorporated Documents (Clause 81):

- Australian Standard AS/NZS 2890.1:2004, Parking Facilities – Offstreet car parking, Standards Australia 2004
- Australian Standard AS2890.3-1993, Parking Facilities Part 3: Bicycle parking facilities, Standards Australia 1993
- The Traralgon Civic Precinct Plan, Latrobe City, 5 July 2004

ISSUES

Strategic direction of the State and Local Planning Policy Frameworks:

The proposal is considered to be consistent with the strategic direction of the State and Local Planning Policy Frameworks. The proposal would be located in the Traralgon Primary Activity Centre where new office development is encouraged. The built form of the proposal is suitable for the site and would make a positive contribution to the Church Street streetscape. The increased intensity of the use of the site with the development of a three storey office building is supported by the frameworks.

The Draft Traralgon Activity Centre Plan (TACP) – Key Directions Report highlights the need to “*protect and promote the role of Traralgon activity centre as the pre-eminent commercial centre for the region*”. It identifies Church and Hotham Streets as streets which “*will accommodate retail and more office and service functions*”. The proposed development is therefore consistent with the draft strategic direction for the Traralgon Activity Centre. Whilst the TACP project is in draft form and not adopted by Council it has been the subject of extensive community consultation and the contents of the Key Directions report are considered to be of relevance in the assessment of this planning application.

‘Purpose’ and ‘Decision Guidelines’ of the Business 1 Zone:

The proposal satisfies the purpose of the Business 1 Zone as it would provide 1,200 square metres of office space in the Traralgon Primary Activity Centre in a three storey building in a zone where the intensive development of business centres is encouraged.

The proposal also satisfied the decision guidelines of the zone as follows:

- There is adequate provision for the movement of pedestrians and vehicles to and from the site with pedestrian access at the front and rear of the building and vehicle access to the car parking area from Deakin Street.
- Twenty-eight car parking spaces and five bicycle spaces are proposed to be located at the rear of the site which is considered to be satisfactory.
- The subject site is currently being used as an office and does not have an active street presence. The proposed building would provide glazing on the ground floor of the front façade lending this floor to be used for either retail or office purposes. The finishes at this level are considered to be an improvement on the existing conditions of the site and would allow for an active street frontage if required.
- The proposed building is considered to be appropriate for the Church Street streetscape. Existing properties are generally single storey along Church Street, however the strategic direction of the Traralgon Primary Activity Centre is for more intensive use of land in this area including increased densities and vertical growth. As such, the scale of the proposed development is considered to be appropriate.

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

- The overall height of the building should not impact on the amenity of adjoining properties which comprise commercial premises.
- Provision has been made for the storage of rubbish at the rear of the building.
- A condition of any approval issued will require lighting of the building and car parking area. Any lighting must be baffled so as not to cause a nuisance off site.
- The site is connected to all required services.
- Council's Infrastructure Planning unit has requested that a condition of any approval issued should require the support columns for the canopy on the Church Street frontage of the site to either be deleted or relocated so that there is a clearance of 1.8 metres from the front property boundary to the columns to allow for pedestrian movements on the footpath.

The proposal is therefore considered to be appropriate for the site and satisfies the requirements of the Business 1 Zone.

Car Parking

The applicant has provided a car parking study to justify the shortfall of 14 parking spaces for the proposal. The study is based on the assumption that around 10% of the parking demand generated by an office is that of visitors. Therefore of the 42 spaces required, 38 would be needed for staff and 4 for visitors. The 28 spaces that would be provided on site would be used by staff with the extra 14 (10 staff and 4 visitors) required to be provided in the surrounding area.

Car parking survey data was collected on Friday 18 November 2011 at hourly intervals from 8.00 am to 8.00 pm in an area up to approximately 400 metres walk from the subject site. The survey identified 113 public car parking spaces that would be suitable for use by visitors available throughout the survey period, including a minimum of 21 spaces that would be suitable to be used by staff.

See Attachment 5 for a copy of the car parking study from Cardno.

Council's Infrastructure Planning unit has assessed the application and the above study and has no objection to the reduction in car parking requirements.

The application has also been assessed against the Traralgon Activity Centre Plan Background Reports - Parking Assessment. Surveys undertaken for the strategy did not identify the area in the vicinity of the site as a "stressed" parking area. The study identifies all day parking available (both on and off street) in Deakin and Hotham Streets, both of which are within short walking distance of the subject site. Visitor parking is readily available at the front of the site on Church Street.

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

It is also noted that the Traralgon Primary Activity Centre is well serviced by public transport with the site having ready access to the Traralgon Railway Station and various bus routes.

It is considered that the proposed development satisfies the purpose and decision guidelines of Clause 52.06 Car Parking as the proposed provision of car parking would be appropriate for the use and development of the site. The shortfall of 14 spaces for the development should be able to be accommodated in the public car parking areas in the vicinity of the site.

Consolidation of Lots

Council's Infrastructure Planning unit has required a condition to be placed on any approval issued that the three lots that constitute the subject site be consolidated into one title. This will ensure that the building and car parking area will be used in association with one another and will not have the ability to be used for separate purposes which could occur if they were on separate titles.

Easement and Section 173 Agreement

A 6 metre wide easement runs north-south through the middle of the site. The easement is required for access to a possible future Council car park and for drainage and sewerage purposes and structures cannot be built on it.

A Section 173 agreement is also registered on title which relates to the use of this easement for access to the possible future Council car park that has been proposed for this site and land to the north of the site by the former City of Traralgon. The car park has not been constructed to date and there are no plans to commence the process of construction.

An awning and small enclosure adjacent to the rear access doors to the proposed building are shown encroaching over the easement. A condition of any approval issued will require all structures to be clear of the easement and for safe pedestrian access to be provided to the rear of the building should a road be constructed over the easement in the future.

The site plan shows car parking spaces, landscaping, road pavement and bicycle spaces also within the easement however these are allowable encroachments over the easement and are generally acceptable to Council and Gippsland Water.

Deakin Lane

It is noted that the proposed installation of a barrier to the entrance to Deakin Lane is currently before Council. The barrier installation has no bearing on this planning application. The proposed office development does not require access via Deakin Lane, and Council can make a decision on this planning application independently of the lane closure issue.

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**Submissions

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

- 1 The proposal will build over an existing easement that is supposed to provide road access from Deakin Street to Hotham Street.

Comment:

As discussed, a small proportion of the proposed building would encroach over the easement and a condition of any approval issued will require the easement to be completely clear of all structures. The car parking spaces, landscaping, road pavement and bicycle spaces are allowable encroachments and would not impact on the ability of the easement to be used as a road if and when it is required in the future. The easement is also required for drainage and sewerage purposes.

- 2 The loading zone on Deakin Street will be reduced in length.

Comment:

The loading zone on Deakin Street is the length of approximately four car parking spaces. It is proposed to be decreased in length by approximately 1.1 metres to make way for the relocation of the existing crossover on Deakin Street. Council's Infrastructure Planning unit has no objection to the shortening of the loading zone and has requested a condition be placed on any approval issued that the applicant engage approved contractors to remove redundant line marking, paint new line marking, and relocate signage.

FINANCIAL, RISK 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).

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014.

INTERNAL / EXTERNAL CONSULTATION*Engagement Method Used:*Notification:

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

External:

There were no external referrals.

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**Internal:

Internal officer comments were sought from Council's Infrastructure Planning Team who gave consent to the granting of a planning permit subject to appropriate conditions and notes.

One objection to the application was received. The applicant requested not to have a mediation meeting and asked that the application proceed to a Council meeting for a decision.

A copy of the submission can be found at Attachment 6.

OPTIONS

Council has the following options in regard to this application:

- 1 Issue a Notice of Decision to Grant a Planning Permit.
- 2 Issue a Refusal to Grant a Planning Permit.

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

CONCLUSION

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with the 'Purpose' and 'Decision Guidelines' of the Business 1 Zone; and
- Consistent with Clause 65 (Decision Guidelines).

The objection received has been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered. The objection is not considered to form planning grounds on which the application should be refused.

