



# LATROBE CITY COUNCIL

## MINUTES OF THE ORDINARY COUNCIL MEETING

HELD IN THE  
NAMBUR WARIGA MEETING ROOM,  
CORPORATE HEADQUARTERS, MORWELL  
AT 7:00 PM ON 21 MARCH 2011

**PRESENT:**

*Cr Darrell White, Mayor - Firmin Ward*  
*Cr Sharon Gibson, Deputy Mayor - Merton Ward*  
*Cr Rohan Fitzgerald - Dunbar Ward*  
*Cr Sandy Kam - Galbraith Ward*  
*Cr Bruce Loughheed - Tanjil Ward*  
*Cr Graeme Middlemiss - Rintoull Ward*  
*Cr Kellie O'Callaghan - Burnet Ward*  
*Cr Lisa Price - Farley Ward*  
*Cr Ed Vermeulen - Gunyah Ward*  
*Paul Buckley, Chief Executive Officer*  
*Carol Jeffs, General Manager Governance*  
*Allison Jones, General Manager Economic Sustainability*  
*Tom McQualter, Manager Council Operations and Legal Services*  
*Peter Quigley, General Manager Built and Natural Environment*  
*Jayne Emans Council Operations Administration Officer*  
*Julie Kyriacou, Manager Community Information Centres*  
*Meagan Bennetts, Council Operations Administration Officer*

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**TEA BREAK**

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**CLOSED**

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### **1. Opening Prayer**

The Opening Prayer was read by the Mayor.

### **Recognition of Traditional Landholders**

The Recognition of Traditional Landholders was read by the Mayor.

### **2. Apologies for Absence**

### **3. Declaration of Interests**

Cr Gibson declared an indirect interest under section 78 of the *Local Government Act 1989* in Item 11.6.2 TRUenergy Yallourn – Application for permanent Road Closures.

Cr O’Callaghan declared an indirect interest under section 78B of the *Local Government Act 1989* in Item 11.6.2 TRUenergy Yallourn – Application for permanent Road Closures.

Cr O’Callaghan declared an indirect interest under section 78B of the *Local Government Act 1989* in Item 11.6.3 Documents Presented for Signing and Sealing.

Cr Fitzgerald declared an indirect interest under section 78B of the *Local Government Act 1989* in Item 11.6.3 Documents Presented for Signing and Sealing

Cr Gibson declared an indirect interest under section 78 of the *Local Government Act 1989* in Item 15.5 Street Lighting Electricity Agreement.

Cr O’Callaghan declared an indirect interest under section 78B of the *Local Government Act 1989* in Item 15.5 Street Lighting Electricity Agreement.

### **4. Adoption of Minutes**

**Moved:** Cr Gibson

**Seconded:** Cr Loughheed

**That Council adopts the Minutes of the Ordinary Council Meeting held on 7 March 2011 (CM 339), relating to those items discussed in open Council.**

**CARRIED UNANIMOUSLY**

# NOTICES OF MOTION

**6.1 2011/04 - NOTICE OF MOTION - TELSTRA****CR GIBSON****MOTION**

**Council Officers prepare a report on what services are provided by Telstra to Latrobe City Council and in the event we have services with Telstra, what would be the implications of severing these services with Telstra?**

**Moved:** Cr Gibson**Seconded:** Cr Kam**That the Motion be adopted.****For the Motion**

Councillor/s White, Loughheed, Middlemiss, Gibson, Price, Vermeulen and O'Callaghan

**Against the Motion**

Councillor/s Fitzgerald and Kam

**The Mayor confirmed that the Motion had been CARRIED.**

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# **ITEMS REFERRED BY THE COUNCIL**

**7.1 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT**

**AUTHOR:** General Manager Governance  
**(ATTACHMENT - YES)**

**1. INTRODUCTION**

The purpose of this report is to provide Council with correspondence received from the Australian Local Government Association relating to the constitutional recognition of Local Government.

**2. DECLARATION OF INTERESTS**

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

**3. OFFICER COMMENTS**

The Australian Local Government Association has written to all local government bodies in Australia seeking their support in ensuring that a referendum be held in 2013. This referendum will seek;

- (a) to change the Constitution by allowing direct funding of local government bodies by the Commonwealth Government; and
- (b) to include local government in any new Preamble to the Constitution if one is proposed.

The Australian Local Government Association has also requested that local government bodies write to the Prime Minister, the Leader of the Opposition and their local Federal Member of Parliament advising them of their support for constitutional recognition, should the Council resolve to do so.

The Australian Local Government Association proposes to submit a Constitutional Declaration for Council's at the conclusion of the 2011 National General Assemble of Local Government to be held on 22 June 2011.



**4. RECOMMENDATION**

**That Latrobe City Council declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.**

**Moved:** Cr Lougheed

**Seconded:** Cr Kam

**That the Recommendation be adopted.**

**For the Motion**

Councillor/s White, Fitzgerald, Lougheed, Middlemiss, Gibson, Price, Vermeulen and O'Callaghan

**Against the Motion**

Councillor Kam

**The Mayor confirmed that the Recommendation had been CARRIED.**

**ATTACHMENT**

## AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION



Gr Kellie O'Callaghan  
 Mayor  
 Latrobe City Council  
 PO Box 264  
 MORWELL VIC 38440

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
RECEIVED 11 FEB 2011	
R/D:	Doc No:
Comments/Copies Circulated to:	
<input type="checkbox"/> Copy registered in DataWorks	<input type="checkbox"/> Invoice forwarded to accounts

Dear Mayor O'Callaghan,

### Constitutional Recognition of Local Government – A role for Councils

In June last year, following the 2010 National General Assembly of Local Government, Geoff Lake wrote to you providing an update of progress on the Australian Local Government Association's (ALGA's) campaign for a referendum on the constitutional recognition of local government and providing copies of fact sheets and a brochure designed to highlight the importance of local government to local communities. I am now writing to advise you of further progress and to invite your council to become directly engaged in the campaign for constitutional recognition.

Following the 2010 Federal Election, Prime Minister Gillard committed to holding a dual referendum on the constitutional recognition of local government and the recognition of Indigenous Australians. The referendum will most likely be held in conjunction with the 2013 Federal Election. The challenge for local government is now threefold: to ensure the referendum is held; to ensure that the type of recognition sought meets our requirements; and to make sure we have a positive result in the referendum itself.

ALGA has devoted considerable resources over the past three years to developing the case for constitutional reform and the need for reform. That need was highlighted in stark terms in 2009 by the decision of the High Court in *Pape v Federal Commissioner of Taxation*. In that case the High Court set out the limitations of the Australian Government's powers and, in doing so, clearly indicated that the Australian Government does not have the power to fund local government directly.

It is obviously in the best interests of local communities that Federal Governments, whatever their political persuasion, have the capacity to fund councils directly to achieve national objectives. This is why our preference is for a pragmatic and simple change to the Constitution (most likely to Section 96) which would allow direct funding to continue. ALGA's research shows that this simple and pragmatic change is most likely to garner the necessary public support. ALGA has not ruled out recognition of local government in a Preamble to the Constitution if one is proposed but such limited recognition alone would not meet local government's requirements and address the uncertainty highlighted by the *Pape* case.

The form of financial recognition of local government proposed by ALGA, which will not impact on the relationship between councils and state governments, has been endorsed by your local government association and all other state and territory local government associations. ALGA believes it is now important that this position also be endorsed by all councils to demonstrate to Federal and state governments, oppositions and political parties that the position has widespread support within local government.

I am therefore writing to all councils to ask them to pass a resolution in council chambers in the first few months of 2011 endorsing the position that a referendum be held by 2013 to change the Constitution to allow direct funding of local government bodies by the Commonwealth Government and also to include local government in any new Preamble to the Constitution if one is proposed. I have attached the draft text of a possible resolution for your assistance.

It is ALGA's intention that a Constitutional Declaration for Councils will be submitted for signature by council representatives at the conclusion of the 2011 National General Assembly of Local Government on 22 June 2011. ALGA's objective is that all councils will be in a position to sign the Declaration supporting financial recognition at that time.

As part of local government's campaign, it is also important to ensure that national political leaders are left in no doubt about our commitment to constitutional recognition. I am therefore also asking that councils write to the Prime Minister, the Leader of the Opposition and their local Federal Member of Parliament to advise them of councils' support for recognition after councils have passed a resolution in council chambers. I have enclosed some suggested text for such letters which you might find useful.

I will be writing to you again in the coming months with further materials which will help council in a campaign to win broad public support for constitutional recognition. While the challenge of reform is substantial, I have no doubt that by working together we can overcome any obstacles and bring about a much more sustainable and secure future for councils and local communities throughout Australia.

Yours sincerely



Cr Genia McCaffery  
President

DRAFT LETTER TO PRIME MINISTER  
The Hon Julia Gillard MP  
Prime Minister  
Parliament House  
CANBERRA ACT 2600

[Insert date]

Dear Prime Minister

**Constitutional Recognition of Local Government**

The Government's announcement to hold a referendum into the constitutional recognition of local government by 2013 is welcomed by [insert name of council].

Councils throughout Australia play a vital role in the provision of essential services and infrastructure at the local and regional level including at times of natural disasters.

I am writing to advise you of a resolution passed recently by Council supporting the constitutional recognition of local government and to seek your support for Council's position.

The importance of the constitutional recognition of local government has been highlighted in stark terms by the 2009 decision of the High Court in the case of *Pape v Federal Commissioner of Taxation* which raises legal doubt over the Commonwealth's powers to fund local government directly.

Council strongly supports constitutional recognition as an essential step in ensuring that local communities receive the services and infrastructure they deserve. Council considered and passed the following resolution on [insert date].

**[insert name of council] declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.**

Council urges you to support the constitutional recognition of local government and I look forward to your response.

Yours sincerely

Mayor

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## DRAFT LETTER TO LEADER OF THE OPPOSITION

The Hon Tony Abbott MP  
Leader of the Opposition  
Parliament House  
CANBERRA ACT 2600

[Insert date]

Dear Mr Abbott

**Constitutional Recognition of Local Government**

Bipartisan support for a referendum proposal is essential for its success. The leaders of the Liberal Party and National Party both publicly supported the constitutional recognition of local government at the 2010 National General Assembly of Local Government. The recent announcement by the Federal Government to hold a referendum into the constitutional recognition of local government by 2013 is an important step in the process of reform.

Councils throughout Australia play a vital role in the provision of essential services and infrastructure at the local and regional level including at times of natural disasters.

I am writing to advise you of a resolution passed recently by Council supporting the constitutional recognition of local government and to seek your support for Council's position.

The importance of the constitutional recognition of local government has been highlighted in stark terms by the 2009 decision of the High Court in the case of *Pape v Federal Commissioner of Taxation* which raises legal doubt over the Commonwealth's powers to fund local government directly. This needs to be resolved once and for all.

Council strongly supports constitutional recognition as an essential step in ensuring that local communities receive the services and infrastructure they deserve. Council considered and passed the following resolution on [insert date].

**[insert name of council] declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.**

Council urges you to support the constitutional recognition of local government and I look forward to your response.

Yours sincerely

Mayor

DRAFT LETTER TO YOUR LOCAL MP

Mr/Ms X, MP

Member for [insert name of electorate]

Parliament House

CANBERRA ACT 2600

[Insert date]

Dear Mr/Ms X

### **Constitutional Recognition of Local Government**

At the 2010 National General Assembly of Local Government, leaders of the major political parties – Labor, Liberal, National and Greens - publicly supported the constitutional recognition of local government. History has shown that bipartisan support is essential for any referendum proposal to succeed. Each parliamentarian will cast a vote on the referendum proposal and as the local Member for [insert name of electorate] I am writing to seek your support and the support of your party.

Councils throughout Australia play a vital role in the provision of essential services and infrastructure at the local and regional level including at times of natural disasters.

I am writing to advise you of a resolution passed recently by Council supporting the constitutional recognition of local government and to seek your support for Council's position.

The importance of the constitutional recognition of local government has been highlighted in stark terms by the 2009 decision of the High Court in the case of *Pape v Federal Commissioner of Taxation* which raises legal doubt over the Commonwealth's powers to fund local government directly. This needs to be resolved once and for all. Financial recognition of local government will enable the Federal Government to directly fund local government.

Council strongly supports constitutional recognition as an essential step in ensuring that local communities receive the services and infrastructure they deserve. Council considered and passed the following resolution on [insert date].

**[insert name of council] declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.**

Council urges you to support the constitutional recognition of local government. I am keen to discuss the issue with you further and I look forward to your response.

Yours sincerely

Mayor

**TEXT OF POSSIBLE COUNCIL RESOLUTION ON CONSTITUTIONAL  
RECOGNITION**

**[insert name of council] declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.**



# **2011 National General Assembly of Local Government**

## **Discussion Paper**

### **Growing with Our Community - Place, Position and Partnership -**

**Prepared by the Australian Local Government Association to help councils develop  
motions for the 2011 National General Assembly for Local Government.**

## Preamble

The theme for the 2011 National General Assembly for Local Government (NGA) is: ‘Growing with our Communities: Places, Position and Partnership’. The issues discussed in this paper aim to assist councils to develop motions for the 2011 NGA. This paper will discuss a limited range of key policy issues that emerge from international literature and are of direct relevance to local governments in Australia. While the topics under the themes are not mutually exclusive, they are discussed separately to help focus attention on specific initiatives that could assist local government to address the challenges of meeting the growing demands of local communities. It is anticipated that motions for the 2011 NGA will outline credible ideas and policy initiatives that will strengthen local government’s capacity to respond to the social, economic and environmental challenges facing Australia.

## Context

As discussed at last year’s NGA, on current trends Australia’s population is expected to grow from the current 22 million to 35.9 million by 2050. Population growth will create opportunities and challenges for governments and communities. Meeting the demands of a bigger Australia will require substantial new physical infrastructure as well as the need for the economy to remain internationally competitive, innovative, more inclusive and sustainable. What we as a nation choose to invest in, how we invest and where we invest will have profound impacts on local communities across Australia and influence where and how Australians will live.

At the time of writing, the Australian Government was seeking comment on several important research, discussion and issues papers related to urban policy and the development of an Australian sustainable population strategy. These papers provide interesting background to the theme of the 2011 NGA, and insight into the challenges and opportunities the Australian Government identifies at the current time. The papers are:

1. *Our Cities – Discussion Paper 2010 A national strategy for the future of Australian cities,*
2. *Our Cities – The challenge of change, Background and research paper,* and
3. *A Sustainable Population Strategy for Australia Issues Paper.*

At the national level, reform (and, in particular, micro-economic reform) has been at the forefront of Australia’s public policy debate and practice over the past twenty years. Reform has helped transform the Australian economy, and made a significant contribution to preparing the nation to meet the challenges of economic shocks such as the Global Financial Crisis (GFC). Landmark reforms include, but are not limited to: floating of the Australian dollar; national competition policy; the introduction of the Goods and Services Tax (GST); reform to Commonwealth state financial relations; health reforms; business red tape reduction; education; industrial relations; and water.

Further reform is essential if Australia is to continue to be internationally competitive as well as meet the future challenges of job creation, skills shortages, providing adequate and appropriate social support and achieving ecological sustainability.

Managing the local and regional impacts of reform is a significant challenge for governments. All reform has the potential to impact local and regional communities including the concentration of benefits and burdens in localities such as cities, regions, or specific neighbourhoods.

Local governments are at the ‘coal-face’ of managing change, planning<sup>1</sup>, coordination and provision of infrastructure and services for their local communities. It is therefore essential that local governments are consulted, and their policies and plans are taken into account when national reforms are being designed and implemented. This is, in part, achieved through active participation by the Australian Local Government Association (ALGA) at important intergovernmental forums such as the Council of Australian Governments (COAG) and relevant ministerial councils, and through ongoing dialogue with the Australian Government.

At the implementation level, however, local government has for many years strongly advocated the need for new ways for governments to work together to ensure that national programs and services meet local needs and local conditions. Models advocated include the need for greater local control and whole of government collaboration and better processes to jointly develop policy, and plan and implement initiatives at the local and regional level.

The challenge is to achieve effective mechanisms for council plans and projects to be better integrated into the way state and national programs and services are planned and delivered. In summary: achieving more appropriate integration of ‘top-down’ and ‘bottom-up’ policy approaches that will shape the future of local communities and thus Australian society.

The theme of the 2011 NGA is ‘Growing with our Communities - Places, Position and Partnerships’. The aim is to stimulate ideas about new ways of doing business to meet the infrastructure and service needs of local people in their local communities.