Attachments

1. Plans of Proposed Development
2. Locality Plan
3. History of Application
4. Planning Scheme Provisions
5. Cardno Car Parking Assessment
6. Copy of Submission

RECOMMENDATION

- A. That Council issues a Notice of Decision to Grant a Planning Permit for the development of an office and reduction in Clause 52.06 Car Parking requirements at 5-7 Church Street, Traralgon known as Lots 1, 4 and 5 on Plan of Subdivision 309118F with the following conditions:**
- 1. Prior to the commencement of any works hereby permitted, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted but modified to show:**
 - a) All structures deleted from the easement known as E-1 on Lot 5 PS 309118F;**
 - b) Safe pedestrian access provided from the rear of the proposed building to the rear car park noting that the building is abutting a future accessway;**
 - c) Elevations and details of materials of fencing proposed for the Deakin Street frontage of the site;**
 - d) The car parking plan must include finished surface material details including finished surface levels and contours. Parking and loading areas and access lanes must be finished with an all-weather sealed surface; drained; line marked to indicate each car space and all access lanes;**
 - e) Provision of a schedule of construction materials, external finishes and colours; and**
 - f) Deletion of the support columns attached to the canopy on the Church Street frontage of the site, or relocation of the support columns so that there is a clearance of 1.8 metres from the front property boundary to the columns.**
 - 2. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
 - 3. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:**
 - a) transport of materials, goods or commodities to or from the land;**
 - b) appearance of any building, works or materials;**
 - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water,**

- waste products, grit or oil;
- d) presence of vermin;
or otherwise, to the satisfaction of the Responsible Authority.
4. Prior to the commencement of any works hereby permitted, the titles to the land to which this permit applies must be consolidated to ensure that the land comprising all buildings, car parking and vehicle access ways allowed by this permit are contained within a single title.
5. Before the commencement of any works hereby permitted, the following plans shall be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and one copy and an electronic copy (PDF) must be provided.
- a) A site drainage plan including levels or contours of the land and hydraulic computations for all new drainage works. The plan must show a drainage system providing for all stormwater discharging from the site, including from all buildings, car parks and vehicle access areas, to be conveyed to the legal point of discharge by the existing underground drainage system within the property. The drainage system must be designed to take the 1 in 20 year ARI storm event.
6. Before the use commences of the buildings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the following works must be completed in accordance with the endorsed plans and to the satisfaction of the Responsible Authority:
- a) All drainage works must be constructed in accordance with the approved site drainage plan.
- b) All proposed vehicle crossings must be constructed in accordance with the endorsed plans, at right angles to the road and must comply with the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 307.
- c) The areas shown on the endorsed plans for vehicle access and car parking must be constructed to such levels that they can be used in accordance with the approved plans including surfacing with an all-weather sealed surface, drained, line marking to indicate each car space and all access lanes; and clearly marked to show the direction of traffic along access lanes and roadways.

- d) All redundant vehicle crossings must be removed and kerb and channel, footpath and naturestrip reinstated.
 - e) The operator of this permit shall arrange for contractors approved by the Responsible Authority to alter the on-street loading zone in Deakin Street adjacent to number 5-7 Church Street as shown on the endorsed plans, including removal by high pressure water blasting of all redundant line marking, relocation of existing signage and painting of new line marking.
7. 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.
 8. Car spaces, vehicle access lanes and driveways must be kept available for these purposes at all times.
 9. The areas set aside for car parking and vehicle access lanes must be maintained in a continuously useable condition to the satisfaction of the Responsible Authority.
 10. External lighting must be provided in the car parking area and designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority
 11. Prior to the occupancy of the development or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
 12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.
 13. 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.
 14. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
 15. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

16. Construction works on the land must be carried out in a manner that does not result in damage to existing Council assets and does not cause detriment to adjoining owners and occupiers, to the satisfaction of the Responsible Authority.

17. 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; or
- 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.

NOTES

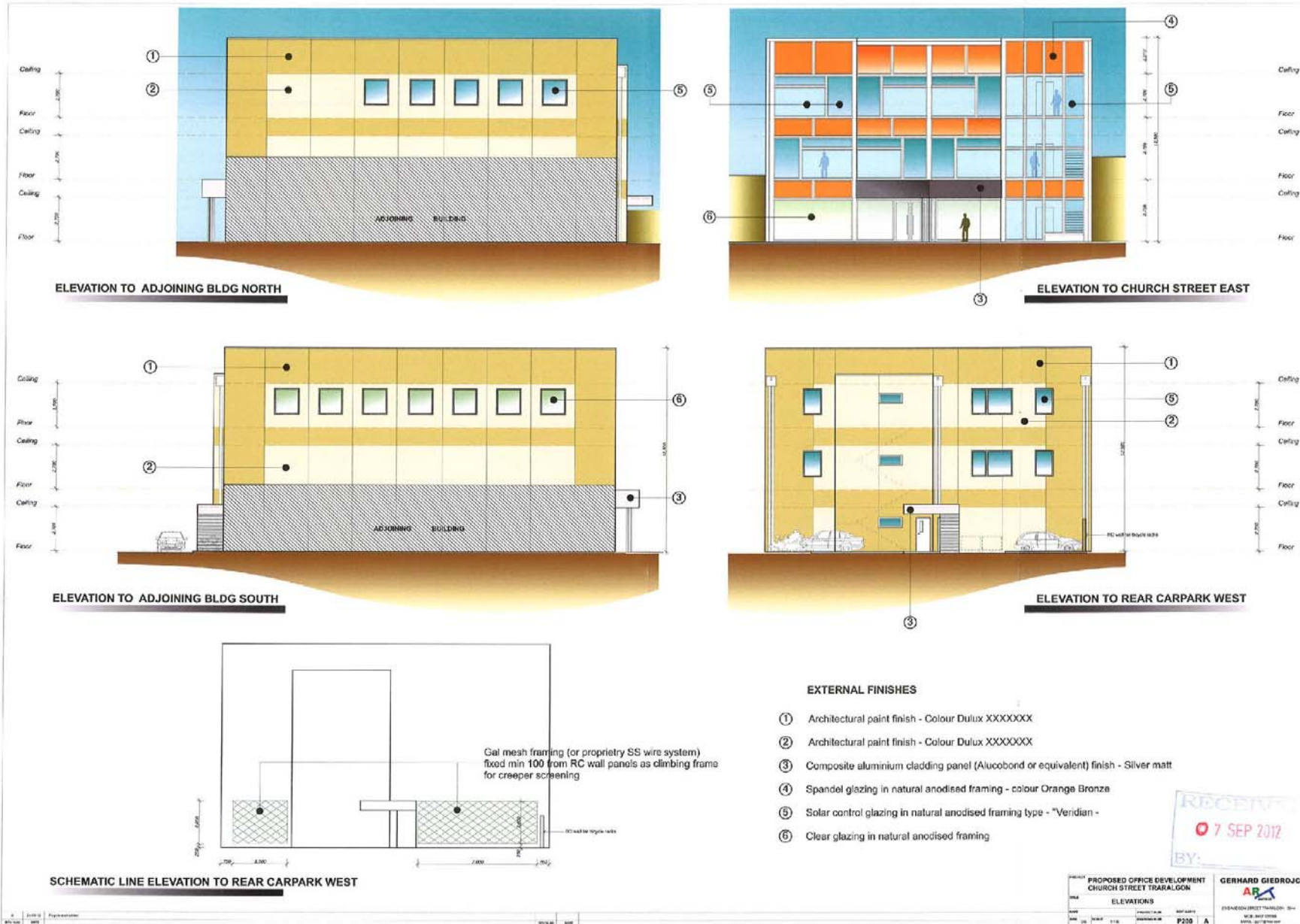
1. This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.
2. The location of the Legal Point of Discharge for any property and the connection point into Latrobe City Council's stormwater drainage system can be obtained by completing a Legal Point of Discharge form, found at:
www.latrobe.vic.gov.au/Our_Services/Other_Services/Infrastructure/Work_Permit_s_and_Property_Information
3. Unless exempted by Latrobe City Council, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Latrobe City Council's Local Law No. 3. Latrobe City Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.
4. A Latrobe City Vehicle Crossing Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Vehicle Crossing Permit will apply to all vehicle crossing works. It is a requirement that all vehicle crossing works be inspected by Latrobe City Council's Asset Protection Officer.

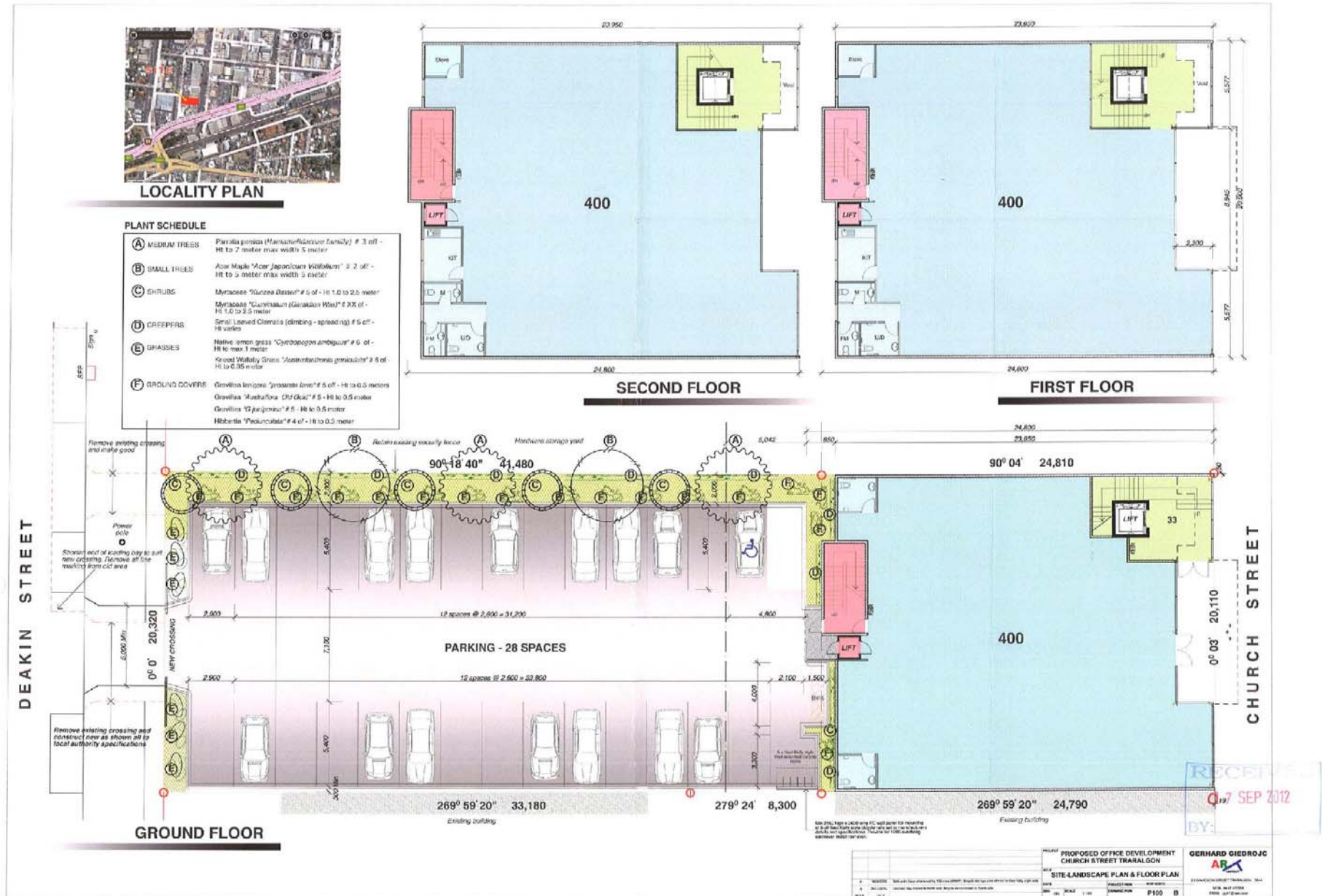
16.7

PLANNING APPLICATION NO. 2012/242 - DEVELOPMENT OF LAND FOR AN OFFICE AND REDUCTION IN CAR PARKING REQUIREMENTS AT 5-7 CHURCH STREET, TRARALGON

1	Plans of Proposed Development.....	415
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6	Copy of Submission.....	433









History of Application

17 September 2012	Planning Permit application received by Council.
1 November 2012	Applicant advised to give notification of the application. Application referred internally to Infrastructure Planning and Strategic Planning.
7 November 2012	Referral response received from Council's Strategic Planning team.
15 November 2012	Submission received from adjoining property owner regarding use of laneway and access to 1-3 Church Street – not considered to be an objection as it did not relate to the subject site.
19 November 2012	Statutory declaration returned by applicant advising notification complete
13 December 2012	Referral response received from Council's Infrastructure Planning team.
14 December 2012	Objection received from the adjoining property owner.

●
LATROBE PLANNING SCHEME

State Planning Policy Framework

Clause 11.02-1 Activity Centre Planning
Clause 11.05-1 Regional Settlement Networks
Clause 15.01-1 Urban Design
Clause 17.01-1 Business

Local Planning Policy Framework

Clause 21.01 'Municipal Profile'
Clause 21.02 'Municipal Vision'
Clause 21.04 'Built Environment Sustainability'
Clause 21.05 'Main Towns'
Clause 21.07 'Economic Sustainability'

Zoning – Business 1 Zone

The subject land is located within a Business 1 Zone.

Overlay

There are no overlays that affect this property.

Particular Provisions

Clause 52.06 Car Parking
Clause 52.34 Bicycle Facilities

General Provisions

Clause 65 'Decision Guidelines'

Incorporated Documents

Australian Standard AS/NZS 2890.1:2004, Parking Facilities – Offstreet car parking, Standards Australia 2004

Australian Standard AS2890.3-1993, Parking Facilities Part 3: Bicycle parking facilities, Standards Australia 1993

The Traralgon Civic Precinct Plan, Latrobe City, 5 July 2004



Our Ref: CG120397: R.J
Contact: Rod Jude

14 August 2012

LRDG Project Management Pty Ltd
1-3 Church Street
TRARALGON VIC 3844

Attention: Leo Di Fabrizio

Cardno Victoria Pty Ltd
ABN 47 106 610 913

150 Oxford Street
Collingwood VIC 3066
Australia

P.O. Box 2712
Fitzroy VIC 3065
Australia

Phone: + 61 3 8415 7777
Fax: + 61 3 8415 7788

www.cardno.com/victoria

Dear Leo

**PROPOSED OFFICE DEVELOPMENT - 5-7 CHURCH STREET, TRARALGON
CAR PARKING ASSESSMENT**

Cardno has been engaged by LRDG Project Management Pty Ltd to undertake a car parking assessment for the proposed office development at 5-7 Church Street, Traralgon.

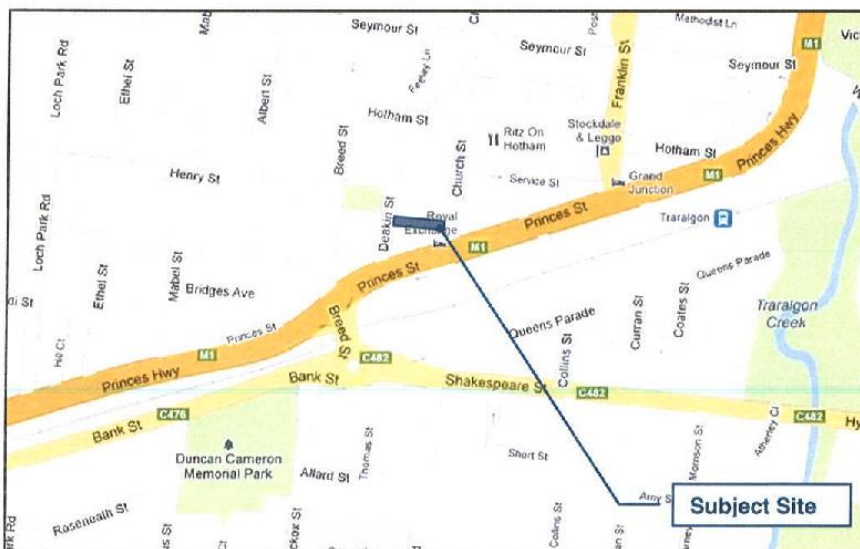
In the course of preparing this report, plans of the development have been reviewed and car parking survey data has been assessed.

Existing Conditions

Location and Land Use

The subject site is located on the west side of Church Street, Traralgon approximately 20 m north of the Church Street / Princes Highway intersection, as shown in Figure 1. The subject site is rectangular in shape with an area of approximately 1,400 m². It fronts approximately 20 m of Church Street and abuts approximately 20 m of Deakin Street. The depth of the site is around 65 m.

Figure 1: Subject Site Location



Australia • Belgium • Indonesia • Kenya • New Zealand • Papua New Guinea
United Kingdom • United Arab Emirates • United States • Operations in 60 countries

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The subject site is occupied by single storey office space and associated secure car parking at the rear. Vehicular access is currently provided via two crossovers to Deakin Street, a double width crossover at the midpoint of the site and a disused single crossover at the northern boundary of the site.

Land use in the vicinity of the subject site is a mix of retail, offices, a service station and the Royal Exchange Hotel. The subject site is immediately bounded by offices to the south and retail to the north.

The subject site is located within a Business 1 Zone (B1Z), pursuant to Clause 34.01 of the Latrobe Planning Scheme.

Road Network

Church Street is a local road oriented in a north-south direction from Princes Highway in the south towards Agnes Brereton Park in the north. Adjacent to the subject site, Church Street operates with one lane in each direction and kerbside 45 degree angle parking on both sides of the road. The default 50 km/h speed limit applies to Church Street along the site frontage.

Deakin Street is a local road oriented in a north-south direction from Princes Highway in the south towards Hotham Street in the north. Adjacent to the subject site, Deakin Street operates as a two-way road with one lane in each direction and kerbside parallel parking on both sides. A 30 minute loading zone is situated on the eastern side of Deakin Street, abutting the subject site. The default 50 km/h speed limit applies to Deakin Street in the vicinity of the subject site.