The ‘Places’ topic recognises that individuals and households live and work in: suburbs, neighbourhoods, farms, cities, towns, and local communities i.e. ‘places’. As these places differ geographically, culturally, economically and socially, it is not surprising that services need to be tailored to local circumstances. Under this topic, delegates will be invited to discuss models for improved collaboration between governments and governance models to jointly develop policy, plan, coordinate and deliver better infrastructure and services that will meet the circumstances of a particular ‘place’.

The ‘Position’ topic refers to the need for local government to be seen and treated as an integral part of the Australian federal system. There are more than 560 local governments in Australia, all of them democratically elected, accountable to their communities and charged with the responsibility, under state legislation, to govern in the interests of their local communities. Under this topic delegates will be invited to explore ways of ensuring that local government is properly recognised in all government structures including the Australian Constitution, as well as how local government can be better involved in shaping Commonwealth and state service delivery to better meet local needs.

The third topic is ‘Partnership’. This recognises that government service provision, including regulation, is a shared responsibility. While local government provides a wide range of services and infrastructure, many of these are in partnership with other levels of government. At the national level the partnership between local government and the Australian

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<sup>1</sup> In NSW for example local governments are required to undertake strategic land-use planning under the *Environment Planning and Assessment Act 1979 (NSW EP&A)* in addition councils are required to prepare corporate plans and monitor 10 year community strategic plan.

Government has delivered benefits to every Australian community including through programs such as the Roads to Recovery Program (R2R) and Community Infrastructure Program (CIP). Under this theme delegates will be encouraged to identify opportunities and challenges to the development of effective partnerships to improve the delivery of services and infrastructure at the local and regional level.

## **Place**

Commentators frequently describe Australia as experiencing a two (2) speed economy observing the rapid growth in the resource-rich states and comparatively slow growth in other jurisdictions. This description is used to highlight the disparity in economic performance and the associated opportunities and challenges in respective jurisdictions. For example, in a general sense, it accounts for relatively lower rates of unemployment, higher average wages, rising house prices and skills shortages in Western Australia and Queensland, and flat or comparatively higher unemployment, less pressure on average wages and flat housing prices in other states.

The annual State of the Regions Report (SOR) <sup>2</sup>, by National Economics for the Australian Local Government Association (ALGA) takes a more sophisticated approach to the analysis of Australia's economic performance. The SOR classification comprises 6 types of regions:

- Core metropolitan regions;
- Dispersed metropolitan regions;
- Lifestyle regions;
- Non-metro city regions;
- Resource regions; and
- Rural regions.

This analysis highlights, with greater granularity, the divergence (and / or convergence) in economic performance of Australia's regions.

There is a large and growing international body of research that shows the growing importance of place-sensitive approaches in public policy.<sup>3</sup> This research demonstrate how 'place matters' to the quality of life for all citizens and to the prosperity of nations. Place-based approaches can help to inform the development of policy initiatives to address the population and infrastructure pressures facing Australia's diverse communities. For example the challenges and opportunities of:

- large cities managing population growth; high and growing infrastructure demand; the need for greater connectivity including transport; pressure on urban amenity; concentration of social disadvantage; population diversity; social harmony; affordable and appropriate housing supply; and
- smaller communities facing population and employment decline, difficulty in attracting and retaining skilled labour, ageing infrastructure and environmental degradation.

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<sup>2</sup> State of the Regions (SOR) is in its twelfth edition. The SOR methodology pays attention to internal economic interactions within regions, while drawing upon and adapting Australian Bureau of Statistics data and respecting state and local government boundaries.

<sup>3</sup> Much of the literature is expressed in terms of 'Urban Policy' recognising the importance of cities, large and small. However this should not be interpreted as purely city-metro.

Having examined place-based approaches from North America, Europe and the United Kingdom, Bradford (2005) suggests there are two perspectives that need to be integrated into place-based policy development. The first is an ‘urban perspective’ which he suggests is preoccupied with physical infrastructure, and the powers and resources available to municipalities. The second is a ‘community perspective’ which focuses on social infrastructure, such as ‘civic participation and inclusion networks’.

In Australia it should be noted, local government has a major responsibility for both these perspectives. Local government has a major role in the provision of local physical infrastructure. ALGA in partnership with state and territory local government associations has developed a strong case for additional funding for local roads and community infrastructure. Local government also has a very strong role in facilitating civic participation, community engagement, social cohesion and inclusion. Therefore local government is a critical actor in any place-based approach in Australia.

Bradford (2005)<sup>4</sup> observes that in Canada a disproportionate burden of responsibility to manage place falls to local government. ‘[At] present, the problem of ageing infrastructure, insufficient affordable housing, spatially-concentrated poverty, traffic congestion and lowered air quality are piling up at the doorstep of the municipal governments. However, the implications reach well beyond the boundaries of the locality and the powers [fiscally] of the municipal authority’.

This highlights the need for governments at all levels to coordinate their policies and tailor their programs to the conditions prevailing in, and the circumstances of, particular places. Bradford cites the approach by New Labour (1997 – 2000) as being instructive in this regard ... ‘While not without its tension and gaps, New Labour’s joined up government and partnership approach moved beyond either a ‘top-down’ impositions of central government priorities and a ‘bottom-up’ competitive scramble among localities for funds. He also notes that the national government restored some legitimacy and capacity to local government as a partner in local collaboration and integration and rewarded them for working in ‘new ways’. [See also position theme in this paper.]

### **Improved Intergovernmental Relations**

ALGA is a member of the Council of Australian Governments (COAG) and other ministerial councils.<sup>5</sup> Through these forums ALGA is able to fully participate in debate and is involved in meetings of heads of government, ministers and officials representing the Commonwealth and state and territory jurisdictions.

ALGA’s participation in these processes is guided by ALGA policy which is determined by the ALGA Board and informed by all state and territory local government associations and the National General Assembly for Local Government.

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<sup>4</sup> Place-based Public Policy: Towards a New Urban and Community Agenda for Canada, Research report F/51 family network, Canadian Policy Research Network. (2005)

<sup>5</sup> It should be noted that COAG is currently reviewing ministerial council arrangements and by the time of the NGA may have implemented a number of changes. ALGA will remain a member of COAG and will continue to be represented at all ministerial forums that have direct relevance to local government.

This is a unique model of intergovernmental relations internationally where local government can be characterised as ‘...most often suffering from a ‘culture of non-recognition and neglect when it comes to the policy voice,’ Bradford (2005).

Participating at COAG and ministerial councils is very important as it provides ALGA with an opportunity to ensure that local government’s collective interest and concerns are taken into consideration in the development of intergovernmental policy arrangements. But it is important to note that much of the work of the Commonwealth, states and territories in relation to their respective program and policies is still developed and pursued unilaterally by governments. This is not unexpected given jurisdictional autonomy of all governments, constitutional responsibilities and electoral obligations.

In describing the public policy challenge, Bradford (2005) describes the notion of ‘wicked problems’. These are problems that: ‘... cannot be solved through ‘off the shelf solution’. With their inherent complexity, these problems are resistant to traditional sectoral interventions designed and delivered in a top-down fashion by individual government departments. Required instead are place-sensitive modes of policy intervention – strategies constructed with knowledge of the particular circumstances in communities, and delivered through collaborations across functional boundaries and departmental silos.’

Wicked problems frequently require inter-state and intergovernmental collaboration and coordination. It is therefore important that solutions to address wicked problems are developed collaboratively, pragmatically and are capable of achieving mutual goals.

Given local government’s knowledge and understanding of local communities, expertise in community consultation and planning, coordination and provision of infrastructure and services for local communities:

- ***Is there a need to improve the level of collaboration between all levels of government at the local level to better coordinate policies and tailor programs to local circumstances?***
- ***Are there any changes that could be implemented to improve the coordination and integration of policies and tailor programs to better meet the conditions prevailing and particular places?***
- ***How could national funding be allocated to improve the balance between ‘top-down’ impositions of central government priorities and a ‘bottom-up’ competitive scramble among localities for funds?***

## **Cities**

As previously mentioned, in December 2010 the Australian Government released 2 ‘urban policy’ papers:

- Our Cities – The challenge of change, background and research paper, and
- Our Cities – building a productive, sustainable and liveable future 2010, Discussion Paper.

These documents show an appreciation of the value of place-based approaches, in particular in the Government's developing approach to urban policy: ... 'Urban policy is grounded in a geographic consideration of place and the people that interact with that place. It considers how policy settings and investment decisions of governments, businesses and individuals impact on, or are affected by the needs and requirements of places. Urban policy is about understanding and trying to guide the complex systems that make up our cities. The aim of urban policy is to effectively manage change in a way which supports sustainable development: to meet the needs of the current generation without compromising the ability of future generations to have their needs met, (Bruntland 1988)'.

The documents note that '... the five largest city-regions in Australia are home to 70% of the nation's population (15 million people) and this proportion will substantially increase over the next decades'. The corollary of this is that around 30 per cent live outside these regions. Importantly the background paper acknowledges that there is a multi-faceted and wide-ranging interdependence between cities and regional Australia.<sup>6</sup>

A key issue in the context of this year's NGA and the above discussion on place-based policy is that of city governance. The Cities Discussion Paper quoting the 2010 Intergenerational Report suggests: '...The development of Australia's cities will also be central to improving productivity performance. Much of a city's capacity to accommodate population increases while supporting productivity growth is reliant on the efficacy and adequacy of its infrastructure, including its housing stock. The sustainability of Australia's cities will also be dependent on better governance in the planning and organisation of city infrastructure and more efficient use of existing infrastructure'.

The Background Paper notes that there are 157 local government entities in Australia's 18 major cities and, while acknowledging the roles and expectations of local governments have substantially broadened over time, it suggests '...yet there remains concern that the prevalence of small local governments inhibits both the efficiency of local services delivery and the effectiveness of city-wide governance'.

The Commonwealth Discussion Paper suggests '... The coming together of communities to form larger and more effective entities, or the grouping of local government into regional coalitions, can be the foundation of planning strategies over wider city areas. Regional groupings can also produce economic benefits for constituent entities, through economies of scale, for purchasing and more effective use of capital equipment'.

- ***If local government was to accept the premise, that the prevalence of small local governments inhibits both the efficiency of local services delivery and the effectiveness of city-wide governance:***
  - ***are there any other preferred governance models that could deliver improved city governance?***

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<sup>6</sup> ALGA supports a broadly based approach to regional development including the 6 types of regions identified in State of the Regional (SOR) ranging from core-metro to remote regions. In this sense urban policy is directly linked to a comprehensive regional policy.

- *are there any preferred models to improve coordination and integration of strategic planning at relevant scales e.g. local government areas; a city or region; state / territory; and national?*

## **Sustainable Population Policy**

As previously mentioned, in late December 2010 the Australian Government released A *Sustainable Population Strategy for Australia Issues Paper*. At the time of writing the Government is seeking submissions on the document by 1 March 2011. ALGA will be making a submission on the issues raised in the paper.

There are a range of important issues in these papers which will not be discussed in this section of the paper. However, it is important to note the Government's intention to link the development of the sustainable population strategy with other major policy initiatives and in particular the development of a National Urban Policy, commitments to regional Australia and meeting the needs of the economy. The Government also recognises the strategy will '...build on other major reforms...tackling climate change and water scarcity, service delivery reform, health reform, training and schools, productivity, infrastructure investment, food security, social inclusion and improving the lives of Indigenous Australians. Some of these issues may be considered under the 'partnership' theme where the delivery mutual objectives of programs and services will be discussed.

The purpose of raising the issues under the theme of 'place' is to consider ideas and or possible mechanisms to ensure local government plans are formally considered in the development of and implementation of a sustainable population strategy.

- *How could council strategic plans be used effectively in the development and implementation of a sustainable population strategy?*
- *What conditions would be required to allow practical implementation of such strategic plans*

## **Position:**

As noted above, Bradford identifies the importance of national [and state / territory] <sup>7</sup> governments recognising the legitimacy and capacity of local government in local collaboration and integration in place-based approaches. The 'Position' topic explores the way in which local government can increase the level of recognition and assert its legitimacy more fully in the Australian Federation.

Building on the success of the 2008 Constitutional Summit – A Special General Assembly, considerable progress has been made over less than five years toward a referendum on the recognition of local government.

ALGA and state and territory association have developed a comprehensive constitutional reform campaign to be conducted over the coming years. ALGA welcomes the undertaking

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<sup>7</sup> ALGA insert recognising the Australian Federal system of government.



of the Australian Government during the 2010 election to hold a referendum by 2013 on local government recognition in the Australian Constitution.

ALGA continues to work with the Government to bring this commitment. ALGA also welcomes the funding granted in the 2010-11 Budget towards development of the case in favour of constitutional recognition.

The core of the ALGA campaign is that although the Commonwealth Government has provided direct funding to local government for many years, a recent High Court decision has highlighted its lack of power to do so. The 2009 High Court case of *Pape v Commissioner of Taxation* has found that the Commonwealth does not have power to directly fund areas such as local government. It can only spend money where it has a specific power under the Constitution.

Without Constitutional recognition, direct Commonwealth funding of local government, through programs such as Roads to Recovery, may be technically invalid. Local government needs certainty and security in funding in order to provide the range and level of services expected by the community.

A full report of progress on the campaign will be provided at the NGA.

Working with the Government to ensure that a referendum on local government is achieved in the next term of the Government is only one component of a successful campaign on constitutional recognition. The second, and equally important component, is to ensure that the referendum is successful. This is an area which ALGA is working very closely with state and territory local government associations.

To understand this task it is important to know how the Constitution can be changed. Section 128 of the Australian Constitution sets out the process needed to amend the Constitution. In summary, the Constitution can only be changed through a Bill that is passed through the House of Representatives and the Senate by an absolute majority. An absolute majority is a majority of each chamber, voting separately. So there must be 50%+1 of the membership of the House of Representatives, and 50% +1 of the membership of the Senate. This practically means that there can be no constitutional change without the support of the government of the day, as it controls the business of the parliament.

Within 4 weeks of a referendum question being passed by the Parliament, the Electoral Commissioner must publish a booklet containing the Yes and No Case. This is:

- an argument of less than 2000 words approved by: the majority of parliamentarians who voted “yes” to the proposed referendum question
- an argument of less than 2000 words approved by: the majority of parliamentarians who voted “no” to the proposed referendum question

The question must then go to a referendum. A majority of voters overall must support the measure. A majority of states must also support the measure – that is 4 out of the 6 states must vote yes (the two territories do not count for this purpose).

This is what is called the double majority.

The voter must vote either “yes” or “no” to the question put in the ballot paper. The question is put in a very simple form to the voters along the lines of; do you agree to the Bill which Parliament has passed to amend the Constitution. Voting is compulsory and if the double majority is achieved, the Constitution is amended.

To achieve the double majority every council will need to play their part. In particular, every council must do everything they can to ensure that the electorate will vote yes to the referendum question on local government.

An important strategy to achieve a double majority is the need to strengthen the profile and standing of local government within the broader community. State and territory local government associations in all jurisdictions are working on strategies to achieve this end.

- *How can local councils help to increase the standing of local government across the electorate?*
- *What is actually required by local government to successfully implement such an initiative?*

### **Cost Shifting**

Currently a key indicator of the legitimacy and level of recognition given to local government is the way local government is treated, by other levels of government in particular, when councils are involved in the delivery of services on behalf of or in partnership with other levels of government.

In April 2006, all levels of government in Australia signed the *Intergovernmental Agreement Establishing Principles Guiding Intergovernmental Relations of Local Government Matters* (the IGA). The IGA, at the highest level, is an important expression of trust and respect between all levels of governments, and a commitment to deal with each other [fairly] in accordance with the agreement when other levels of government seeks to delegate responsibilities to local government.

Part I outlines the Fundamental principles of the IGA. These are:

- All parties are committed to achieving an open and productive relationship between the three spheres of government.
- All parties acknowledge the need for services and functions to be provided to communities in an efficient and effective manner.
- All parties agree in principle that where local government is asked or required by the Commonwealth Government or a State or Territory Government to provide a service or function to the people of Australia, any consequential financial impact is to be considered within the context of the capacity of local government.

The IGA, which is due for review by 2011, outlines a set of principles designed to establish an ongoing framework to address future cost-shifting.

- *Are there any matters that your council believes should be taken up in the review of this high level IGA that would help to address cost shifting?*

## Partnerships

In recent years, the Commonwealth and local government have worked together to deliver community infrastructure and services to local and regional communities. Local government has often been a partner in the efficient and effective planning, funding and delivery of national policies and programs – both through the provision of targeted funding for local government, like the Roads to Recovery program, and through local government applying for specific program funding under grants programs such as the Digital Regions Initiative.