Proposal

Review of the development plans identifies that it is proposed to redevelop the site for the purposes of a 1200 m² office development.

A total of 28 car parking spaces, including 1 disabled space, are proposed on-site within an at-grade car park. To provide access to the car park it is proposed to relocate the existing central crossover a short distance to the north, and shorten the loading zone on Deakin Street adjacent to the site to suit. The northern crossover, which is not currently in use, will be removed and the kerb and channel will be reinstated.

The car parking layout has been designed generally in accordance with the requirements of the Latrobe Planning Scheme, with spaces typically measuring 5.4 m in length and 2.6 m in width, accessed from a 7.1 m wide aisle. Spaces adjacent to landscaped areas are 3.0 m wide, with the extra width to accommodate door opening. The disabled car parking space measures 5.4 m long by 2.4 m wide, and features an adjacent shared area of the same size as required by AS2890.6:2009.

A total of 5 bicycle parking spaces are to be provided in the car park in the form of 'Ned Kelly' bicycle parking rails, which will be spaced to Bicycle Victoria specifications. Specifications of Ned Kelly bicycle rails are enclosed.

Car Parking Considerations

Statutory Requirements – Clause 52.06

Clause 52.06 of the Latrobe Planning Scheme sets out the car parking requirements for developments within the municipality. The requirement for an office is 3.5 spaces to each 100 m² of net floor area. Application of this rate to the 1,200 m² proposal corresponds to a requirement for 42 car parking spaces.

Notwithstanding the above, Clause 52.06 states that a reduction or waiver of a car parking requirement may be justified with regard to:

The car parking likely to be generated by the use; and
Whether it is appropriate to allow fewer spaces to be provided than the number likely to be generated by the use.

In the case of the proposed development, it is anticipated that the demand for parking will be lower than the statutory requirement and that it would be appropriate to provide fewer spaces on-site due to the availability of parking in the locality.

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Anticipated Car Parking Demands

In addition to the standard car parking provision requirements, for which the rate for an office is 3.5 spaces to each 100 m² of floor area as mentioned above, Clause 52.06 of the Latrobe Planning Scheme sets out a second set of requirements in 'Column B' of Table 1 at Clause 52.06-5. The Column B rates are applicable to developments located in an area where a Parking Overlay is in place. The Column B rate for an office is for 3.0 spaces to each 100 m² of net floor area. Application of this rate to the 1,200 m² proposal corresponds to an anticipated demand of up to 36 spaces.

It is anticipated that Parking Overlays will generally apply to activity centres such as the Traralgon Central Activity District. Nevertheless, as there are no Parking Overlays in the Latrobe Planning Scheme, the Column A rate of 3.5 spaces per 100 m² of net floor area will be adopted.

It is generally accepted that around 10 % of the parking demand generated by an office is that of visitors. On this basis, it is conservatively assumed that of the 42 spaces for which demand is likely to be generated, 38 will be staff spaces and the remaining 4 will be visitor spaces.

Availability of Parking in the Locality

Car parking survey data held by Cardno, which was collected on Friday 18 November 2011, has been assessed to determine the level of car parking availability convenient to the subject site that would be appropriate for use by staff and visitors. The surveys were undertaken at hourly intervals from 8:00 AM to 8:00 PM. The survey area considered in this analysis is shown in Figure 2, and includes parking up to approximately 400 m walk from the subject site.

Figure 2: Car Parking Survey Area



For the purposes of this assessment, it is considered that public parking allowing for a 1 hour duration of stay or longer would be suitable for visitors to the site, while staff will require all day parking. The surveys identified a total of 350 spaces that would be suitable for use by visitors, including 80 that would suit the needs of staff.

Occupancy of the 350 spaces suitable for visitors peaked at 12:00 noon when 237 spaces were occupied leaving 113 spaces available. Occupancy of the 50 spaces that would be suitable for use by staff peaked at

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14 August 2012

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10:00 AM when 59 spaces were occupied and 21 spaces were available. The occupancy profile for suitable visitor parking is shown in Figure 3, while Figure 4 shows the occupancy profile for suitable staff parking.

Figure 3: Parking Occupancy - Suitable Visitor Parking

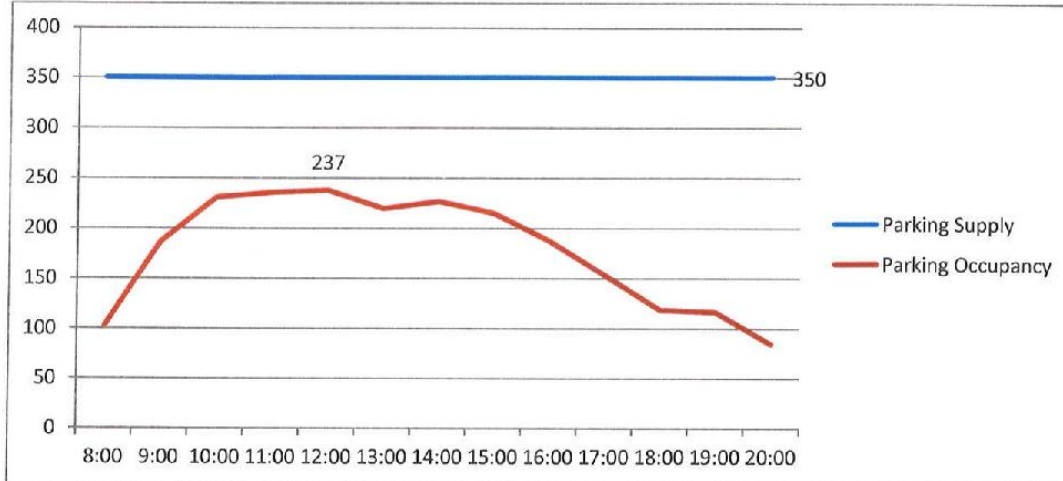
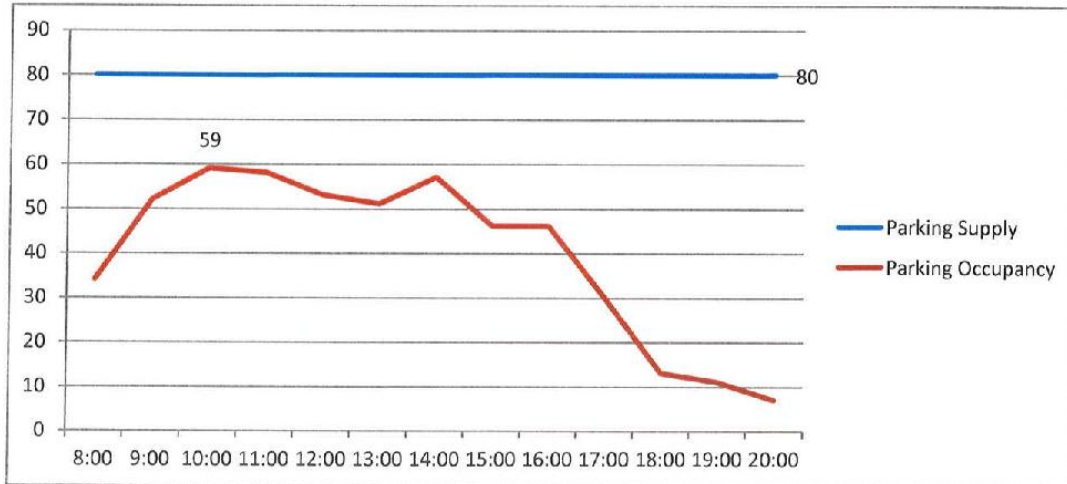


Figure 4: Parking Occupancy - Suitable Staff Parking



The methodology of the surveys involved recording the last four digits of the numberplates of each vehicle parked, which allows the duration of stay of each vehicle to be determined. Further analysis of the survey results identifies that 5 of the unrestricted spaces that were occupied during the survey period were occupied for no longer than two hours at a time. If these spaces were to be occupied by a staff member of the proposed office, people who currently use these spaces could readily park in nearby 2P spaces.



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Adequacy of Car Parking Provision

The foregoing analysis identified a requirement for 42 spaces for the proposed office development, and it is anticipated that these demands will comprise a 38 space staff parking component and a 4 space visitor parking component.

It is proposed to provide 28 car parking spaces on-site, which would be used by staff of the development. As such, 10 staff members and the anticipated 4 visitors to the site would require public parking nearby. Parking surveys identified no fewer than 113 spaces that would be suitable for use by visitors available throughout the survey period, including a minimum of 21 spaces that would be suitable for use by staff.

It is clear that the anticipated visitor parking demands can be accommodated in public car parking opportunities convenient to the site, while the availability of no fewer than 21 unrestricted spaces within walking distance of the site is sufficient to accommodate the anticipated demand for 10 staff spaces.