One of the most successful partnerships between the Commonwealth and local councils has been the Roads to Recovery program. Since its inception in 2001, this program has delivered on national objectives directly through local government, benefiting local communities and enhancing economic capacity, particularly in rural and regional areas. These partnerships and collaborative arrangements should be maintained whilst working on further partnerships so that:

- policies and programs are designed in a way that directly responds to local and regional community aspirations and diversity;
- policies and programs are more cost effective and avoid duplicating systems;
- policies and programs reflect community feedback and are responsive to present and future community needs; and
- the design and administration of policies and programs is more transparent.

Direct partnership between the Commonwealth and local government can achieve a number of key outcomes:

- Renewal of local infrastructure, including local sporting facilities, cultural and community venues, and roads and transport infrastructure;
- Management of emergencies and recovery, and strengthening community resilience;
- Assessment of the impacts of climate change and the delivery of local mitigation and adaptation programs to achieve national objectives at the local level;
- Implementation of water initiatives at the local level – including infrastructure projects, water conservation programs, and community education;
- Delivery of sustainable regional economic development programs;
- Security and social cohesion;
- Development and enforcement of national food standards;
- Implementation of public and environmental health strategies;
- Delivery of national objectives in the areas of children's and aged care services; and
- Delivery of community cultural development programs and the arts.

Local government seeks to expand and deepen its partnership with the Commonwealth in the delivery of mutually agreed national program and policy outcomes to local and regional communities. Meaningful partnerships between the levels of government can only improve the quality of government decision-making for all Australians, and confidence in elected representatives.

- *How can the partnership between local government and the Australian Government be expanded and deepened to delivery of mutually agreed national program and policy outcomes to local and regional communities?*
- *What are some of the priority areas for stronger partnerships between local government and the Australian Government?*

# BUILT AND NATURAL ENVIRONMENT

**11.3.1 AMENDMENT C39 - BULKY GOODS CONSIDERATION OF  
PANEL REPORT**

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

**1. PURPOSE**

The purpose of this report is to present to Council for consideration the Planning Panel report received for proposed Amendment C39 and to seek approval to progress the amendment to the next stage.

**2. DECLARATION OF INTERESTS**

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

**3. STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2010-2014.

*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 2010 - 2014*

*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.

*Service Provision – Built Environment (City Planning)*

Provide Strategic Planning advice and services in accordance with the Local Planning Policy Framework.

*Legislation*

Local Government Act 1989

Planning and Environment Act 1987 (the Act)

Transport Integration Act 2010

The provisions of the Act and the Latrobe Planning Scheme apply to this amendment. The discussion and recommendations of this report are consistent with the Act and the Latrobe Planning Scheme, including the Municipal Strategic Statement (MSS).

**4. BACKGROUND**

A consultant was engaged in October 2008 to undertake a Retail Sustainability Assessment of the potential for dedicated bulky goods retail centres within the Latrobe City study area.

At the 4 May 2009 Ordinary Council Meeting Council resolved to:

*Adopt the Latrobe City Council Bulky Goods Retail Sustainability Assessment (March 2009) and select Site #6 - Morwell East #1 Princes Highway, west of National Road and Site #11 - Traralgon East #2 Princes Highway, west of Stammers Road, as the preferred sites for dedicated bulky goods precincts for a future rezoning of the land into a Business 4 Zone.*

Requests were received in 2009 to rezone both sites from Industrial 1 Zone to Business 4 Zone (B4Z), introduce Design and Development Overlay (DDO) Schedule 9 and Development Plan Overlay (DPO) Schedule 4.

The subject sites are at Princes Drive, Morwell, known as Lot 2 Plan of Subdivision PS412581 being Volume 10341 and Folio 327 and Princes Highway and Stammers Road, Traralgon East known as Lot 3 Plan of Subdivision PS445357Y being volume 10601 Folio 675 and Lot B Plan of Subdivision PS537834D being Volume 10857 Folio 540 (see Attachments 1 and 2).

Amendment C39 seeks to:

- Implement the recommendations of the adopted *Latrobe City Council Bulky Goods Sustainability Assessment Report 2009*;
- Rezone land at Princes Drive, Morwell and Princes Highway and Stammers Road, Traralgon East from Industrial 1 Zone to Business 4 Zone;
- Introduce Design and Development Overlay (DDO) Schedule 9 and Development Plan Overlay (Schedule 4) to both sites;
- Remove part of the DDO Schedule 4 and part of DPO Schedule 3 from Princes Drive, Morwell;
- Alter the Morwell and Traralgon Structure Plans in Clause 21.05 of the Municipal Strategic Statement to show such sites as Future Bulky Goods and Restricted Retail; and
- Alter Clauses 21.05-5, 21.05-6 and 21.05-7 of the Municipal Strategic Statement to include more specific references to Bulky Goods and Restricted Retail on both the Morwell and Traralgon sites.

Amendment C39 was exhibited from the 15 July 2010 to 23 August 2010. 17 written submissions were received by Latrobe City Council.

At the Ordinary Council meeting on 22 November 2010 Council resolved:

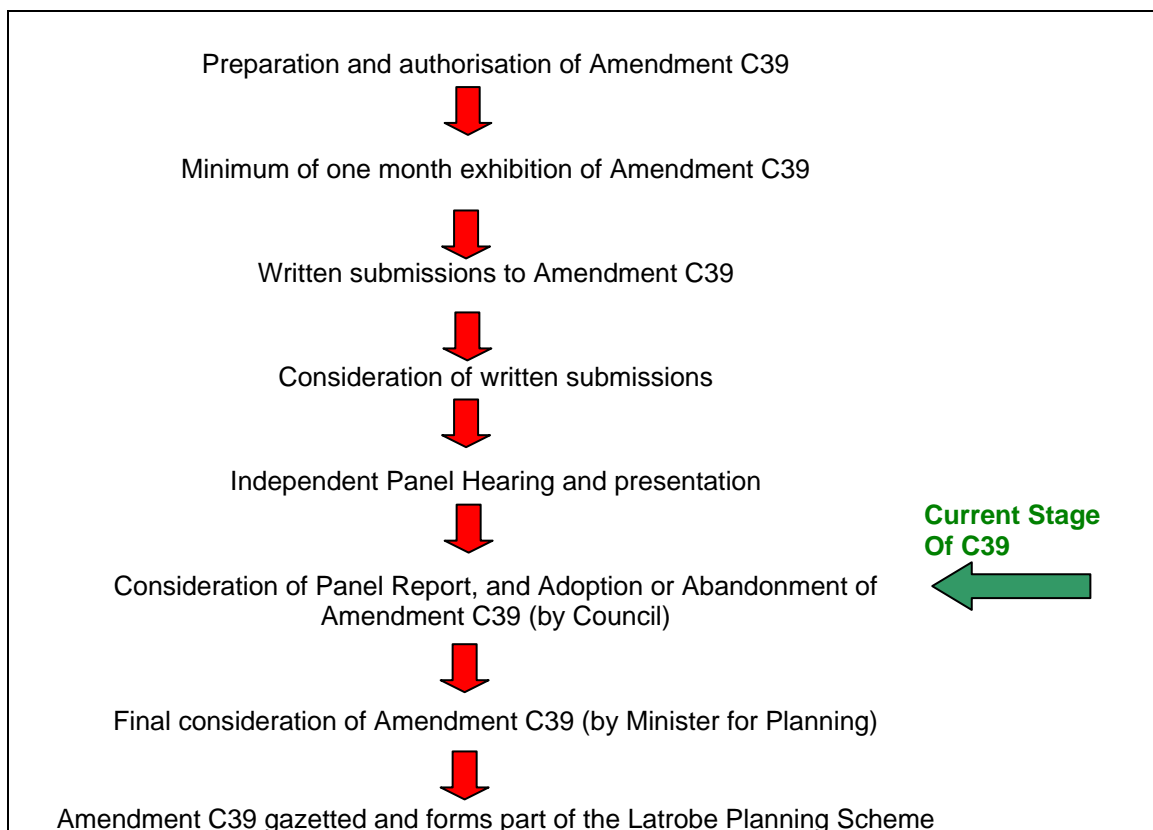
1. *That having considered all written submissions received to Amendment C39 Bulky Goods (Morwell and Traralgon) requests the Minister for Planning establish a planning panel to consider submissions for Amendment*
2. *Advise those persons who made written submissions to Amendment C39 Bulky Goods (Morwell and Traralgon) of this decision.*

#### Statutory Requirements

The C39 planning scheme amendment process is shown in the figure below and provides an indication of the current stage of C39.



## C39 Planning Scheme Amendment Process



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.

Amendment C39 has had regard to Section 12 of the Act and is consistent with the requirements of Section 12. In addition each amendment must address the Department of Planning and Community Development (DPCD) publication *Strategic Assessment Guidelines for Planning Scheme Amendments*. A response to these guidelines is outlined in the attached Explanatory Report (see Attachment 3).

The proposal is consistent with the State Planning Policy Framework and the Municipal Strategic Statement (MSS). This is explained in the attached Explanatory Report (see Attachment 3).

Section 27(1) of the Act requires Council to consider the panel's report before deciding whether or not to adopt the amendment. Section 29(1) of the Act enables Council after complying with the relevant sections of the Act, to adopt the amendment with or without changes.

#### Planning Scheme Amendments

Sections 22 and 23 of the Act require that Council must consider all submissions received to C39 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.

### 5. ISSUES

On 9 June 2010 Latrobe City Council received authorisation to exhibit planning scheme Amendment C39 subject to the following condition:

*That before the amendment can be approved a planning permit for subdivision must be granted for the extent of the Business 4 Zone to be rezoned at the Morwell site.*

The Minister for Planning is not able to approve the amendment for the Morwell site until planning permit 2010/141 for that site has been approved. Currently, planning permit 2010/141 has not been approved.

Following the Council Resolution on the 22 November 2010 a Planning Panel request was made on 9 December 2010. A Planning Panel was appointed on 15 December 2010.

On 13 January 2011 Latrobe City Council received submissions from Woolworths and Stable Property Group / SMEC Urban withdrawing their objection to Amendment C39. The withdrawal of these objections resulted in no outstanding objections to Amendment C39.

As a Planning Panel had already been appointed, the panel is required to report on the proposed amendment. This review of Amendment C39 would be 'on the papers' which means that the Panel would consider all the written submissions without conducting a Panel Hearing. An interim panel report based on the exhibited amendment was received on 19 January 2011 (see Attachment 4).

The panel requested that additional 14 days notice be given regarding a submitters request to include a small parcel of land at 1 Stammers Road to the Traralgon East site.

On 18 January 2011 additional notice was given to landowners adjoining or adjacent to the land at 1 Stammers Road, Traralgon East as requested by the panel. Landowners had until 7 February 2011 to make any submissions to the change in the amendment. No submissions have been received.

Following advice that no submissions had been received to the additional notice given, the Planning Panel prepared a final Planning Panel report which was received by Latrobe City Council on 15 February 2011 (see Attachment 5).

The Planning Panel report makes one (1) recommendation for Councils consideration, referencing that the amendment should be approved as exhibited subject to the modification of including the land at 1 Stammers Road, Traralgon East as part of the amendment (see Attachment 6).

In order for Amendment C39 to proceed, Council is requested to consider the recommendation of the Planning Panel.

## **6. FINANCIAL AND RESOURCES IMPLICATIONS**

The prescribed fees for planning scheme amendments are detailed in the *Planning and Environment (Fees) Regulations 2000*. The costs associated with this stage of the planning scheme amendment include the fee for the panel report and the fee for the Minister's approval of an amendment if the amendment is adopted by Council.

Statutory fees associated with this proposed amendment will be met by the proponents with no cost to Council.

**7. INTERNAL/EXTERNAL CONSULTATION**

The amendment is subject to the prescribed process in accordance with the public notice and consultation requirements of Section 19 of the Act.

This included advertising in the Government Gazette and local newspapers as well as written notification to landowners and occupiers that may be materially affected by the amendment.

All statutory and servicing authorities likely to be materially affected have also been notified of the proposed amendment.

Public Submissions

Amendment C39 was placed on public exhibition during the period 15 July 2010 to 23 August 2010. 17 written submissions were received by Latrobe City Council to C39 and these were considered at the Ordinary Council meeting on 22 November 2010.

Due to the withdrawal of all objections, a Planning Panel hearing was no longer required, and subsequently the panel considered all written submissions received (including the withdrawal of objections) 'on the papers' rather than conducting a hearing.

The Panel Report that was received by Council on 15 February 2011 was made available to the public on Latrobe City Council's website on 25 February 2011.

**8. OPTIONS**

The options available to Council are as follows:

1. That Council, after considering the Planning Panel report recommendations for Amendment C39, resolves to adopt and submit for approval to the Minister for Planning, Amendment C39 without changes
2. That Council, after considering the Planning Panel report recommendations for Amendment C39, resolves to:
  - Adopt, split and submit for Part 1 of Amendment C39 for approval to the Minister for Planning, Amendment C39 with changes.
  - Adopt, split and submit Part 2 of Amendment C39 for approval following the determination of planning permit 2010/141; or

3. That Council, after considering the Planning Panel report recommendations received for Amendment C39, resolves to abandon the exhibited planning scheme amendment C39 and inform the Minister for Planning.

## 9. CONCLUSION

The Planning Panel Report for Amendment C39 was received at Latrobe City Council offices on 15 February 2011. The report recommends that the amendment should be approved as exhibited subject to the modification of including the land at 1 Stammers Road, Traralgon East as part of the amendment.

Council is now requested to consider the recommendation of the Planning Panel and decide whether to adopt Amendment C39 as exhibited, adopt Amendment C39 with changes or abandon the amendment.

## 10. RECOMMENDATION

1. That Council, having considered the Planning Panel report recommendations for Amendment C39 adopts Amendment C39 with changes, identified in Attachment 5 – C39 ‘Final Panel Report’, in accordance with Section 29 of the *Planning & Environment Act, 1987*.
2. That Council resolves to split the amendment into two parts (Part 1 and Part 2). Council resolves to submit Amendment C39 Part 1 (Princes Highway and Stammers Road, Traralgon East) once adopted to the Minister for Planning for approval, in accordance with Section 35 of the *Planning and Environment Act 1987*.
3. That Council resolves to submit Amendment C39 Part 2 (Princes Drive, Morwell) once adopted to the Minister for Planning for approval following the determination of planning permit 2010/141 in accordance with the conditional Authorisation received for Amendment C39 on 9 June 2010.
4. That Council advises those persons who made written submissions to Amendment C39 of Council’s decision.

**Moved:** Cr Fitzgerald

**Seconded:** Cr Loughheed

**That the Recommendation be adopted.**

**For the Motion**

Councillor/s White, Fitzgerald, Lougheed, Middlemiss, Gibson, Price, Vermeulen and O'Callaghan.

**Against the Motion**

Councillor Kam.

**The Mayor confirmed that the Recommendation had been CARRIED.**

Attachment 1  
Morwell Site



Attachment 2  
Traralgon Site





**Attachment 3**

**Planning and Environment Act 1987**

**LATROBE PLANNING SCHEME**

**AMENDMENT C39**

**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 NBA Group Pty Ltd on behalf of Central Gippsland Development Group Pty Ltd and Beveridge Williams & Co Pty Ltd on behalf of Garbretian Pty Ltd and Garbre Developments Pty Ltd.

**Land affected by the amendment.**

The amendment would affect land at Princes Drive, Morwell being Lot 2 of Plan of Subdivision PS 412581, Volume 10341 Folio 327 and Princes Highway and Stammers Road, Traralgon East being Lot 3 Plan of Subdivision PS 445357Y, Volume 10601 Folio 675 and Lot B Plan of Subdivision PS 537834D, Volume 10857 Folio 540 and 1 Stammers Road, Traralgon East being Lot 2 PS 445357, Volume 10601 and Folio 674.

**What the amendment does.**

The amendment proposes to

- Implement the recommendations of the Bulky Goods Sustainability Assessment Report 2009;
- Rezone land at Princes Drive, Morwell, Princes Highway and Stammers Road, Traralgon East and 1 Stammers Road, Traralgon East from Industrial 1 Zone (IN1Z) to Business 4 Zone (B4Z);
- Introduce Design and Development Overlay (DDO) Schedule 9 and Development Plan Overlay (DPO) Schedule 4 to all sites.
- Remove part of Design and Development Overlay (DDO) Schedule 4 and part of Development Plan Overlay (DPO) Schedule 3 from land at Princes Drive, Morwell.
- Alter the Morwell and Traralgon Structure Plans in Clause 21.05 of the Municipal Strategic Statement to show the sites as “Future Bulky Goods and Restricted Retail”, and
- Alter Clauses 21.05-5, 21.05-6 & 21.07-6 of the Municipal Strategic Statement to include more specific references to Bulky Goods and Restricted Retail on all sites.