Bicycle Parking Considerations

Clause 52.34 of the Latrobe Planning Scheme sets out bicycle parking requirements for developments in the municipality. The requirements for an office (if the floor area exceeds 1,000 m²) are:

- 1 space to each 300 m² of net floor area for staff; and
- 1 space to each 1,000 m² of net floor area for visitors.

Considering the proposed 1,200 m² floor area, the above rates correspond to a requirement for 4 staff spaces and 1 visitor space. It is proposed to provide 5 bicycle parking spaces on-site, which meets the statutory requirement.

Clause 52.34 also sets out requirements for the provision of showers for staff who may cycle to the site. The requirement is for 1 shower for the first 5 employee bicycle spaces plus 1 shower for every 10 bicycle parking spaces thereafter. Due to the scale of the proposed development, there is no requirement to provide shower facilities.

Summary and Conclusions

It is proposed to redevelop the site at 5-7 Church Street, Traralgon for the purposes of a 1,200 m² office development. A total of 28 car parking spaces are proposed to be provided on-site, along with 5 bicycle parking spaces. Based on the foregoing analysis it is concluded that:

The development generates a statutory requirement to provide 42 parking spaces. Nevertheless, it is considered that a reduction in the parking demand is justified due to the anticipated car parking demands being lower than the statutory requirement and the availability of parking in the area;

The level of car parking demand anticipated to be generated by the proposed development amounts to up to 42 spaces, comprising 38 staff spaces and 4 visitor spaces;

Car parking surveys identified a suitable number of public car parking spaces available to accommodate car parking demands that cannot be accommodated on-site; and

The development attracts a statutory requirement to provide 5 bicycle parking spaces. This provision is met by the proposed supply.

On the basis of the above, it is considered that a reduction in the car parking requirements set out in Clause 52.06 of the Latrobe Planning Scheme is justified. It is considered that statutory requirement for the number of bicycle parking spaces can be readily accommodated.



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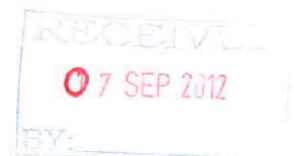
We trust this information is of assistance. Should you have any queries in relation to this assessment, please do not hesitate to contact the undersigned.

Yours sincerely

A handwritten signature in black ink that reads "Rod Jude".

Rod Jude
Senior Engineer
for Cardno
Direct Line: 8415 7768
Email: rod.jude@cardno.com.au

Enc: 'Ned Kelly' bicycle parking rail specifications





'Ned Kelly' bicycle parking rail

Ned Kelly - Dimensions



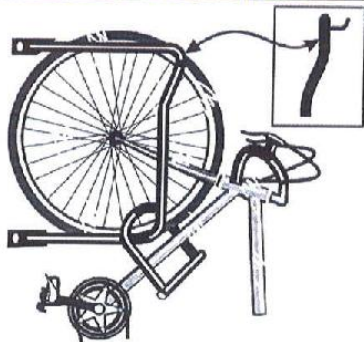
Note picture shows Clamp on base plate

Ned Kelly - Specifications

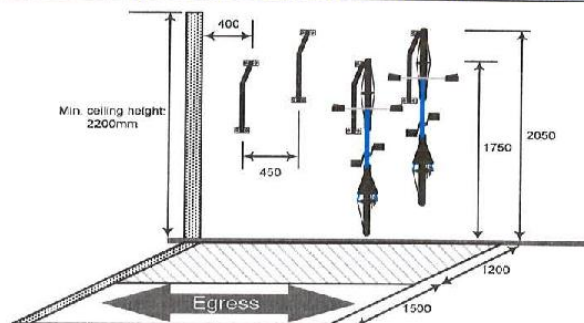
Material Options
Galvanised Steel
Powder Coat - Steel*
Hot Dipped - Steel
304 Grade - Stainless Steel
316 Grade - Stainless Steel
Recommended fasteners
Zinc plated dynabolts
Stainless Steel dynabolts
Fixing Options
Bolt On*
Clamp On
In Situ

* indicates most common designation

Ned Kelly - Locking points



Ned Kelly - Layout Guidelines



Options and base plate details

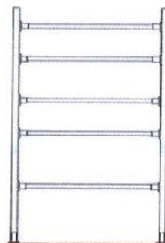
Bolt On base plate



Custom Colours



Custom framework



Clamp On base plate



©Bicycle Victoria 2010

Street Address
10/446 Collins Street
Melbourne VIC 3000

Mailing Address
PO Box 426
Collins St West Vic 8007

Phone - Fax
Sales (03) 8636 8820
Fax (03) 8636 8800

Email - Web
parking@bv.com.au
bikeparking.com.au

Company Details
Bicycle Victoria Inc
ABN 41 026 835 903





WHOLESALE & RETAIL QUALITY
FRUITERS SOURCING DIRECT FROM
GROWERS ALL AROUND AUSTRALIA

pw 3/1/13
bnet

14th December '12

Dear Ms Power,

Thank you for your reply letter that we received 13th December '12.

We appreciate what you have indicated with the laneway, re our property and 1-3 Church Street Traralgon.

I feel we have "skipped" a couple of things that we (the Tripodi Family) have pointed out.

Our neighbours (5-7 Church Street Traralgon) will be building over an easement, or laneway that they have closed off, giving the impression that Church Street through to Deakin Street is one block. There is a 'laneway' that should attach from our boundary, and go through to Hotham Street. If they have not purchased that part of the laneway, then how could you dismiss my objection and given them the 'all clear' to develop over it. If this is the case, then clearly the council are not doing their job.

Another point is that the reduction of the size of the loading zone in Deakin Street, Traralgon, to accommodate for their new entry and exit for the new proposed car park. We are forgetting that transport is an essential service. The current loading zone is inadequate. Over the past few years, I have met with engineers from the council and explained to them (on site) that it needs to be slightly lengthened and widened to be able to safely use it, nothing has been done. I am wondering, should I bring this to the attention of Vic Roads?

Admittedly, I am not as well educated as others, but it appears that these items, as well as others have been overlooked. We are asking if you could please reconsider our objection.

Like the LaTrobe Shire, we love to see Traralgon and the LaTrobe Valley prosper, but when it appears that others can be favoured, others compromised, it doesn't make for a fair and just decision, when our objection is dismissed for only part of an objection.

Thank you


Gino Tripodi
On behalf of the Tripodi Family

LATROBE CITY COUNCIL	
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"As fresh as today, just as crisp as tomorrow"

**16.8 PUBLIC LIABILITY AND ASSET INSURANCE RENEWALS
2013/2014**

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to provide Council with information regarding the upcoming insurance renewals process, for Public Liability, Products Liability and Professional Indemnity, and Industrial Special Risk (ie property) insurance for 2013/2014, and seek authorisation for the CEO to enter into negotiations and agreement on Council's behalf.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives -Governance

In 2026, Latrobe Valley has a reputation for conscientious leadership and governance, strengthened by an informed and engaged community, committed to enriching local decision making.

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

*An active connected and caring community
Supporting all*

Attract, retain, support

Enhancing opportunity, learning and lifestyles

Strategic Direction – Governance

Ensure that Latrobe City Council continues to meet the highest standards of financial probity.

Ensure that Latrobe City Council applies a sound risk management approach to decision making and service delivery.

Delegate appropriately and make sound decisions having regard to legislative requirements, policies, professional advice, sound and thorough research and the views of the community.

ORDINARY COUNCIL MEETING AGENDA 22 APRIL 2013 (CM405)

Service Provision – Financial Management
Administer procurement processes for goods and services within Latrobe City Council.

Service Provision – Risk Management
Administer strategic risk management, advice and services of Latrobe City Council.

Strategy – Risk Management Plan

Legislation –

Sections 76A and 186, Local Government Act 1989

Policy – Procurement Policy 12 POL-4

The principle aim of this policy is to ensure best practice contracting and procurement for all goods, services and works by Council.

BACKGROUND

Latrobe City Council currently holds insurance for Public Liability, Products Liability and Professional Indemnity with Municipal Association Victoria (MAV) Insurance – Liability Mutual Insurance Scheme, and Industrial Special Risk (ISR) with Jardine Lloyd Thomson's Joint Municipal Asset Protection Plan. These policies are due to expire 30 June 2013.

Public Liability, Products Liability and Professional Indemnity
MAV Insurance – Liability Mutual Insurance Scheme ('the Scheme') is specifically for Victorian Local Government and was established in 1993 in accordance, and to assist councils to achieve compliance, with Section 76A of the *Local Government Act 1989*, which states:

- (1) A Council must take out and maintain insurance against-
 - (a) public liability for an amount of at least \$30 million or such higher amount as may be fixed by Order in Council; and
 - (b) professional liability for an amount of at least \$5 million or such higher amount as may be fixed by Order in Council.
- (2) A Council may comply with subsection (1) by becoming a member of or participating in a scheme approved by the Minister for the purposes of this subsection.
- (3) A Council may become a member of or participate in a scheme approved by the Minister for the purposes of this subsection without complying with any restriction or requirement otherwise imposed on a Council by this Act.

ORDINARY COUNCIL MEETING AGENDA 22 APRIL 2013 (CM405)

Latrobe City Council, or its predecessors, has been with the Scheme since its inception. Of the 79 eligible Victorian councils, all are expected to take part in the Scheme in 2013/14.

Industrial Special Risk insurance

Industrial Special Risks Insurance (ISR) is the technical name for Council's property damage and consequential loss cover. The insurance policy is designed to protect physical assets, including buildings, stock, artworks, plant and machinery and other property, as well as income during the occurrence of business disruption. Latrobe City Council currently has assets valued at more than \$300m insured. Council's current ISR cover is provided by the Joint Municipal Asset Protection Plan (JMAPP).

JMAPP is a service that helps Victorian councils and water corporations to effectively manage and protect their assets. Formed by Jardine Lloyd Thomson – Risk Services, in conjunction with Victorian Local Government Authorities, JMAPP commenced on 30 September 1998.

JMAPP combines the elements of a discretionary trust with conventional ISR insurance. Essentially each authority, as a member of JMAPP, has contracted with the other members to form a self-insurance (or mutual) fund for ISR type claims. JMAPP is supported by an 'excess of loss' ISR insurance program, activated immediately should the fund become fully expended by claims.

The cover provided by JMAPP has been specifically tailored to meet Victorian Local Governments' requirements with regard to loss and/or damage to property assets and other consequential economic losses.

Latrobe City Council has been a member of JMAPP since the scheme's formation in 1998. In addition to property insurance coverage, JMAPP has also provided service and advice in the areas of risk management, risk auditing, claim administration and providing updated information in relation to property insurance trends and changes.

Requirement to undertake a public tender

Section 186 of the *Local Government Act 1989* requires Council to undertake a public tender process before entering into a contract for the provision of goods or services to the value of \$150,000 or more.

As Public Liability, Products Liability and Professional Indemnity is exempt from Section 186, Council is not required to undertake a public tender process before entering into a contract for the provision of these goods or services.

No exemption has been made for ISR insurance, and as such, Council is required to undertake a tender process. Due to the specialised nature of this insurance, Jardine Lloyd Thomson (JLT) has previously been appointed as a tendering agent for the purpose of conducting a public tender for ISR insurance on behalf of councils.

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

If councils were to undertake the tender process themselves, a council would need to hold licenses for insurance broking. Apart from the additional expenditure of such licenses and provision of expertise, there is a very real risk that insurers would not respond to a tender run by an individual council. It would also require that council to break away from JMAPP, and the cost for insurance may not be competitive with the joint scheme.

JLT provide a tender and probity plan which sets out the procedures to be followed, including their commitment to comply with the same compliance and probity rules applying to Council, the Insurance Brokers' Code of Conduct, and the Australian Stock Exchange (ASX). Councils do not pay any fee to JLT to conduct the tender on their behalf.

ISSUES

In 2012/13 the premium/contribution was \$353,499 and \$277,798 for public liability and ISR respectively. It is anticipated that public liability will continue to increase due to current market and claims/scheme history. ISR is also expected to increase due to market and claims history, such as natural disasters and claims of Latrobe and other councils, as well as an increase in Council's insured asset base following recent revaluations of council assets. These insurances will therefore exceed the delegation limit of the CEO.

The Act stipulates that councils must hold public liability and professional indemnity insurance. Industrial Special Risk insurance provides coverage for loss or damage to council property and assets in excess of \$300M, and against income loss due to business disruption. Council is required to hold suitable insurance to transfer this financial risk from council to the insurer, and due to the value, carry out a public tender for such insurance. These actions will achieve compliance with these requirements of the Act.

Due to the short timeframes involved in the renewal process once commenced, delegation of authority to the CEO to enter into negotiations and agreements for this insurance is sought, to ensure renewal timeframes are met, and Council is therefore not left uninsured, and therefore non compliant with the Act.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

The cost of Council's contribution (ie premium) for Liability Mutual Insurance and ISR insurance has been estimated at \$445,000 and \$346,000 respectively. This is based on previous year's contributions as well as indications from MAV Insurance and JLT regarding expected increases. These insurances will be funded from the proposed draft budget for Risk and Compliance for the 2013/14 financial year.

ORDINARY COUNCIL MEETING AGENDA 22 APRIL 2013 (CM405)

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014. The renewal of these insurances, as outlined above, ensures continuity of coverage and therefore compliance with the Local Government Act, and transfers the financial risk associated with public liability and property, to the insurer.

INTERNAL/EXTERNAL CONSULTATION

Internal consultation has been undertaken so as to ensure there are no undeclared potential claims, additional insured parties and entrepreneurial activities, as required to be declared as part of the renewal process.

OPTIONS

Council has the following options:

1. Authorise the CEO to enter into negotiations and agreement on behalf of council for the provision of Product Liability,
2. Not delegate authority to negotiate and enter into agreement, however due to the short timeframes involved in the renewal process, this may result in Latrobe City Council being uninsured and therefore not compliant with the *Local Government Act 1989*.

CONCLUSION

The *Local Government Act 1989*, and sound risk management principles, require Council to hold public liability, product liability and professional indemnity, and Industrial Special Risk (ie property) insurance. It is anticipated that the premium/contribution for these insurances will total \$791,000. To ensure renewal timeframes can be met, and cover is maintained, delegation of authority to enable the CEO to enter into negotiations and agreement for renewal of these insurances is sought.

Attachments
Nil

RECOMMENDATION

That Council authorise the Chief Executive Officer to negotiate and enter into an agreement for the renewal of Council's public liability, product liability and professional indemnity insurance, and Industrial Special Risk, for 2013/14 in accordance with the requirements of the *Local Government Act 1989* requirement to hold such insurance.

**16.9 PROPOSED SALE OF LAND - 11 HOPETOUN AVENUE,
MORWELL**

General Manager

Governance

For Decision

PURPOSE

The purpose of this report is to consider a request from the owner of 11 Hopetoun Avenue, Morwell, to have a strip of Council owned land fenced into the property transferred for a nominal consideration.

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives

Governance

In 2026, Latrobe Valley has a reputation for conscientious leadership and governance, strengthened by an informed and engaged community committed to enriching local decision making.

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

An active connected and caring community

Supporting all

Strategic Direction

- Delegate appropriately and make sound decisions having regard to legislative requirements, policies, professional advice, sound and thorough research and the views of the community.
- Provide timely, effective and accessible information about Latrobe City Councils activities.
- Ensure that Latrobe City Council continues to meet the highest standards of financial probity and is financially sustainable.

Service Provision

Property and Statutory – Administer property management, advice and services of Latrobe City Council.

Legislation

Local Government Act 1989

Section 189 of the Local Government Act 1989 gives Council the power to sell land however, before doing so, it must:

- (a) ensure that public notice of the intention to do so is given at least 4 weeks prior to selling or exchanging the land; and
- (b) obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the *Valuation of Land Act 1960* a valuation of the land which is made not more than 6 months prior to the sale or exchange.

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.

Policy – Sale of Council Owned Property Policy 11 POL-4

The principal 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.

It is Councils position that the sale of Council owned property will be via public auction unless circumstances exist that justify an alternative method of sale.

All sales of Council owned property shall be consistent with the Local Government Best Practice Guidelines for the Sale and Exchange of Land prepared by the Department of Planning and Community Development.

BACKGROUND

At its meeting held on Monday 7 February 2011 Council considered a request from the owner of 11 Hopetoun Avenue, Morwell, Kwinana Enterprises Pty Ltd, to acquire a strip of Council land fenced into the property (Attachment One) and resolved the following:

1. *That Council, pursuant to Section 189 of the Local Government Act 1989 and the Sale of Council Owned Property Policy, resolve to sell a strip of land adjoining the southern boundary of 11 Hopetoun Avenue, Morwell, being part of Lot 10 on LP 3219 and the land contained in Certificate of Title Volume 5081 Folio 080, by private treaty to the owner of 11 Hopetoun Avenue, Morwell.*

2. *That Council authorises the Chief Executive Officer or his nominee to negotiate the sale price for the strip of land adjoining the southern boundary of 11 Hopetoun Avenue, Morwell, in accordance with the sale of Council Owned Property Policy.*
3. *That Council authorises the Chief Executive Officer to enter into a Contract of Sale and, when prepared, sign and seal a Transfer of Land document allowing the transfer of the strip of land adjoining the southern boundary of 11 Hopetoun Avenue, Morwell.*

The original valuation of the land, obtained in June 2011, indicated that the market value for the land was \$20,000.00.