## Strategic assessment of the amendment

- Why is the amendment required?

The amendment is required to:

- Implement the recommendations of Latrobe City Council's adopted *Bulky Goods Retail Assessment (2009)*.
  - Provide greater flexibility for bulky goods / restricted retailing which is not afforded under the current Industrial 1 Zone.
  - Reduce the existing and growing market gap for bulky goods floorspace and land.
  - Reduce the retail expenditure leakage outside of the municipality.
  - Provide an appropriate level of control over the layout and design of future use and development of the land.
- How does the amendment implement the objectives of planning in Victoria?

*S.4 (1) (a) to provide for the fair, orderly, economic and sustainable use, and development of land;*

*S.4 (1) (f) to facilitate development in accordance with the objectives set out in paragraphs (a);*

The amendment implements these objectives of planning in Victoria by providing for and facilitating the orderly development of the two preferred sites as recommended in the adopted *Latrobe City Council Bulky Goods Retail Assessment (2009)*. The amendment may also attract new residents and visitors to the area, increasing the demand for goods and services in the locality and provide future employment prospects.

- How does the amendment address the environmental effects and any relevant social and economic effects?

The amendment takes into account all significant environmental, social and economic effects, including both the effects the amendment might have on the environment and the effects the environment may have on any use or development envisaged by the amendment.

The environmental effects of the proposal have been addressed for Princes Drive, Morwell and Princes Highway and Stammers Road, Traralgon East through ecological assessments. The Traralgon East site has approval from both Latrobe City Council and the Federal Government for the removal of native vegetation on this site and the adjacent road reserve. An approved vegetation offset protection has been obtained. No native vegetation removal is required on the Morwell site.

The amendment addresses social effects on all sites. The amendment facilitates higher quality retail facilities through the introduction of the DDO Schedule 9 and DPO Schedule 4 to ensure a positive urban design outcome. The introduction of the Business 4 Zone and the development of the land will reduce escape expenditure from the municipality and improve the efficiency and convenience of retail services to both the local communities and broader Gippsland communities.

The amendment will strengthen the municipality's retail status within the region and will enable the provision of additional local and social physical infrastructure.

The amendment addresses economic effects, as the proposed rezoning of all sites to Business 4 Zone and the development of the land will provide opportunities for new restricted retail businesses to establish within the municipality. In turn, this will assist to minimise retail escape expenditure. It will also facilitate development of the sites, which will provide short to medium term employment in the area by way of building construction and employment. Finally, the rezoning of the sites to Business 4 Zone may attract new residents and visitors to the area, increasing the demand for goods and services in the locality and provide future employment prospects.

- *Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?*

*The amendment complies with the Minister's directions under Section 12 of the Planning and Environment Act 1987. The Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.*

- How does the amendment support or implement the State Planning Policy Framework?

**Clause 11 Settlement** states that Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Planning is to recognise the need for, and as far as practicable contribute towards:

- Diversity of Choice
- A high standard of urban design and amenity

Planning is to prevent environmental problems created by siting incompatible land uses close together.

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns, and investment in transport and communication, water and sewerage and social facilities.

The amendment allows for a diversity of commercial choice for developers and residents by facilitating two B4Z commercial development fronts. Applying the DDO and DPO will ensure a positive urban design outcome, contributing to the visual amenity of the sites. The sites are within an appropriate location within the town boundary and takes advantage of existing services and settlement patterns.

**Clause 11.02-1 Supply of urban land – Objective** is to ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

**Clause 11.02-1 Supply of urban land – Strategies** is to

- Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.
- Ensure that sufficient land is available to meet forecast demand.

*The Latrobe City Council Bulky Goods Retail Assessment (2009)* states that currently there is a shortfall of 20,000sqm of restricted retail floorspace and recommends that the subject sites be rezoned to meet this shortfall and cater for future demand in consolidated locations. *The Latrobe City Council Bulky Goods Retail Assessment (2009)* also states that there is a need to supply further Business 4 Zoned land in addition to the two sites at 20,000 sqm depending on future market performance and population growth. The amendment supports this clause by providing enough new commercial land to meet the current shortfall and future demand for Bulky Goods/Restricted Retail development within the Latrobe City.

**Clause 11.05-1 Regional settlement networks – Objective** is to promote the sustainable growth and development of regional Victoria through a network of settlements identified in the Regional Victoria Settlement Framework plan.

**Clause 11.05-1 Regional settlement networks – Strategies** is to

- Direct urban growth into the major regional cities of Geelong, Ballarat, Bendigo and the Moe, Morwell and Traralgon cluster.
- Provide for appropriately located supplies of residential, commercial and industrial land across a region, sufficient to meet community needs.

The rezoning of the B4Z sites has been directed to the part of major regional centre, being Morwell and Traralgon. *The Latrobe City Council Bulky Goods Retail Assessment (2009)* states that currently there is a shortfall of 20,000sqm of restricted retail floorspace and recommends that the subject sites be rezoned to meet this shortfall and cater for future demand in consolidated locations. *The Latrobe City Council Bulky Goods Retail Assessment (2009)* also states that there is a need to supply further Business 4 Zoned land in addition to the two sites at 20,000 sqm depending on future market performance and population growth. The amendment supports this clause by providing enough new commercial land to meet the current shortfall and future demand for Bulky Goods/Restricted Retail development within the Latrobe City.

**Clause 11.05-4 Regional planning strategies and principles – A network of integrated and prosperous regional settlements** is to support a network of integrated and prosperous regional settlements by:

- Directing growth to locations where utility, transport, commercial and social infrastructure and services are available or can be provided in the most efficient and sustainable manner.

- Ensuring there is a sufficient supply of appropriately located residential, commercial, and industrial land across a region to meet the needs identified at regional level.

The sites are within an appropriate location within the town boundary and takes advantage of existing services, transport routes and settlement patterns. The amendment supports this clause by providing enough new commercial land to meet the current shortfall and future demand for Bulky Goods/Restricted Retail development within the Latrobe City.

***Clause 11.05-4 Regional planning strategies and principles – Regional Victoria’s competitive advantage*** is to maintain and enhance regional Victoria’s competitive advantages by:

- Strengthening settlements by ensuring that retail, office – based employment, community facilities and services are concentrated in central locations.

The amendment supports this clause as the sites proposed to be rezoned the Business 4 Zone are placed surrounding existing areas with similar and compatible businesses.

***Clause 11.05-4 Regional planning strategies and principles – Distinct and diverse regional settlements*** are to support the growth and development of distinctive and diverse regional settlements by:

- Encouraging high – quality urban and architectural design which respects the heritage, character and identity of each settlement.
- Ensuring development respects and enhances the scenic amenity, landscape features and view corridors of each settlement.
- Limiting urban sprawl and directing growth into existing settlements, promoting and capitalising on opportunities for urban renewal and redevelopment.

The amendment supports this clause as by applying the DDO and DPO will ensure a positive urban design outcome will contribute to the character and identity of Morwell and Traralgon. Applying the DDO and DPO will help ensure development that enhances and respects scenic amenity and landscape features of these sites. The proposed B4Z sites are within the township boundaries of Morwell and Traralgon which will limit urban sprawl.

***Clause 12.01-2 Native vegetation management – Objective*** is to achieve a net gain in the extent and quality of native vegetation.

Ecological assessments have been undertaken, providing the details of native vegetation on each site. The Princes Highway and Stammers Road, Traralgon site has Latrobe City Council and Australian Government approval for the removal of the native vegetation. Appropriate vegetation offsets have been obtained. No native vegetation removal is required on the Morwell site.

*Clause 13.02-1 Floodplain management – Objective* is to assist the protection of:

- Life, property and community infrastructure from flood hazard.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage functions of floodplains and waterways.
- Floodplain areas of environmental significance or of importance to river health.

Princes Drive, Morwell and Princes Highway and Stammers Road, Traralgon East are both affected by this clause. Plough Creek, a tributary of the waterhole creek traverses this site. The preservation of this watercourse has been considered and the watercourse will be protected and enhanced as part of any future development of the subject site. A Flood Study and Hydrology Assessment Report for the Morwell site has been provided with the rezoning request. The Princes Highway and Stammers Road, Traralgon East site has a drainage line which runs to the west of the property. All waterways have been addressed in the DDO and DPO.

*Clause 15.01-1 Urban Design – Objective* is to create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

*Clause 15.01-1 Urban Design – Strategies*

- Promote good urban design to make the environment more liveable and attractive.
- Require development to respond to its context in terms of urban character, cultural heritage, natural features, surrounding landscape and climate.

The amendment supports this clause as by applying the DDO and DPO will ensure a positive urban design outcome will contribute to the character and identity of Morwell and Traralgon. Applying the DDO and DPO will help ensure development that enhances and respects scenic amenity and landscape features of these sites.

*Clause 15.03-2 Aboriginal Cultural Heritage – Objective* is to ensure the protection and conservation of places of Aboriginal cultural heritage significance.

The amendment supports this clause as the Morwell site has completed a Cultural Heritage Management Plan which has been approved by Aboriginal Affairs Victoria. No assessment will be required for the Traralgon site.

*Clause 17.01-1 Business – Objective* is to encourage development which meets 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.

The amendment supports this clause, as rezoning and the development of the two sites will ensure that the community's needs are met for Bulky Goods/Restricted Retailing. The location of the sites and the highway frontage and future design of both sites will ensure a community benefit in relation to accessibility.

**Clause 18.1-1 Land use and transport planning – Objective** is to create a safe and sustainable transport system by integrating land – use and transport.

The amendment supports this clause as the sites propose to use existing road networks for access to the development.

- How does the amendment support or implement the Local Planning Policy Framework?

**Clause 21.02 Municipal Vision** states that integral to Council being focused on achieving the above 2021 ‘Vision’ is the commitment of Council to its stated values of:

Sustainability

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

Liveability

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

The amendment supports this clause, as rezoning to B4Z and the development of two large parcels of land will provide essential commercial services within the municipality. The rezoning of both sites will ensure that there is a reduction of the existing and growing market gap for bulky goods retail floorspace and land. The rezonings will also provide reduced retail expenditure leakage and employment leakage from the municipality.

**Clause 21.03-2 Objective 1 - Environmental Sustainability** is to maintain and improve the ecological integrity of natural and artificial systems such as agriculture, forestry and urban areas.

**Clause 21.03-3 Objective 1 – Native Vegetation and Biodiversity** is to protect native flora and fauna species and their habitat across the municipality.

Ecological assessments have been undertaken, providing the details of native vegetation on each site. The Princes Highway and Stammers Road, Traralgon site has Latrobe City Council and Australian Government approval for the removal of the native vegetation. Appropriate vegetation offsets have been obtained. No native vegetation removal is required on the Morwell site.

**Clause 21.04-2 Objective 1 – Settlement** is to build upon the existing structure of the towns and settlements to create an integrated network of urban areas.

**Clause 21.04-5 Objective 1 – Urban Design** is to provide a visually attractive urban environment which displays a high level of civic pride and community satisfaction, and creates a positive image.

The amendment supports these clauses, as both sites are located with the Morwell and Traralgon settlement boundaries and are at entrances to the townships of Morwell and Traralgon. The sites have highway frontage access, which builds on existing infrastructure and will create a consolidated network of retail services. The introduction of the DDO and DPO schedules will ensure a positive urban design outcome, contributing to the visual amenity of the sites.

**Clause 21.07-6 Retailing Overview Objective 1 – Retail** is to identify appropriate locations for retailing activities. Clause 21.07-6 also states that:

*“With regard to bulky goods retailing, in order to remain competitive with centres located beyond Latrobe City, there is a requirement for new format floor space and innovation, for example the development of two dedicated bulky goods centres, in order to decrease expenditure leakage... The distribution of this floor space is encouraged to occur in Morwell and Traralgon”.*

The amendment supports this clause, as the two sites identified to be rezoned to B4Z are located within Morwell and Traralgon. These sites were recommended as the most appropriate for bulky goods retailing in the *Latrobe City Council Bulky Goods Retail Assessment (2009)*.

- Does the amendment make proper use of the Victoria Planning Provisions?
- VPP Practice Note Applying the Incorporated Plan and Development Plan Overlays, January 2003
- VPP Practice Note Native Vegetation Offsets, September 2008
- VPP Practice Note Writing Schedules, May 2000
- General Practice Note Strategic Assessment Guidelines

The amendment proposes to rezone both parcels of land from IN1Z to B4Z. The purpose of the B4Z is to:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To encourage the development of a mix of bulky goods retailing and manufacturing industry and their associated business services.

As the amendment is to facilitate the development of bulky goods/restricted retailing, the introduction of the B4Z to both sites is appropriate.

The amendment also proposes to implement two overlays being the Design and Development Overlay and the Development Plan Overlay. The introduction of these overlays is an appropriate use of the VPP tools, as it will ensure positive urban design and development outcome.



The amendment also proposes to remove Design and Development Overlay Schedule 4 and Development Plan Overlay Schedule 3 from the subject land at Princes Drive, Morwell. The removal of these overlays is appropriate as the overlays are in relation to industrial land. The remainder of the land at Princes Drive, Morwell, which is currently zoned Industrial 1 is to retain both the Design and Development Overlay Schedule 4 and Development Plan Overlay Schedules 3.

- How does the amendment address the views of any relevant agency?

All relevant agencies have been consulted and no issues have been raised. All agencies will be formally notified as part of the exhibition process of the amendment.

- Is the amendment likely to have a significant impact on the transport system, as defined by section 3 of the *Transport Integration Act 2010*?

The amendment is not likely to have a significant impact on the transport system. The sites proposed to be rezoned the B4Z are both on a road zone category 1 being Princes Drive, Morwell and Princes Highway, Traralgon. Any additional traffic movement created by the sites these roads will be able to cope with it. Notice of the amendment was also provided to VicRoads to which they have no objection to.

- Are there any applicable statements of policy principles prepared under section 22 of the *Transport Integration Act 2010*?

There are no applicable policy principles prepared under section 22 of the *Transport Integration Act 2010* that apply to this amendment.

- What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

*It is considered that the amendment will have minimal impact on the resources and administrative costs of the responsible authority. The amendment is unlikely to result in a significant increase in planning permit applications processed by the responsible authority.*

**Where you may inspect this Amendment.**

The amendment is available for public inspection, free of charge, during office hours at the following places:

<p><i>Latrobe City Council</i> Corporate Headquarters 141 Commercial Road Morwell VIC 3840</p>	<p><i>Latrobe City Council</i> Traralgon Service Centre 34-38 Kay Street Traralgon VIC 3844</p>
<p><i>Latrobe City Council</i> Moe Service Centre 44 Albert Street Moe VIC 3825</p>	<p><i>Latrobe City Council</i> Churchill Service Centre 9 – 11 Philip Parade Churchill VIC 3842</p>

The amendment can also be inspected free of charge at the Department of Planning and Community Development web site at [www.dpced.vic.gov.au/planning/publicinspection](http://www.dpced.vic.gov.au/planning/publicinspection).

**Attachment 4  
Interim Panel Report**

**INTERIM PANEL REPORT**  
**LATROBE PLANNING SCHEME AMENDMENT C39**  
**BULKY GOODS REZONING MORWELL AND TRARALGON**

---

Under the provisions of sections 153 and 155 of the *Planning and Environment Act 1987*, the Minister for Planning appointed Rodger Eade and Jodi Kennedy as a Panel to consider this amendment.

The amendment proposes to:

- Implement the recommendations of the Latrobe City Council Bulky Goods Sustainability Assessment Report, 2009;
- Rezone land at Princes Drive Morwell and Princes Highway and Stammers Road Traralgon East from Industrial 1 Zone to Business 4 Zone;
- Introduce Design and Development Overlay (DDO) Schedule 9 and Development Plan Overlay (DPO) Schedule 4 to both sites;
- Remove part of Design and Development Overlay (DDO) Schedule 4 and part of Development Plan Overlay (DPO) Schedule 3 from Princes Drive Morwell;
- Alter the Morwell and Traralgon Structure Plans in Clause 21.05 of the Municipal Strategic Statement to show such sites as “Future Bulky Goods and Restricted Retail; and
- Alter Clauses 21.05-5, 21.05-6 & 21.05-7 of the Municipal Strategic Statement to include more specific references to Bulky Goods and Restricted Retail on both the Morwell and Traralgon sites.

Latrobe City Council is the Planning Authority for the Amendment.

Seventeen submissions were received and referred to the Panel:

Gareth Downes, SP Ausnet  
Deanne Smith, Country Fire Authority  
Sarah Wright, Beveridge Williams  
Stuart Fenech, VicRoads  
Mark Delaney, Woolworths  
Adam Dunn, West Gippsland Catchment Management Authority  
Joan and Chris Stammers, Refair Pty Ltd  
Grant Williams, Keith Williams Estate Agency Pty Ltd  
Frank Coffey, Stockdale and Leggo  
Mario Monacella, Ballymoss Pty Ltd  
John Nardone Midcity Auto and Suspension Centre  
John Brennan DSE  
Ray Massaro, Massaro Motors Pty Ltd  
Michael Prezioso, Alpine Country Pty Ltd  
Chris Vellios, Laurel Group

Paul Young, Gippsland Water  
Jennifer Jones, SMEC Urban

The Panel has been advised that the parties, Woolworths and SMEC Urban who the only parties which lodged objecting submissions have made further submissions and no longer seek changes to the Amendment.

After considering these further submissions and having considered the nature of the Amendment and the Explanatory Report the Panel issues this interim report and recommends that Council adopt the Amendment as exhibited.

However the Panel also notes that the submission from Joan and Chris Stammers of Refair Pty Ltd proposes that the land at 1 Stammers Road Traralgon East, be included in the proposed amendment and be rezoned to Business 4 Zone. In the documentation provided to the Panel, the Council have indicated that they support this proposal. The Panel is of the view that this can not proceed without further notification of adjoining landholders of this proposed change to the Amendment. On Friday 14 January 2011 the Panel issued the following Direction to Council:

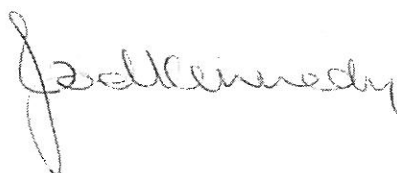
“Council should notify any adjoining land holders, including those on the other side of both Stammers Road and Princes Highway of the proposal to include some one hectare of land at 1 Stammers Road Traralgon East in the proposed rezoning and that it is Council's intention to support the rezoning of that land and include it in the proposed amendment. These landholders should be given 14 days to respond”.

The Panel further informed Council that if no objections are received a further short report will be produced by the Panel. If objections are received it will be necessary to proceed with a Directions Hearing and possibly a Hearing to consider that aspect of the Amendment.

17 January 2011



.....  
Rodger Eade, Chair



.....  
Jodi Kennedy, Member

**Attachment 5  
Final Panel Report**

**FINAL PANEL REPORT**  
**LATROBE PLANNING SCHEME AMENDMENT C39**  
**BULKY GOODS REZONING MORWELL AND TRARALGON**

---

Under the provisions of sections 153 and 155 of the *Planning and Environment Act 1987*, the Minister for Planning, under delegation, appointed Rodger Eade and Jodi Kennedy as a Panel to consider this Amendment.

The Amendment proposes to:

- implement the recommendations of the Latrobe City Council Bulky Goods Sustainability Assessment Report, 2009;
- rezone land at Princes Drive Morwell and Princes Highway and Stammers Road, Traralgon East from Industrial 1 Zone to Business 4 Zone;
- introduce Design and Development Overlay (DDO) Schedule 9 and Development Plan Overlay (DPO) Schedule 4 to both sites;
- remove part of Design and Development Overlay (DDO) Schedule 4 and part of Development Plan Overlay (DPO) Schedule 3 from Princes Drive, Morwell;
- alter the Morwell and Traralgon Structure Plans in Clause 21.05 of the Municipal Strategic Statement to show such sites as Future Bulky Goods and Restricted Retail; and
- alter Clauses 21.05-5, 21.05-6 & 21.05-7 of the Municipal Strategic Statement to include more specific references to Bulky Goods and Restricted Retail on both the Morwell and Traralgon sites.

Latrobe City Council is the Planning Authority for the Amendment.

Seventeen submissions were received and referred to the Panel:

- Gareth Downes, SP Ausnet;
- Deanne Smith, Country Fire Authority;
- Sarah Wright, Beveridge Williams;
- Stuart Fenech, VicRoads;
- Mark Delaney, Woolworths;
- Adam Dunn, West Gippsland Catchment Management Authority;
- Joan and Chris Stammers, Refair Pty Ltd;
- Grant Williams, Keith Williams Estate Agency Pty Ltd;
- Frank Coffey, Stockdale and Leggo;
- Mario Monacella, Ballymoss Pty Ltd;
- John Nardone, Midcity Auto and Suspension Centre;

- John Brennan, DSE;
- Ray Massaro, Massaro Motors Pty Ltd;
- Michael Prezioso, Alpine Country Pty Ltd;
- Chris Vellios, Laurel Group;
- Paul Young, Gippsland Water; and
- Jennifer Jones, SMEC Urban.

The Panel was advised that Woolworths and SMEC Urban were the only parties which lodged objecting submissions. After the Panel was appointed they then made further submissions and no longer sought changes to the Amendment.

After considering these further submissions and having considered the nature of the Amendment and the Explanatory Report, the Panel issued an interim report dated 17 January 2011 recommending that the Latrobe City Council adopt the Amendment as exhibited. That interim report is appended.

However in that interim report the Panel noted that the submission from Joan and Chris Stammers of Refair Pty Ltd proposed that the land at 1 Stammers Road Traralgon East, be included in the proposed Amendment and be rezoned to Business 4 Zone. In the documentation provided to the Panel, the Council indicated that they support this proposal. The Panel was of the view that this could not proceed without further notification of adjoining landholders of this proposed change to the Amendment. On Friday 14 January 2011 the Panel issued the following Direction to Council:

*“Council should notify any adjoining land holders, including those on the other side of both Stammers Road and Princes Highway of the proposal to include some one hectare of land at 1 Stammers Road Traralgon East in the proposed rezoning and that it is Council’s intention to support the rezoning of that land and include it in the proposed Amendment. These landholders should be given 14 days to respond”.*

As a result of this Direction, the Council sent a letter dated 18<sup>th</sup> January 2011 to the adjoining and adjacent landholders informing them of the intention to include the land at 1 Stammers Road, Traralgon East in the proposed Amendment, with the purpose of the Amendment as exhibited remaining the same and applying to the additional land.

Those notified had until Monday 7<sup>th</sup> February 2011 to make submissions to this addition to the Amendment. No submissions were received by the due date.

The Panel is satisfied that the notification that it required as set out in its Direction of 14<sup>th</sup> January 2011 has been undertaken satisfactorily and finds no reason why the proposal to include additional land in the Amendment should

not be approved. The Panel notes that given that the submissions objecting to the Amendment were withdrawn, the Panel has not undertaken any strategic assessment of the Amendment nor subjected any of the material presented to detailed analysis.

### **Recommendation**

**The Panel recommends:**

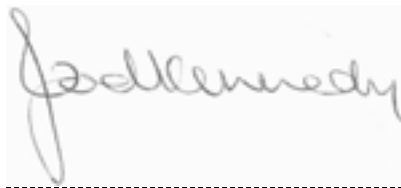
**That Amendment C39 to Latrobe Planning Scheme as exhibited be approved subject to the following modification:**

- **The land at 1 Stammers Road, Traralgon East be included in the Amendment, and that land be rezoned to Business 4 Zone and that Design and Development Overlay (DDO) Schedule 9 and Development Plan Overlay (DPO) Schedule 4 apply to the site.**

9 February 2011



.....  
**Rodger Eade, Chair**



.....  
**Jodi Kennedy, Member**



## APPENDIX

### INTERIM PANEL REPORT LATROBE PLANNING SCHEME AMENDMENT C39 BULKY GOODS REZONING MORWELL AND TRARALGON

---

Under the provisions of sections 153 and 155 of the *Planning and Environment Act 1987*, the Minister for Planning appointed Rodger Eade and Jodi Kennedy as a Panel to consider this amendment.

The amendment proposes to:

- Implement the recommendations of the Latrobe City Council Bulky Goods Sustainability Assessment Report, 2009;
- Rezone land at Princes Drive Morwell and Princes Highway and Stammers Road Traralgon East from Industrial 1 Zone to Business 4 Zone;
- Introduce Design and Development Overlay (DDO) Schedule 9 and Development Plan Overlay (DPO) Schedule 4 to both sites;
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- Alter the Morwell and Traralgon Structure Plans in Clause 21.05 of the Municipal Strategic Statement to show such sites as "Future Bulky Goods and Restricted Retail; and
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Latrobe City Council is the Planning Authority for the Amendment.

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Mark Delaney, Woolworths

Adam Dunn, West Gippsland Catchment Management Authority

Joan and Chris Stammers, Refair Pty Ltd

Grant Williams, Keith Williams Estate Agency Pty Ltd

Frank Coffey, Stockdale and Leggo

Mario Monacella, Ballymoss Pty Ltd

John Nardone Midcity Auto and Suspension Centre

John Brennan DSE

Ray Massaro, Massaro Motors Pty Ltd

Michael Prezioso, Alpine Country Pty Ltd

Chris Vellios, Laurel Group

Paul Young, Gippsland Water  
Jennifer Jones, SMEC Urban

The Panel has been advised that the parties, Woolworths and SMEC Urban who the only parties which lodged objecting submissions have made further submissions and no longer seek changes to the Amendment.

After considering these further submissions and having considered the nature of the Amendment and the Explanatory Report the Panel issues this interim report and recommends that Council adopt the Amendment as exhibited.

However the Panel also notes that the submission from Joan and Chris Stammers of Refair Pty Ltd proposes that the land at 1 Stammers Road Traralgon East, be included in the proposed amendment and be rezoned to Business 4 Zone. In the documentation provided to the Panel, the Council have indicated that they support this proposal. The Panel is of the view that this can not proceed without further notification of adjoining landholders of this proposed change to the Amendment. On Friday 14 January 2011 the Panel issued the following Direction to Council:

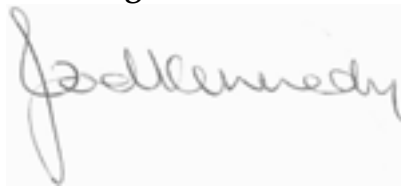
“Council should notify any adjoining land holders, including those on the other side of both Stammers Road and Princes Highway of the proposal to include some one hectare of land at 1 Stammers Road Traralgon East in the proposed rezoning and that it is Council's intention to support the rezoning of that land and include it in the proposed amendment. These landholders should be given 14 days to respond”.

The Panel further informed Council that if no objections are received a further short report will be produced by the Panel. If objections are received it will be necessary to proceed with a Directions Hearing and possibly a Hearing to consider that aspect of the Amendment.

17 January 2011



.....  
**Rodger Eade, Chair**



.....  
**Jodi Kennedy, Member**

**Attachment 6  
Traralgon Site (including 1 Stammers Road)**

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7541

LP218153

PC352329

55

25

PS445357

25

1

PS637626

PS445357

14

PS445357

14

PS330200

PRINCES HWY

390

PS310286

116

PS529166

MUNICIPAL RESERVE

PS317840

LP205839

PS529166

PS448114

PS5546206

PS529166

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MUNICIPAL RESERVE  
RES1  
PSS32030

FARMER WAY

WINEST CT

# **RECREATION, CULTURE & COMMUNITY INFRASTRUCTURE**

**11.4.1 TRARALGON RAILWAY RESERVOIR CONSERVATION  
RESERVE - CROWN ALLOTMENTS 93A, 94A AND SECTION OF  
UNMADE GOVERNMENT ROAD**

**AUTHOR:** General Manager Recreation Culture and Community  
Infrastructure

**(ATTACHMENT – YES)**

**1. PURPOSE**

The purpose of this report is to present to Council a request from the Department of Sustainability and Environment (DSE) for Latrobe City Council to become the appointed land manager of Crown Allotment 93A in the Parish of Traralgon (refer to attachment). In addition, the Traralgon Railway Reservoir Conservation Reserve (TRRCR) Committee of Management have resolved to seek Council's approval to become the appointed land manager of Crown Allotment 94A in the Parish of Traralgon (refer to attachment) and a section of unmade government road adjoining Crown Allotment 93A between Hyde Park Road and Hickox Street in Traralgon (refer to attachment).

**2. DECLARATION OF INTERESTS**

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

**3. STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2010-2014.

*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.

Latrobe City Council Plan 2010 - 2014

*Strategic Direction – Recreation*

Support and develop partnerships and collaboration with user groups, friends of and committees of management for recreational, aquatic, public open space, parks and gardens.

*Service Provision – Recreation*

Manage and maintain sporting reserves across Latrobe City.

*Policy – Public Open Space Policy 11 POL-4*

*Policy Goals-*

Latrobe City has developed the Public Open Space Policy as an overarching statement regarding the planning and development of public open space within the municipality. The Purpose of the Policy is to guide the development and future management of public open space in a manner which conserves, improves and protects the open space environment of the Latrobe City.

**4. BACKGROUND**

Latrobe City Council has been approached by DSE with a proposal to formally appoint Council as the nominated land manager of Crown Allotment 93A (4 hectares) in the Parish of Traralgon. The site located at the south end of the adjoining reserved Crown Land known as the Traralgon Railway Reservoir Conservation Reserve and is considered unofficially part of the reserve by the TRRCR Committee of Management and is currently being managed accordingly.

The DSE request was discussed by the TRRCR Committee of Management at their 23 March 2010 meeting. The TRRCR Committee of Management adopted a motion to request that Latrobe City Council become the appointed land manager of Crown Allotment 93A and that the responsible management of that land parcel be allocated to the TRRCR Committee of Management as part of their overall management of the TRRCR.

The TRRCR Committee of Management also discussed Crown Allotment 94A (2.2 hectares) at their 23 March 2010 meeting and adopted the motion that Latrobe City Council be requested to seek from DSE their approval for Council to become the appointed land manager and that the responsible management of that land parcel be allocated to the TRRCR Committee of Management as part of their overall authority at the TRRCR.

DSE has informed Council that Crown Allotment 94A is currently not utilised and is available for public use purposes upon application by Council.

The Committee of Management wish to re-vegetate Crown Allotment 94A and instigate discussions with Gippsland Water to create a conservation corridor. Gippsland Water has made a request to DSE to become the authorised land manager of Crown Allotment 95B as part of their offset program and Council officers understand that their request will be granted.

The TRRCR Committee of Management are also requesting that Council seek authority to become the appointed land manager of a section of unmade government road (0.82 hectares) adjoining Crown Allotment 93A between Hyde Park Road and Hickox Street, Traralgon. The Committee have identified a nationally threatened plant species called *Dianella Amoena* (Matted Flax-Lily) growing along the unmade road and wish to enclose the area into the management of the TRRCR so to preserve the species in that area.

## 5. ISSUES

There is currently an unmade government road adjoining Crown Allotment 93A between Hyde Park Road and Hickox Street, Traralgon which provides a legal access (Legal Abuttal) into private property. It would be necessary to enter into discussions with the private land owner to establish if they require their legal access from the unmade government road to remain. The road is predominantly used by off road vehicles as a four wheel driving track.

There would also be a statutory requirement of Council regarding the closing of the road reserve to the public. That requirement would be as follows:



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 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 Victorian Government Gazette: and*
- (ii) sell the land from that road (if it is not Crown Land), transfer the land to the Crown or itself or retain the land.*

This power is subject to Section 223 of the *Local Government Act* whereby:-

*The Council must 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 to be heard, is entitled to appear before a meeting of Council.

There are operational and financial risks in becoming the nominated land manager of Crown Allotment 94A and in turn transferring those management responsibilities to the TRRCR Committee of Management. The current group of volunteers maintain a large area of reserve and any additional responsibilities may place pressure on their capabilities to undertake the ongoing works to re-vegetate and maintain the additional parcel of land. The TRRCR Committee of Management may find that in the future they are required to engage private contractors to undertake maintenance works in the current reserve and any additional land and this may apply pressure to the Committee's Council allocated annual maintenance grant.

Although the TRRCR Committee of Management has accepted that they would be required to manage any additional land under their current Council annual maintenance grant, it is reasonable to suggest that this capability may need to be further investigated in the future.

The TRRCR Committee of Management does not have a re-vegetation plan in place for the land and has not discussed the components that would make up any future plan however the TRRCR Committee of Management does possess the knowledge to do so. As the land abuts private residences it may be a requirement for the TRRCR Committee of Management to conduct a local community consultation process to discuss their future plans for the land prior to commencing any re-vegetation projects.

Crown Allotment 94A is separate from the current TRRCR and a connectivity design would need to be discussed in any future re-vegetation plan or it will stand the risk of being considered a separate reserve with a separate identity.

Crown Allotments 93A and 94A and the unmade government road would be included in the future review of the 2002 TRRCR Management Plan providing a long term strategy for the ongoing management of the parcels of land. The review is scheduled to be undertaken in 2012/2013.