Despite repeated requests from Council, Kwinana Enterprises Pty Ltd never finalised the transfer and the property was subsequently sold to the current owner, Moe Movies Pty Ltd, in September 2012.

A planning application for a two lot subdivision and development of a second dwelling (2012/286) was submitted in October 2012 and, during consideration of this application, it was identified that the proposal included the strip of Council land that remained untransferred.

Council officers subsequently wrote to Moe Movies Pty Ltd in November 2012 notifying them of the presence of the strip of land and seeking their agreement to finalising the transfer.

An updated valuation of the land was obtained in January 2013 indicating that the market value for the land is \$14,000.00 plus GST.

Moe Movies Pty Ltd advised that they were not made aware of this strip of land or the outstanding transfer from Council when they purchased the property and they have now written (Attachment Two) requesting that this strip of land fenced into 11 Hopetoun Avenue, Morwell, be transferred for a nominal consideration.

ISSUES

Moe Movies Pty Ltd has requested that the strip of land fenced into their property at 11 Hopetoun Avenue, Morwell, be transferred for a nominal consideration for the following reasons:

- They were unaware of the presence of the strip of land when they purchased the property from the previous owner.
- The additional financial obligation of \$14,000.00 would make the current development proposal unfeasible and it may not proceed.
- Council will benefit in the longer term from the additional rate revenue created from the redevelopment of the property.
- The proposed development will increase the appearance of the area and encourage further development.
- The proposed development will contribute to the local economy.

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

During discussions with the applicant it was indicated that the property was purchased based upon the entire area and at no time were they informed that part of the property belonged to Council. Furthermore, due to the lack of information provided by the vendor, the purchase price paid for the property was based upon this misconception.

The current planning application (2012/286) for the proposed development has been placed on hold pending finalisation of the transfer of the strip of land and Moe Movies Pty Ltd have indicated that they may need to assess the feasibility of continuing with the proposal if the land was to be transferred at valuation.

This strip of land, measuring 145 square meters, is part of the land contained in Certificate of Title Volume 5081 Folio 080 which also forms part of Buckley Street and it will therefore need to be subdivided and consolidated with the property at the applicants' expense.

The land itself cannot be sold as a stand alone lot and, as such, the only possible purchaser is the owner of 11 Hopetoun Avenue however it should be noted that the valuation report did take into account both the limited potential of the site as well as the importance and value to the adjoining property.

The Sale of Council Owned Property Policy only allows the Chief Executive Officer to negotiate within 10% of valuation and it will therefore be necessary for Council to consider the request from Moe Movies Pty Ltd to have the land transferred for a nominal consideration.

Whilst it is acknowledged that the vendor failed to divulge the existence of this strip of land there is also an onus on the purchaser of any property to confirm the dimensions of the land as part of their due diligence prior to entering into a contract.

Furthermore, the current owner purchased the property with the intention to redevelop the land and there is therefore a commercial element to this transaction.

FINANCIAL, RISK AND RESOURCES IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014.

Council had previously resolved to sell the strip of land to Kwinana Enterprises Pty Ltd at valuation however the current request is for the land to be transferred at a nominal consideration.

As stated previously, a valuation of this land was obtained in January 2013 indicating that the market value of the land is \$14,000.

If the transfer of the land was to proceed the applicant, Moe Movies Pty Ltd, will be required to meet all survey and legal costs associated with the transfer and consolidation of the land.

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)****INTERNAL/EXTERNAL CONSULTATION**

Council gave public notice of the proposed transfer of the strip of land fenced into 11 Hopetoun Avenue, Morwell, during December 2010 and no submissions were received regarding the proposal.

Given the time that has elapsed since this community consultation was undertaken it would be necessary for a fresh consultation process to be undertaken should Moe Movies Pty Ltd be prepared to acquire the land at a price based upon the valuation obtained in January 2013.

OPTIONS

The following options are available to Council:

1. Transfer the strip of land fenced into 11 Hopetoun Avenue, Morwell, to Moe Movies Pty Ltd for a nominal consideration.
2. Transfer the strip of land fenced into 11 Hopetoun Avenue, Morwell, to Moe Movies Pty Ltd at valuation.
3. Retain the strip of land fenced into 11 Hopetoun Avenue, Morwell, which will require no further action.

CONCLUSION

Moe Movies Pty Ltd purchased 11 Hopetoun Avenue, Morwell, and they have indicated that they were unaware of the presence of a strip of Council owned land that was to be transferred to the previous owner of the property.

A planning application (2012/286) for a two lot subdivision and development of a second dwelling on the property, submitted in October 2012, is currently on hold pending finalisation of the transfer of this strip of land.

In this instance the sale of this land for a nominal consideration would not be a suitable outcome and it would be appropriate for the land to be transferred at a price based upon the recent valuation that was obtained by Council.

If Moe Movies Pty Ltd remain interested in acquiring this strip of land it will be necessary for a fresh community consultation to be undertaken prior to finalising the transfer.

Attachments

1. Location of Council owned land contained in Certificate of Title Volume 5081 Folio 080 with the strip of land to be consolidated with 11 Hopetoun Avenue shown hatched.
2. Application from Moe Movies Pty Ltd.

RECOMMENDATION

- 1. That Council refuse the request to sell a strip of land adjoining the southern boundary of 11 Hopetoun Avenue, Morwell, being part of Lot 10 on LP 3219 and the land contained in Certificate of Title Volume 5081 Folio 080, to Moe Movies Pty Ltd for a nominal consideration.**
- 2. That Council give public notice and seek comment on the proposed transfer of a strip of land adjoining the southern boundary of 11 Hopetoun Avenue, Morwell, should Moe Movies Pty Ltd wish to purchase the land at the current valuation.**
- 3. The Moe Movies Pty Ltd be advised accordingly.**

16.9

Proposed Sale Of Land - 11 Hopetoun Avenue, Morwell

- 1 Location of Council owned land contained in Certificate of Title Volume 5081 Folio 080 with the strip of land to be consolidated with 11 Hopetoun Avenue shown hatched..... 447**
- 2 Application from Moe Movies Pty Ltd..... 449**



LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
RECEIVED	
13 MAR 2013	
R/O:	Doc No:
Comments/Copies Circulated to:	
<input type="checkbox"/> Copy registered in DataWorks	<input type="checkbox"/> Invoice forwarded to accounts

Moe Movies Pty Ltd
 C/- Mr Kevin Riley
 PO Box 916
 MOE VIC 3825

8th March, 2013

The Chief Executive Office
 Latrobe City Council
 PO Box 264
 MORWELL VIC 3840

Attention: Mr Peter Schulz
 Property & Statute Officer

Dear Sir,

**RE: PROPOSED TOWNHOUSE BEHIND EXISTING DWELLING
 AT 11 HOPETOWN AVENUE, MORWELL VIC.
 LOT 11 LP 3219, LOT 12 LP 3219**

LCC – PLANNING PERMIT APPLICATION No.2012/286

We refer to Council's Letter (Ref Doc. No.884941:PS) dated 4th February, 2013 which was addressed to Verhoeven & Curtain Solicitors who are acting on our behalf to procure a strip of land owned by Latrobe City Council that is currently fenced into the above property.

Council have offered to sell the land which has been recently assessed at a market value of \$14,000.00 plus GST. We have been requested by Council's Mr Peter Schulz to confirm the details of our discussions with respect to our response and position with procurement of the strip of land at a meeting held within the Council Chambers 9.00am Thursday 7th March, 2013.

We respectfully request Council to transfer ownership of the strip of land to us for a token price, may we suggest of \$1.00 + GST together with reimbursement to Council of any Licenced Surveyor's Fees and any legal costs in doing so.

Our reasons for making such application are as follows:

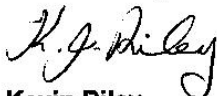
1. The cost of purchasing the land at 11 Hopetown Avenue including legal expenses 6 months ago was approximately \$135,000.00. We were lead to believe that we were purchasing the whole of the land, including the strip of land for which we found out later, after the purchase was complete, was Council owned.
2. Our apportionment of cost to the Townhouse land would be approximately \$60,000.00 together with accrued holding costs to date. The cost of construction of the three (3) bedroom townhouse incl. additional services infrastructure, landscaping, fencing, design costs and statutory fees etc will be at least \$240,000.00 + GST. Our proposed investment for the Townhouse will therefore be in excess of \$300,000.00 + GST. The imposition of an additional \$14,000.00 + GST would render the whole proposal non-viable and it would be unwise to proceed. However, at present we would prefer to take a more positive view with likely capital appreciation. For the present, though, Real Estate Agents have indicated the Townhouse Development would be valued at under \$300,000.00 excluding GST.

-2-

3. We suggest Council may view the idea of procuring more revenue (rates) as a result of selling the strip of land for a token amount as being far more attractive. For "a start" the rates would double and then escalate due to increased individual value of the Townhouse especially when the existing house on the corner is replaced by another new Townhouse. The Council rates over several years will exceed the \$14,000.00 + GST sum, perpetuating well into the future somewhere between 50 to 100 years.
4. It may be considered the proposed Townhouse will enhance the attractiveness of this "inner city precinct" to encourage owners or prospective investors to re-develop adjacent neighbouring properties with decent, modern, "close-in to the centre of town" residential living accommodation.
5. Although our project may not be regarded as large nor significant it will, nevertheless, contribute to stimulating the local economy with regard to local employment opportunity together with retail purchase of goods and services.

In summary we trust Council will take the "long-term" view of what will be achieved should we be successful in procuring the strip of land on our preferred basis.

Yours faithfully



Kevin Riley
For and on behalf of
Moe Movies Pty Ltd

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

16.10 DOCUMENTS PRESENTED FOR SIGNING AND SEALING

General Manager

Governance

For Decision

DECLARATION OF INTEREST

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

DOCUMENTS

PP 2011/377/A	Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Barbara Ann Walsh, Ian Lindsay Johnson and Neale Andrew Johnson as the Owners of the Land more particularly described in Certificate of Title Volume 8245 Folio 492 being Lots 1 and 2 on Plan of Subdivision TP297995X situated at 68 Moore Street, Traralgon pursuant to Condition 2 of Planning Permit 2011/377A for a Two (2) Lot Subdivision issued under officer delegation on 27 January 2012 providing that the operator of this permit must enter into an agreement with the Responsible Authority pursuant to Section 173 of the planning and Environment Act 1987 that requires any future development of the land be in accordance with the plans endorsed as part of Planning Permit 2009/302.
PP 2012/201	Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Mark Wilksch as Owner of the Land more particularly described in Certificate of Title Volume 6340 Folio 810 being Lot 5 on LP14723 situated at 165 Kay Street, Traralgon pursuant to Condition 8 of Planning Permit No. 2012/201 for Two (2) Lot Plan of Subdivision No. PS714301F issued under Officer Delegation on 22 November 2012 providing that no boundary fence shall be built between Lot 1 and Lot 2 within a distance of 2.5 metres from the edge of the adjacent footpath along Kay Street and that a landscaping plan be provided to Council prior to any new dwelling development commencing on Lot 2 to the satisfaction of the responsible authority.

**ORDINARY COUNCIL MEETING AGENDA
22 APRIL 2013 (CM405)**

PP 2010/336	Section 173 Agreement under Planning and Environment Act 1987 between Latrobe City Council and Patricia Irene Sedgman and Terrence John Sedgman (Being Owner No.1) and Patricia Irene Sedgman, Christopher John Lansdown and Richard Graham Lansdown (Being Owner No.2) as Owners of the Land more Particularly described in Certificate of Title Volume 9706 Folio 082 and Volume 9706 Folio 081 being situated at 19-25 Humphrey's Road, Toongabbie pursuant to Condition 2 of Planning Permit 2010/336 for Two (2) Lot Plan of Subdivision No. 711209J issued under Officer Delegation on 11 May 2011 providing that prior to the issue of Statement of Compliance, the Permit Operator must enter into an agreement with the Responsible Authority and make application to the Register of Titles to have the agreement registered on the title to the land under Section 181 of the Act which provides that the land will not be further subdivided.
Lease 245/SR	Lease between Latrobe City Council and Traralgon Football Netball Club Inc pursuant to Section 16 of the Crown Land (Reserves) Act 1978 for part of the Traralgon Recreation Reserve in Whittakers Road, Traralgon for a term of seven (7) years, commencing on 1 May 2013.
922964	Transfer of Land pursuant to Section 207D of the Local Government Act 1989 between Latrobe City Council and Mark Wilksch for the transfer of part of the road reserve at the rear of 165 Kay Street, Traralgon discontinued by the former City of Traralgon in the Victorian Government Gazette dated 26 July 1978 for the consideration of \$1.00

Attachments
Nil

RECOMMENDATION

- 1. That Council authorise the Chief Executive Officer to sign and seal the Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Barbara Ann Walsh, Ian Lindsay Johnson and Neale Andrew Johnson as the Owners of the Land more particularly described in Certificate of Title Volume 8245 Folio 492 being Lots 1 and 2 on Plan of Subdivision TP297995X situated at 68 Moore Street, Traralgon pursuant to Condition 2 of Planning Permit 2011/377A for a Two (2) Lot Subdivision issued on 27 January 2012.**
- 2. That Council authorise the Chief Executive Officer to sign and seal the Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Mark Wilksch as Owner of the Land more particularly described in Certificate of Title Volume 6340 Folio 810 being Lot 5 on LP14723 situated at 165 Kay Street, Traralgon pursuant to Condition 8 of Planning Permit No. 2012/201 for Two (2) Lot Plan of Subdivision No. PS714301F issued under Officer Delegation on 22 November 2012.**
- 3. That Council authorise the Chief Executive Officer to sign and seal the Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Patricia Irene Sedgman and Terrence John Sedgman (Being Owner No.1) and Patricia Irene Sedgman, Christopher John Lansdown and Richard Graham Lansdown (Being Owner No.2) as Owners of the Land more Particularly described in Certificate of Title Volume 9706 Folio 082 and Volume 9706 Folio 081 being situated at 19-25 Humphrey's Road, Toongabbie pursuant to Condition 2 of Planning Permit 2010/336 for Two (2) Lot Plan of Subdivision No. 711209J issued under Officer Delegation on 11 May 2011.**
- 4. That Council authorises the Chief Executive Officer to sign and seal the Deed of Lease between Latrobe City Council (as Landlord) and Traralgon Football Netball Inc (as Tenant) for part of the Traralgon Recreation Reserve in Whittakers Road, Traralgon for a term of seven (7) years, commencing on 1 May 2013.**
- 5. That Council authorises the Chief Executive Officer to sign and seal the Transfer of Land between Latrobe City Council and Mark Wilksch for the transfer of part of the road reserve at the rear of 165 Kay Street, Traralgon discontinued by the former City of Traralgon in the Victorian Government Gazette dated 26 July 1978 for the consideration of \$1.00.**

ORGANISATIONAL EXCELLENCE

17. ORGANISATIONAL EXCELLENCE

Nil reports

MEETING CLOSED TO THE PUBLIC

18. MEETING CLOSED TO THE PUBLIC

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.

RECOMMENDATION

That the Ordinary Meeting of 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 reasons indicated:

18.1 ADOPTION OF MINUTES

Agenda item *Adoption of Minutes* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

18.2 CONFIDENTIAL ITEMS

Agenda item *Confidential Items* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

18.3 LCC-37 RECONSTRUCTION OF HOURIGAN ROAD AT MORWELL - STAGE 2

Agenda item *LCC-37 RECONSTRUCTION OF HOURIGAN ROAD AT MORWELL - STAGE 2* is designated as confidential as it relates to contractual matters (s89 2d)

18.4 LCC-47 PROVISION OF PLUMBING SERVICES

Agenda item *LCC-47 PROVISION OF PLUMBING SERVICES* is designated as confidential as it relates to contractual matters (s89 2d)

18.5 LCC-48 PROVISION OF ELECTRICAL SERVICES

Agenda item *LCC-48 PROVISION OF ELECTRICAL SERVICES* is designated as confidential as it relates to contractual matters (s89 2d)

18.6 LCC-49 CONSTRUCTION OF FOOTPATH AT COALVILLE ROAD, MOE - STAGES 4 & 5

Agenda item *LCC-49 Construction of Footpath at Coalville Road, Moe - Stages 4 & 5* is designated as confidential as it relates to contractual matters (s89 2d)

18.7 COMMUNITY GRANTS REQUEST FOR CHANGE TO PROJECT 1737

Agenda item *COMMUNITY GRANTS REQUEST FOR CHANGE TO PROJECT 1737* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

18.8 TOURISM ADVISORY BOARD APPOINTMENT OF MEMBERS TO THE BOARD

Agenda item *Tourism Advisory Board Appointment of Members to the Board* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

18.9 MAYORAL SPONSORSHIP APPLICATION

Agenda item *Mayoral Sponsorship Application* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

18.10 ITT 13040 - TRARALGON NORTH DEVELOPMENT PLAN AND DEVELOPMENT CONTRIBUTION PLAN

Agenda item *ITT 13040 - TRARALGON NORTH DEVELOPMENT PLAN AND DEVELOPMENT CONTRIBUTION PLAN* is designated as confidential as it relates to contractual matters (s89 2d)

18.11 CEO PERFORMANCE REVIEW - APPOINTMENT OF CONSULTANT

Agenda item *CEO Performance Review - Appointment of Consultant* is designated as confidential as it relates to personnel matters (s89 2a)