Currently Crown Allotment 93A is unofficially considered part of the reserve by the TRRCR Committee of Management due to there being no physical boundary between it and the reserved land known as the TRRCR and is being managed accordingly.

The formal inclusion of Crown Allotment 93A into the management responsibilities of Council and in turn to the TRRCR Committee of Management could be considered a natural progression.

### **Latrobe Planning Scheme**

The Traralgon Railway Reservoir Conservation Reserve is zoned PCRZ (Public Conservation & Recourse Zone) in the Latrobe Planning Scheme.

Crown Allotment 93A which joins the Reserve to the south is also currently zoned PCRZ.

Crown Allotment 94A which is to the south east of the reserve is currently zoned R1Z (Residential One Zone).

The unmade Government Road is covered by two planning zones. The area of unmade road parallel to the southern boundary of Crown Allotment 93A is zoned PCRZ. The remaining section of the unmade road to the south is zoned FZ (Farming Zone).

Advice received from the Latrobe City Planning team is that Crown Allotment 94A should be rezoned in the future to ensure ongoing public use, access and the preservation of the conservation benefits from the revegetation works. The land would be rezoned in accordance with the adjoining reserve PCRZ.

## **6. FINANCIAL AND RESOURCES IMPLICATIONS**

There would be no immediate additional financial and resource implications for Council if it agrees to become the appointed land manager of Crown Allotments 93A and 94A and the section of unmade government road adjoining Crown Allotment 93A between Hyde Park Road and Hickox Street, Traralgon.

The Department of Sustainability and Environment cover all cost associated with the appointment of Latrobe City Council as the land manager.

The TRRCR Committee of Management currently receives an annual maintenance grant of \$9,800 from Council. The Coordinator Recreation Liaison has advised the committee that there is no provision in the budget for an increase to the current maintenance grant. The Committee were comfortable with this advice.

It could be a possibility in the future that the TRRCR Committee of Management may request an increase to the annual maintenance grant if it finds the current allocation insufficient however, this has not been discussed at a Committee level.

## **7. INTERNAL / EXTERNAL CONSULTATION**

### *Engagement Method Used:*

Discussions were conducted at the monthly meetings of the TRRCR Committee of Management.

Discussions have been conducted between Council and DSE officers.

Future consultation will be conducted with land owners and the local community.

**8. OPTIONS**

Council has the following options:

1. Resolve to request to be appointed land manager status of all parcels of land discussed;
2. Resolve to request to be appointed land manager status of part of the land parcel/s discussed;
3. Not proceed with further discussions or investigations; or
4. To request further information.

**9. CONCLUSION**

The Department of Sustainability and Environment has written to Latrobe City Council seeking their interest in becoming the appointed land manager of Crown Allotment 93A in the Parish of Traralgon that adjoins the existing Traralgon Railway Reservoir Conservation Reserve.

Currently the land is unofficially maintained by the TRRCR Committee of Management as part of the whole reserve and the TRRCR Committee of Management has resolved to support the transfer of the management to Council and onto itself.

In addition the TRRCR Committee of Management have resolved to seek Council's approval for Council to make a request to DSE to become the appointed land manager of Crown Allotment 94A in the Parish of Traralgon, as well as a section of unmade government road adjoining Crown Allotment 93A between Hyde Park Road and Hickox Street, Traralgon.

**10. RECOMMENDATION**

1. That Latrobe City Council submit to the Department of Sustainability and Environment a request to become the appointed land manager of Crown Allotment 93A in the Parish of Traralgon and if successful that the management responsibility be allocated by Council to the Traralgon Railway Reservoir Conservation Reserve Committee of Management.

2. That Latrobe City Council submit to the Department of Sustainability and Environment a request to become the appointed land manager of Crown Allotment 94A in the Parish of Traralgon and if successful that the management responsibility be allocated by Council to the Traralgon Railway Reservoir Conservation Reserve Committee of Management.
3. That Council Officers discuss with the Department of Sustainability and Environment and the property owners adjoining the southern boundary of the unmade Government Road between Hyde Park Road and Hickox Street Traralgon a proposal to formally discontinue this section of unmade Government Road Reserve and for the management responsibility of the land to be allocated to Council.
4. Subject to agreement of the Department of Sustainability and Environment and the adjoining property owners to discontinue a section of the unmade Government Road Reserve between Hyde Park Road and Hickox Street Traralgon, Council authorises the Chief Executive Officer to give public notice and invite submissions pursuant to section 206 of the *Local Government Act* 1989 concerning the potential discontinuance of a section of this unmade Government Road Reserve.
5. Council authorise the Chief Executive Officer to nominate a date in accordance with section 223 of the *Local Government Act* 1989 to consider any public submissions received concerning the potential discontinuance of a section of unmade Government Road Reserve between Hyde Park Road and Hickox Street Traralgon.

### **ALTERNATE MOTION**

**Moved:** Cr Vermeulen

**Seconded:** Cr Lougheed

1. That Item 11.4.1 be deferred until the next Council Meeting.
2. That a full financial report be supplied in relation to transferring the proposed land to Latrobe City Council responsibility.
3. That a financial report be made commenting on Halls, Recreational Grounds and Council facilities on Crown Land.

### **For the Motion**

Councillor/s Lougheed, Middlemiss, Price and Vermeulen.

### **Against the Motion**

Councillor/s White, Fitzgerald, Gibson, Kam, and O'Callaghan.

The Mayor confirmed that the Motion had been LOST.

The original Recommendation became the Motion before the chair.

**Moved:** Cr Fitzgerald

**Seconded:** Cr Vermeulen

1. That Latrobe City Council submit to the Department of Sustainability and Environment a request to become the appointed land manager of Crown Allotment 93A in the Parish of Traralgon and if successful that the management responsibility be allocated by Council to the Traralgon Railway Reservoir Conservation Reserve Committee of Management.
2. That Latrobe City Council submit to the Department of Sustainability and Environment a request to become the appointed land manager of Crown Allotment 94A in the Parish of Traralgon and if successful that the management responsibility be allocated by Council to the Traralgon Railway Reservoir Conservation Reserve Committee of Management.
3. That Council Officers discuss with the Department of Sustainability and Environment and the property owners adjoining the southern boundary of the unmade Government Road between Hyde Park Road and Hickox Street Traralgon a proposal to formally discontinue this section of unmade Government Road Reserve and for the management responsibility of the land to be allocated to Council.
4. Subject to agreement of the Department of Sustainability and Environment and the adjoining property owners to discontinue a section of the unmade Government Road Reserve between Hyde Park Road and Hickox Street Traralgon, Council authorises the Chief Executive Officer to give public notice and invite submissions pursuant to section 206 of the *Local Government Act 1989* concerning the potential discontinuance of a section of this unmade Government Road Reserve.
5. Council authorise the Chief Executive Officer to nominate a date in accordance with section 223 of the *Local Government Act 1989* to consider any public submissions received concerning the potential discontinuance of a section of unmade Government Road Reserve between Hyde Park Road and Hickox Street Traralgon.

**CARRIED UNANIMOUSLY**

**ADDITIONAL MOTION**

**Moved:** Cr Vermeulen

**Seconded:** Cr Gibson

**That a report be presented to Council commenting on all the financial implications of Halls, Recreational grounds and Council facilities on Crown Land.**

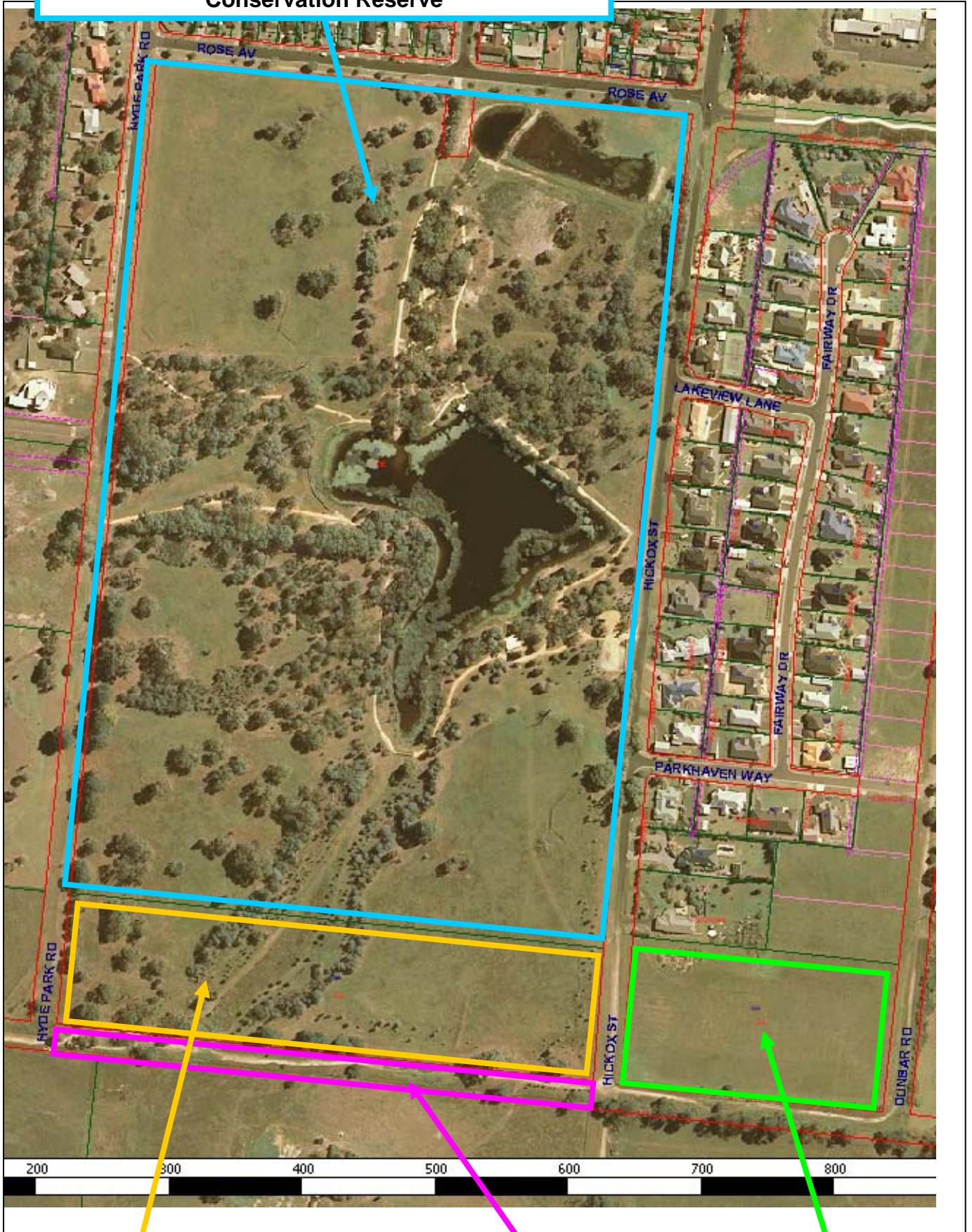
**CARRIED UNANIMOUSLY**

ATTACHMENT

.



**Current Traralgon Railway Reservoir  
Conservation Reserve**



**Crown Allotment  
93A**

**Unmade Government  
Road**

**Crown Allotment  
94A**

# COMMUNITY LIVEABILITY

**11.5.1 LIBRARY PLAN 2011 - 2017**

**AUTHOR:** General Manager Community Liveability  
**(ATTACHMENT – YES)**

**1. PURPOSE**

The purpose of this report is to present to Council the draft Library Plan 2011 – 2017 for consideration and to seek endorsement of its release for public consultation in accordance with Council's Community Engagement Plan.

**2. DECLARATION OF INTERESTS**

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

**3. STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2010-2014.

*Latrobe 2026: The Community Vision for Latrobe Valley*

*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.*

*Strategic Objectives – Culture*

*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 2010 - 2014*

*Strategic Direction – Our Community*

*Provide access to information, knowledge, technology and activities that strengthens and increases participation in community life.*

*Promote community participation and volunteerism to support improved health and wellbeing through all stages of life.*

*Support initiatives that promote diversity and social inclusion.*

*Develop and foster relationships with service providers to enhance the learning and employment outcomes of the community.*

#### *Strategic Direction – Culture*

*Strengthen community capacity and sustainability by providing opportunities for education, skills development and lifelong learning.*

*Foster community connections by building partnerships in the community for the delivery of programs, events and facilities.*

*Strengthen community pride and wellbeing through the provision of high quality and well presented programs, events and facilities.*

#### *Service Provision – Library Services*

*Deliver Library services and programs in accordance with the Five Year Library Services Plan.*

*Major Initiatives – Review the Latrobe City Council Library Plan and present to Council for consideration.*

#### *Key Strategic Actions*

*Review the Latrobe City Council Library Plan and present to Council for consideration.*

#### *Policy – Public Library Policy 11 POL-4*

#### *Policy Goals*

*Latrobe City is committed to ensure that each member of the community has access to public libraries and information services regardless of age, ability, race, gender, religion, nationality, language, social or economic status. The library service continues to offer free book borrowing services and over the years has developed many other information related services.*

*Each library located within the municipality provides a reference and book lending service as well as providing access to a range of other materials for loan at convenient times to the general public. The purpose of the Council's involvement in the library service is to provide access to literature and facilities which support the leisure, cultural, informational and educational needs of the community.*

#### **4. BACKGROUND**

Council adopted the Latrobe City Five Year Library Plan 2006 – 2011 at its Ordinary Council Meeting held on 19 June 2006.

This Plan identified the following six key program areas on which to focus;

- service delivery,
- partnerships,
- facilities,
- marketing and communications,
- resources, and
- information technology.

Key actions delivered within the current Plan include:

- Enhancements to our outreach service in which Latrobe City partners with several aged care facilities to house 'mini' collections at these facilities. This allows residents easy access to our resources without the need to travel.
- The Churchill Community Hub opened in February 2009, and has been successful with positive usage numbers being recorded in Council's service centre and Library. Churchill Community Hub was the first service centre and library to fully operate under the integrated service delivery model. Latrobe City was named as winner of the 2010 LGPro Awards for Excellence - Service Delivery Initiative for this service delivery model.
- Several successful and prominent exhibitions have been delivered by partnering with both the local community and the State Library of Victoria. These included:
  - Two Latrobe Valley Ukrainian photography exhibitions hosted at the Morwell Library.

- The State Library of Victoria's Travelling Treasures Program was hosted in Moe during 2007 and Traralgon during 2009.
- The Honourable John Cain launched the two year state-wide Independent Type travelling exhibition at the Traralgon library in 2009.
- The review of our Library Management System (LMS) resulted in Latrobe City joining the SWIFT Consortia and the implementation of a new LMS in 2007.

The SWIFT consortia started when nine Victorian libraries joined together to purchase a shared library management system. The Consortia has grown to include 16 Victorian libraries and six New South Wales libraries.

During the 2009/2010 financial year these 22 SWIFT libraries loaned over 15.5 million items. Latrobe City has a collection of around 122,000 items, but through our involvement with SWIFT, we offer our community easy access to a collection that exceeds 4 million items.

Our involvement in the Consortia has allowed us to access enhancements to our system at consortia prices and delivered savings in annual maintenance fees associated with the running of our system.

Additionally, the SWIFT Consortia was announced as the winner of the 2009 LGPro Awards for Excellence - Management Initiative Award.

The review of the Latrobe City Five Year Library Plan 2006 – 2011 has been identified as a Key Strategic Action (KSA) in the Council Plan 2010 – 2014 and will be presented to Council for consideration by 30 June 2011.

## **5. ISSUES**

LibrariesAlive were engaged to assist in the review and to facilitate the community consultation.

They undertook extensive stakeholder consultation between April and June 2010 which included discussions with Councillors, Friends of the Libraries, library staff and other internal Council departments.

Focus groups were also held with community members and several surveys were conducted including mail, in-library, street and Web surveys. A total of 383 surveys were completed, which included 108 responses from people who do not currently use our library.

The survey responses, along with the focus groups, stakeholder meetings and individual interviews resulted in over 400 people being engaged.

A selection of survey responses is shown below with a full list of questions asked and responses provided attached to this report.

Gender and age breakdowns are shown in the tables below and confirm a wide range of our community, both current users and non-users were reached.

<b>MALE</b>	<b>FEMALE</b>
32%	68%

<b>5-14</b>	<b>15-24</b>	<b>25-54</b>	<b>55-64</b>	<b>65+</b>
2.9%	16.6%	36.7%	18.2%	25.6%

The following information relates to the 275 survey respondents who currently use our libraries.

We asked questions to assess the awareness of our current services and programs. These were multi-choice questions where people were asked to tick all services they were aware of. The results are shown in the following table.

<b>Awareness of services/programs</b>	
Free Internet	190
Photocopy/Fax	185
Inter-library Loans	174
Public Access Computers for Word Processing	140
Preschool Storytime	133
School Holiday Program	122
Reference Databases	91
yourtutor (homework help)	69
Outreach Services	45

We asked what people mostly do or use at the library. Several of these responses align with the industry trends shown later in this report around traditional library services.

<b>What members mostly do or use at the library</b>	
Borrow books for recreational reading	231
Borrow CDs and DVDs	112
Borrow books for study, research or homework	83
Use the Internet on a public computer	64
Use the library catalogue	45
Study for work or school at the library	24
Meeting place or a place to just spend time	22
Research genealogy or local history	20

Additional questions measured the level of customer satisfaction of the respondent's who currently use our libraries. The following results were recorded.

- 92% were satisfied or very satisfied with library services in general.
- 88% were satisfied or very satisfied with opening hours.
- 86% were satisfied or very satisfied with staff assistance.

We asked questions about our facilities and received the following suggestions.

- the need for more community meeting rooms;
- parent friendly facilities, which include baby change facilities; and
- consideration when purchasing shelving, especially in relation to access to shelves by the elderly.

Also recorded were suggestions for the installation of cafés or coffee and drink machines and improved signage, both internal and external.

Users were asked how they prefer to be contacted with library information. Mail is still the preferred method, followed by email, sms and phone. These results align closely with the results recorded during the development of the Community Engagement Plan.



Responses confirmed the profile of the library needed to rise with better marketing of what services, programs and activities are offered.

Questions relating to resources (collections) identified that 80% were satisfied or very satisfied with the library collection, with 22% of respondents offering a variety of suggestions to enhance our collection including:

- more DVDs;
- more talking books;
- a wider range of current authors; and
- more variety in magazines.

Results showed 90% of respondents who use our libraries find our resources easy to access with items either in the library or available within a timely manner.

Survey results showed 36% of respondents who use our libraries do not have the Internet at home. Not surprisingly there were suggestions for more public access computers and improved internet speed.

Requests were received for self check out facilities along with WiFi access. Shelf check out could be achieved with the introduction of Radio Frequency Identification (RFID). These surveys were conducted between April and June 2010 and free WiFi was implemented across our libraries in July 2010.

National and international trends were also explored and align closely with the results returned from our initial community engagement.

- Traditional services such as the lending of resources will continue to experience high demand for the foreseeable future.
- The National Broadband Network rollout will increase public awareness and expectation of high speed Internet. For around a third of all households, the public library will be the sole point of access.
- Financial sustainability will continue to be an issue for libraries. Latrobe City will continue to advocate for increased funding through our associations within the Public Library Victoria Network, the State Government and the Municipal Association of Victoria.

- Public libraries will increasingly engage with members online, offering 24/7 access to our collections and visits to library websites will steadily increase and may rival the number of physical visits.
- Library staff will be dealing with an increasingly sophisticated clientele. Staff will therefore need additional skills in helping patrons find what they want, when they want it and to be familiar with contemporary information and communications technology.

The development of the draft Library Plan has been informed by the survey results and library trends. These have not uncovered any surprises or unexpected trends that would indicate any major change in direction is needed.

The draft plan retains the six key program areas listed in the original Latrobe City Library Plan of service delivery, partnerships, facilities, marketing & communications, resources and information technology.

It identifies actions for the next six years which include, but are not limited to the following.

#### Service Delivery

- Implement the final stage of the integrated service model, with Moe the last centre to be adapted.
- Staff training plan to be developed.
- Investigation of programs designed for target groups.

#### Partnerships

- Develop of a volunteer program within the libraries.
- Establish new and strengthen existing partnerships.

#### Facilities

- Relocation of the Moe service centre and library into the Moe Community Hub as part of Council's adopted Moe Activity Centre Plan.

#### Resources

- Align per capita spend to the state average as identified in the Annual Public Library Survey.

#### Marketing and Communications

- Develop an annual schedule of events to promote the library services.
- Update and promote the library website.

#### Information Technology

- Implement radio frequency identification (RFID) across the collection.
- Develop digital literacy programs.

## 6. FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications in releasing the draft Library Plan 2011 – 2017 for community engagement.

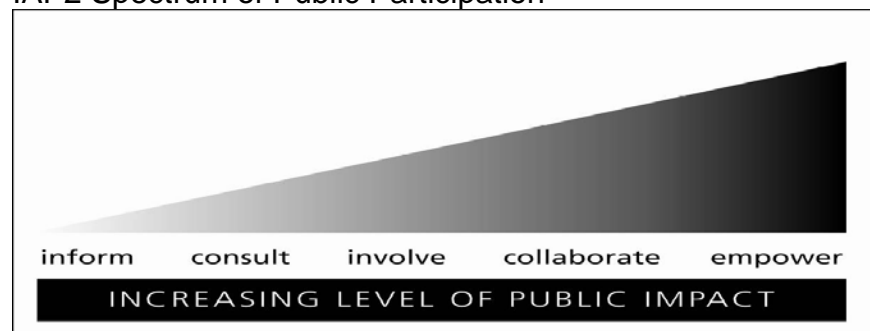
The draft Library Plan 2011 – 2017 contains a list of actions that would need appropriate consideration as part of Council's normal budget planning process over the next six years and includes capital works projects yet to be scoped. They include:

- Recommended increase to library resource acquisitions of \$25,000 per year, for the next four years.
- Internal and external funding for any potential energy efficiency enhancements projects identified.
- Internal and external funding for the implementation of radio frequency identification (RFID).

Successful delivery of these actions will be dependant on the availability and approval of future funding.

## 7. INTERNAL / EXTERNAL CONSULTATION

### IAP2 Spectrum of Public Participation



Source: Community Engagement Plan 2010-2014.

### *Engagement Method Used:*

**IAP2 LEVEL - CONSULT:** Individual interviews, focus groups and surveys were conducted by independent contractors.

*Details of Community Consultation / Results of Engagement:*

Individual interviews, community focus groups, Councillor and Library Staff sessions were facilitated by LibrariesAlive during April 2010.

In-library and street surveys were conducted using independent contracted staff and the Web survey was conducted using the SurveyMonkey online tool during April to June 2010, with results collated by LibrariesAlive. Mail surveys were included in Library notices sent during May to June 2010 and collated by LibrariesAlive.

This has resulted in a very successful engagement campaign with a total of 383 surveys completed, which included 108 responses from people who do not currently use our library.

The survey responses, along with the focus groups, stakeholder meetings and individual interviews resulted in over 400 people being engaged. Results of the survey are further detailed in the issues section of this report.

## **8. OPTIONS**

Council has the following options:

1. Note the draft Library Plan 2011 – 2017 and release the draft plan for public consultation for a period of four weeks.
2. Note the draft Library Plan 2011 – 2017 and not release the draft plan for public consultation.
3. Recommend changes to the draft Library Plan 2011 – 2017 prior to its release for public consultation.

## **9. CONCLUSION**

The review of the Latrobe City Library Plan 2006 – 2011 is a Key Strategic Action (KSA) listed in the Council Plan 2010 – 2014 and is to be presented to Council for consideration by 30 June 2011.

The draft Library Plan 2011 – 2017 has been informed by the results of extensive community engagement and national and international trends.

It provides a clear framework for the delivery of library services over the next six years and is ready to be released to the community for their comment prior to being considered by Council.

#### **10. RECOMMENDATION**

- 1. That Council releases the draft Library Plan 2011 – 2017 for public consultation in accordance with Council’s Community Engagement Plan 2010 - 2014.**
- 2. That a copy of the draft Library Plan 2011 – 2017 be forwarded to all groups involved in the initial stakeholder engagement; be made available for viewing at Council Services Centres/Libraries and on Council’s website; and public notices placed on the Council Noticeboard inviting community comment.**
- 3. That written submissions in relation to the draft Library Plan 2011 – 2017 be received until 19 April 2011.**
- 4. That following the community consultation process a further report be presented to Council detailing all submissions received and presenting a Library Plan 2011 – 2017 for consideration.**

**Moved:** Cr Lougheed

**Seconded:** Cr Price

**That the Recommendation be adopted.**

#### **For the Motion**

Councillor/s White, Fitzgerald, Lougheed, Middlemiss, Price, Vermeulen and O’Callaghan.

#### **Against the Motion**

Councillor Gibson and Kam.

**The Mayor confirmed that the Recommendation had been CARRIED.**

## Library Plan Community Consultation April/June 2010

### Number of surveys completed

Total	Mail	Street	Web
383	154	212	17

*All of the mail responses were from members; 13 of the 17 web responses were from members (75%) and 108 of the 212 street surveys were members (51%).*

*28% of people approached were non-members.*

### Do you use Latrobe City Libraries?

275	Yes
108	No
38	No time/too busy.
3	Others use the library for me.
19	My information and reading needs are met elsewhere. How?
36	I buy my own books, magazines, CDs, DVDs.
8	The library services are not relevant to my needs. Because?
12	It is too difficult for me to travel to the library.
2	The library opening hours do not meet my needs.
10	I am not aware of what the library offers.
20	Other (please specify):

*The most common reasons for not using the library, listed in order of selection, were;*

1. *No time/too busy.*
2. *I buy my own books, magazines, CDs, DVDs.*
3. *Other*
4. *My information and reading needs are met elsewhere.*

**NOTE: The following information contains responses from library users only.**

### Which libraries do you visit?

Churchill	Moe	Morwell	Traralgon	Other
42	99	129	141	22

### How often do you visit the library?

Daily	Weekly	Fortnightly	Monthly	Less Frequently	Other
26	113	74	39	18	13

**What do you mostly do or use at the library?**

231	Borrow books for recreational reading
83	Borrow books for study or research or homework
112	Borrow CDs and DVDs
64	Use the Internet on a public computer
9	Use a public computer for word processing
16	Use the library's online databases
45	Use the library catalogue
20	Research genealogy or local history
24	Study for work or school at the library
15	Preschool Storytime
13	School Holiday Programs
7	Only when free
10	Even if it costs
9	Attend any other type of event or program
22	Meeting place or a place to just spend some time
3	Outreach library service
17	Other (please specify):

**Overall, how satisfied are you that the library provides the services you want?**

127	Very Satisfied
126	Satisfied
11	Neither Satisfied or Unsatisfied
10	Unsatisfied
1	Very Unsatisfied

*92% of respondents indicated they were either 'Very Satisfied' or 'Satisfied' that the library provided the services they wanted, with 4% indicating they were 'Neither Satisfied or Unsatisfied', and 4% who indicated they were 'Unsatisfied or Very Unsatisfied'.*

**How satisfied are you with the diversity of the library collection?**

78	Very Satisfied
142	Satisfied
37	Neither Satisfied or Unsatisfied
15	Unsatisfied
3	Very Unsatisfied

*80% of respondents indicated they were either 'Very Satisfied' or 'Satisfied' with the diversity of the library collection, with 13% indicating they were 'Neither Satisfied or Unsatisfied', and 7% who indicated they were 'Unsatisfied or Very Unsatisfied'.*

**Do you find it easy to access resources?**

123	Yes, items are generally on shelf at my branch and available without delay.
89	Yes, items are generally on shelf at other Latrobe branches and are received in a timely manner.
34	Yes, items are generally on shelf at other non Latrobe libraries but are received in a timely manner.
10	No, items are in the collection but rarely available without some delay.
13	No, items are often not found at any library.
6	No, waiting time for resources to be transferred from other branches/libraries is excessive.

**Are you aware of the following services and programs?**

133	Preschool Storytime
122	School Holiday Program
69	yourtutor (Homework Help)
104	Reference Assistance
91	Reference Databases
174	Inter-library Loans
45	Outreach Services
185	Photocopy and Facsimile
140	Public Access Computers for Word Processing
190	Free Internet

**How satisfied are you with the library opening hours?**

94	Very Satisfied
147	Satisfied
22	Neither Satisfied or Unsatisfied
12	Unsatisfied
0	Very Unsatisfied

*88% of respondents indicated they were either 'Very Satisfied' or Satisfied' with the opening hours, with 8% indicating they were 'Neither Satisfied or Unsatisfied', and 4% (12 responses) who indicated they were 'Unsatisfied'. Only two of the 108 non-members indicated they didn't use the library because of the opening hours.*

**How satisfied are you with the assistance provided by staff?**

132	Very Satisfied
104	Satisfied
24	Neither Satisfied or Unsatisfied
15	Unsatisfied
0	Very Unsatisfied

*86% of respondents indicated they were either 'Very Satisfied' or Satisfied' with the assistance provided by staff, with 9% indicating they were 'Neither Satisfied or Unsatisfied', and 5% (15 responses) who indicated they were 'Unsatisfied'.*



### Do you have access to the Internet at home?

Yes	No
175	100
64%	36%

### Do you use the Library website??

Yes	No
79	185
29%	61%

### How do you access the Library website?

35	From the library
63	From home, a friend's or relative's house
15	From work
3	From school, Uni, place of study
1	From your mobile phone

### What do you mostly use the library website for?

61	Look up items on the catalogue
52	Renew items online or place a hold for an item I want
16	Search a library database or electronic resources
4	Book a PC
8	Genealogy or local history information
9	Find out what's on at the library
21	Look up suggested books for reading
12	Find library opening hours, address or contact details

### Do you use the Internet at the library?

Yes	No
65	118

### What do you mainly use the Internet at the library for?

18	Library catalogue or library website
30	Email
35	Searching for information using Google etc
16	Facebook, MySpace, Blogging
7	Downloading music, photos, data, gaming
5	Job information or applying for jobs online
8	For study for school, uni, TAFE or work
1	Council or Government information
5	Health information
9	Faster Internet connection at the library than at home

### How would you like to be notified about library information?

	Mail	Phone	SMS	Email	Other
Reminders	73	19	27	32	0
Overdue	55	20	27	28	0
Holds	55	21	23	29	0
Events	36	7	11	17	3
Alternative	Paper <b>(25)</b>	Website <b>(4)</b>	Facebook <b>(1)</b>	Twitter <b>(1)</b>	

**NOTE: The following demographic information relates to all survey respondents, both library users and non users.**

### Gender

Male	Female
124	251

### Age Group

5-14	15-24	25-54	55-64	65+
11	53	151	67	97

### Residential Town

Latrobe City	#	Baw Baw	#	Wellington	#	Other	#
Callignee	2	Erica	1	Balook	1	Box Hill	1
Churchill	36	Moondarra	1	Carrajung	1	Country Victoria	1
Glengarry	3	Rawson	2	Gormandale	1	Heathill	2
Hazelwood North	3	Tanjil South	2	Rosedale	1	Mirboo North	2
Hernes Oak	1	Thorpdale	2	Upper Flynn	1	No Response	37
Jerralang Junction	2	Trafalgar	6				
Jumbuk	1	Warragul	1				
Moe/Newborough	60	Willow Grove	1				
Morwell	54	Yarragon	2				
Narracan	2						
Toongabbie	3						
Traralgon	95						
Tyers	4						
Yallourn North	30						
Yinnar	6						
	<b>302</b>		<b>18</b>		<b>5</b>		<b>43</b>

# Latrobe City Council Draft Library Plan 2011-2017

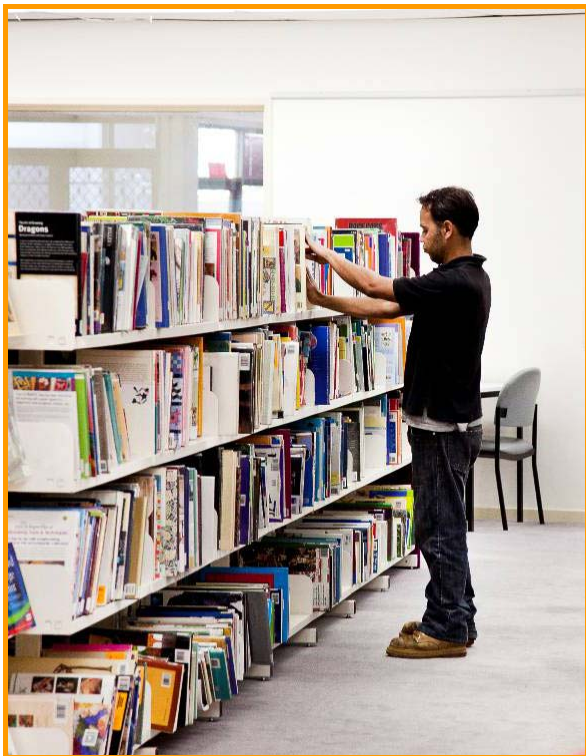


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## 1. Introduction

Libraries enrich our lives in many different ways. Recreational reading can transport us to another time and place, and just like parks and gardens, help us relax and recharge.



Good libraries enhance community liveability; they build social capital by strengthening the relationships between residents, and they promote the integration of society.

Libraries are sources of authoritative information on which we can base our most important decisions. They are seen as safe and comfortable places to spend spare time with a magazine or search the internet.

They act as keepers of local heritage and build the records of society's achievements. They provide access to technology and employ people who can provide advice on how this can be used effectively to expand knowledge and enhance learning.

Libraries also provide meeting places and activities for all ages, and for those at the margins of society. They assist students at school, researchers beyond school, and are fundamental to lifelong learning.

Often they are the first port of call for visitors to a particular region – including newcomers seeking a new life in a new country.

Libraries are open and welcoming to all.

No wonder that 47% of Victorians are registered library members and many more use them as casual study or meeting spaces; for online research; or just to browse newspapers and magazines.

Nationally there are 109 million visits to public libraries each year where 177 million items are borrowed and seven million reference enquires are answered. There are almost 10,000 computers in libraries, the majority with Internet access.



## **Strategic Direction**

*“In 2026 the 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.”* **Our Community: Latrobe 2026 Community Vision**

The Library Plan links to the community’s vision and the Council Plan 2010-2014 with direct support for the strategic objectives of community, culture and recreational liveability; and information support for sustainability and leadership.

The Library Plan acknowledges the cultural vibrancy of the region and promotes understanding of the Latrobe Valley’s diversity of indigenous and multicultural heritage.

Latrobe City supports the Public Libraries Victoria Network’s (PLVN) vision of borderless libraries underpinning the delivery of social, cultural and economic benefits for Victoria; building an innovative state and providing the means for social cohesion and inclusion; along with developing and enhancing communities.

Libraries contribute through providing:

- ❖ Books and other tangible information resources.
- ❖ Programs and services that encourage community participation and lifelong learning.
- ❖ Access to information resources through IT and qualified staff.
- ❖ Community meeting places.

## **The Vision**

The vision for Latrobe City Libraries is to provide a service that reflects the cultural, educational, recreational, and information requirements of residents and visitors.

Such services shall be open to all and delivered through an integrated service and community spaces model with branches in Churchill, Moe, Morwell and Traralgon.

The principles of the Library Service are:

- ❖ To be a storehouse of accurate and reliable information to stimulate the community and help individuals reach their capacity.
- ❖ To promote literacy and reading by providing collections of material attractive to people of all ages and reading ability.
- ❖ To provide professional advice on information discovery and recreational reading.
- ❖ To provide our community with easy access to Council services.
- ❖ To provide a wide range of up-to-date library materials which meet the needs of residents regardless of age, gender, ability and language.
- ❖ To foster a greater understanding by residents of the library’s collections and its capacity to meet residents’ needs.
- ❖ To provide welcoming friendly places where people feel safe and welcome, and to be accessible through the Internet from home, office and school.

- ❖ To encourage volunteering as a way of keeping the community connected and engaged in community life.
- ❖ To participate with other libraries in resource-sharing arrangements where they benefit local communities.
- ❖ To promote digital literacy by assisting the community with access to information technology including the Internet.
- ❖ To build social cohesion by supporting the objectives of community groups through partnerships and alliances.
- ❖ To provide programs and organise activities such as storytime, author talks, homework help and home library service to targeted sectors of the community.
- ❖ To act as a gateway to Local, State and Federal Government information sources.



## 2. National & International Trends

Libraries throughout the western world face similar issues; tight budgets; rapid technological change; ageing populations; shortage of qualified staff and increasingly expensive collection and building maintenance.

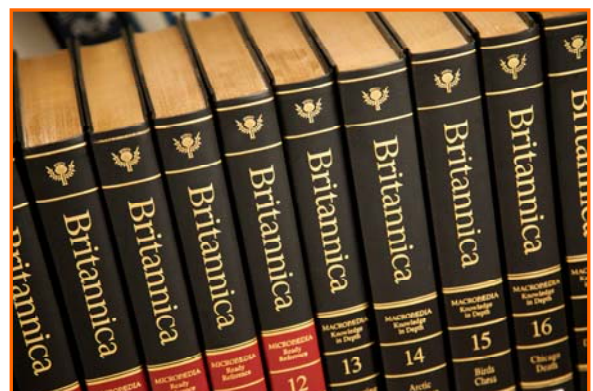
All this, coupled with high community expectations, adds up to doing more with less.

Just as public libraries face shared challenges, they also operate in an environment subject to common trends and predictions.

Some of these trends:

- ❖ Lending books and other items will continue to experience high demand for the foreseeable future.
- ❖ Public library provision of community spaces will continue to experience high demand for the foreseeable future.
- ❖ Notwithstanding the first two points, the provision of technology, especially connection to the Internet, will face steadily increasing demand.
- ❖ The National Broadband Network rollout will increase public awareness of the availability of high speed Internet. It is estimated that for perhaps a third of all households, the public library will be the sole point of access.
- ❖ The vast majority of public libraries will offer 24/7 access to their catalogues and digitised holdings through their websites.

- ❖ There will be continued uptake of Web 2.0 social networking technology for customer interaction and content creation. Library patrons will expect access to resources managed by public libraries, with increasing emphasis on digital materials delivered to the desktop at a time that suits the consumer rather than the provider.
- ❖ All tiers of government will continue to increase the availability of information and services through web interfaces and public libraries will be the nominated agencies for access provision for those who would not otherwise have access to computers.
- ❖ Members of the community, already accustomed to using electronic commerce systems for banking, applying for jobs, paying government fees and charges, and submitting information to government, will increasingly expect that government information will be delivered electronically, be easy to find, easy to print, and be stable and consistent.
- ❖ Computer familiarity will become widespread – a development hastened by the astonishingly rapid cost reductions of new hardware and fast take-up rates for new social networking software and increasingly computer-like mobile phones.
- ❖ Visits to library websites will steadily increase to the point where for many libraries the number of virtual visits will rival the number of physical visits.
- ❖ As more and more digital information from commercial sources becomes available (at a cost), there will be increasing community demand for free public access to information and research produced by governments and other publicly funded organisations.
- ❖ For libraries, there will be increasing emphasis on digitising collections, creating family and local history digital archives and repositories, and improving methods of search and delivery.
- ❖ Open access research publishing will mean more material accessible to web search engines managed by companies like Google, Yahoo! and Microsoft.
- ❖ Customers will increasingly place holds for material through the Internet, receive alerts on their mobile phones and travel to libraries to collect rather than to browse.
- ❖ Library staff will be dealing with an increasingly technology savvy clientele. Staff will need highly developed skills and be familiar with contemporary information and communications technology (ICT).
- ❖ Financial sustainability will continue to be an issue with increasing costs expected.





### 3. Library Service Profile

#### Demographic breakdown

Latrobe City currently has approximately 22,500 library members registered. This equates to 30% of our population.

Table one provides information on age demographics; with the second column showing a breakdown of the 2010 Latrobe library membership profile.

By comparison, the third and fourth columns show Australian Bureau of Statistics Estimated Resident Population (ERP) and age breakdowns for the Latrobe local government area in 2008.

**Table 1**

Age bracket (yrs)	% of Latrobe membership base#	ABS 2008 Latrobe %	ABS 2008 Australia %
0-4	0.9	6.3	6.3
5-14	10.6	19.9	13.5
15-24	17.1	14.7	13.6
25-54	42.8	39.4	42.2
55-64	11	11.7	11.0
65+	15.1	14.3	13.3

#### Current Services

Latrobe City Libraries operate from four branches, one in each of the major towns. Table two provides information on each branch.

**Table 2**

Town	Size (public space) m2	Hours open per week	Days open per week
Churchill	150	35	5
Moe	400	43	6
Morwell	850	43	6
Traralgon	800	46	7

Services include:

- ❖ An extensive lending collection for all ages.
- ❖ Gateway to all tiers of government.
- ❖ Free Internet access, including wireless access.
- ❖ Word processing and email facilities.
- ❖ Information and reference experts.
- ❖ Catalogues, databases and a huge range of online services from libraries all over Australia.
- ❖ Popular DVDs and CDs.
- ❖ Magazines and newspapers.
- ❖ Talking books.

- ❖ Materials in languages other than English.
- ❖ Online tutoring for students from Year 4 to Year 12.
- ❖ Storytime and school holiday programs for children.
- ❖ Local and family history research facilities.
- ❖ Services to the elderly and the housebound.
- ❖ Welcoming places to come and relax or to hold informal meetings.

To ensure that the Library Service provides for the needs of the entire community there are particular programs and services that cater for specific groups within Latrobe City that are outlined below.



### **Children and Youth**

As shown in Table 1, of the total membership of the Library Service children and youth make up 28.6% with 0.9% comprising 0-4 age bracket; 10.6% comprising the 5-14 age bracket and 17.1% comprising the 15-24 age bracket.

The Library Service has collections for children and teenagers and offers popular storytime sessions in all libraries. Computer and Internet access, age-related DVDs and CDs, study and meeting spaces, and homework help make up a comprehensive offering to this group.

Challenges include ensuring that the collections and services offered continue to meet the needs of this group, particularly youth, where social media and electronic gaming are increasingly popular.

Social isolation, school retention rates and access to relevant services are increasingly an issue for this group.

To measure the effectiveness of targeted programs, collections and services the following data will be collected:

- ❖ Program attendance across the year.
- ❖ Library membership data reflecting demographic (age, gender, location) of children and young adults in the community.
- ❖ Number of recurrent programs targeted at specific age groups.
- ❖ Loans from the children and young adult collections broken down by item type (e.g. fiction, non-fiction), subject and format.



### ***Culturally and Linguistically Diverse (CALD)***

Outside of metropolitan Melbourne, Latrobe City has the second largest Sudanese population in Victoria.

Latrobe City also has one of the largest Ukrainian populations in Australia based in Newborough and Moe as a result of immigration in the 1950s and 1960s, associated with the former State Electricity Commission.

Additionally, Latrobe City is home to immigrants from several nations including the United Kingdom, Europe and Asia. Well established sister city relationships currently exist with the City of Takasago in Japan and the City of Taizhou in China. As a result Latrobe City boasts a rich multicultural community.

Libraries provide family member's access to the Internet and email, along with printed information in other languages.

Challenges include ensuring that the library's LOTE (languages other than English) services are relevant to the needs of the local CALD communities and are marketed appropriately.

To measure the effectiveness of targeted programs, collections and services the following data will be collected:

- ❖ Usage of LOTE material including requests to other libraries of material in proportion to the cultural characteristics and composition of the local community.
- ❖ Inclusion of LOTE material into the Collection Development Guidelines.
- ❖ Engagement with community representatives to identify their library service needs, wants and preferences.

### ***Disability***

The Library is keen to improve access to services for people with disabilities, especially through improving physical facilities. Communication aids and screen reading software are available for people with vision or hearing impairment. There is also a large talking book collection, including MP3s.

To measure the effectiveness of targeted programs, collections and services the following data will be collected:

- ❖ Usage of collections in alternative formats.
- ❖ Service delivery in response to community profile and demand.
- ❖ Training of staff from people suitably qualified in disability and access issues.

### **Aboriginal**

The Library respects the rich aboriginal history of the Latrobe Valley and has involved Aboriginal people in programs previously run such as the Koorie Oral History Project. Such programs focus on encouraging involvement of Aboriginal people with the libraries, as well as providing a bridge for library customers in general to explore Aboriginal culture and heritage.

To measure the effectiveness of targeted programs, collections and services the following data will be collected:

- ❖ Number of consultations with Aboriginal people to ensure relevant collections and services.
- ❖ Number of events involving local Aboriginal people.
- ❖ Number of staff who have completed the cross-cultural awareness training and percentage of staff trained in cultural awareness.

### **Older Citizens**

Latrobe City has an ageing population with significant increases of aged residents in recent years.

The Library provides meeting spaces, an extensive large print collection, talking books and an Outreach Service which brings the Library to older people who are frail and transport disadvantaged.

The Library Service often works in partnership with other internal departments and external agencies that assist the elderly.

One of the challenges is to ensure that the collection meets the needs of older citizens and with the phasing out of cassettes in place of alternative format talking books in MP3 and digital formats, there is a role for the library to encourage our aged population to engage and use this technology.

Another challenge is to ensure that the Library Service remains accessible to those who may otherwise not be able to visit the library due to frailty or other barriers to usage.

Volunteers will continue to play a key role in supporting this.

To measure the effectiveness of targeted programs, collections and services the following data will be collected:

- ❖ Number of people using the outreach service annually.
- ❖ Number of visits to aged care facilities annually.
- ❖ Partnerships developed with community organisations around service delivery and provision of resources.
- ❖ Number of programs aimed at older people.
- ❖ Number of resources borrowed based on item type and format.

### Customer Feedback

Extensive community engagement was undertaken during April and June 2010 which included consultation with Councillors, Friends of the Libraries, library staff, other internal Council departments and the broader community.

Focus groups were held with community members and a comprehensive survey was also conducted.

Over 400 people participated in these activities, including around 100 who were not current users of the library.

Survey results indicate general awareness of the services and programs offered at our libraries is fairly low.

Gender and age breakdowns of those surveyed are shown in Table 3 and are followed by a summary of survey results.

**Table 3**

Gender				
Male		Female		
32%		68%		
Age				
5-14	15-24	25-54	55-64	65+
2.9%	16.6%	36.7%	18.2%	25.6%

- ❖ 27.3% of those surveyed do not currently use the library.
- ❖ Respondents were predominantly female, and 43% were in the 55+ age bracket.
- ❖ More than 67% of respondents live in the four major towns and 68% visit a library either weekly or fortnightly.
- ❖ 92% of library users were satisfied or very satisfied with library services in general.
- ❖ 80% of library users were satisfied or very satisfied with the library collection: 22% of comments related to improving collection choices.
- ❖ 88% of library users were satisfied or very satisfied with opening hours.
- ❖ 86% of library users were satisfied or very satisfied with staff assistance.
- ❖ 64% of library users reported home Internet access, but only 30% reported using the library website.



### **Strategic Development Opportunities**

Latrobe City has a low proportion of membership by comparison with other libraries, with the state average recorded in 2008-2009 as 47% and Latrobe City recording 30% for the same period.

Latrobe City also has a largely re-active rather than pro-active service model. This is borne out by the high proportion of preferences for 'traditional' library services such as lending books and DVDs.

Patrons should be encouraged to view the library as not only a source of recreational reading, but also as a technology-intensive meeting place and community hub.

Latrobe City's 2010-2011 budget allocation for the acquisition of library resources is \$275,000. For the financial years between 2005-2006 and 2009-2010 this figure remained consistent at \$250,000 per annum. Prior to that time it was \$150,000 per annum.

However, Council's spend per capita on library resources reported for the 2008-2009 period was \$3.40 and has fallen behind the average per capital spend of \$4.90 reported in the 2008-2009 Annual Survey of Victorian Public Libraries.

Using the Australian Bureau of Statistics 2009 Estimated Resident Population (ERP) for Latrobe City of 75,259 an increase of approximately \$100,000 would be required to bring the per capita spend back in line with the state average.

Additionally Latrobe City has an aged collection with 26% of the collection purchased within the last 5 years; 31% purchased between 5-10 years and 43% purchased over 10 years ago.

Standards and guidelines are currently being developed for Australian public libraries with draft standards and guidelines currently being considered by the industry.

These draft standards recommend an ideal public library collection would contain 50% of resources purchased within 5 years; 30% purchased between 5-10 years and 20% purchased over 10 years ago.



Following analysis of the survey data, strategic development areas were identified for inclusion in the Library Plan 2011-2017 and are summarised below:

- ❖ Review current budget allocation for acquisitions and progressively align these with the state average per capita spend over the life of the Plan.
- ❖ Improve the age of the collection with an increase in current publications.
- ❖ Review collection development guidelines and provide for customer input in acquiring new materials.
- ❖ Develop an advertising campaign to promote library services and collections.
- ❖ Update and promote the library website; offer greater interactivity – especially access to social networking websites for teens.

- ❖ Introduce radio frequency identification (RFID) to allow for higher quality customer contact and to allow greater customer self management.
- ❖ Focus on aligning the library more closely with community requirements and aspirations, including partnerships with service clubs and government agencies.
- ❖ Implement a staff training program for lifting general awareness of services and collections; include readers' advisory training, basic reference training, training in exchange procedures, and training in library system functionality.
- ❖ Develop library programs and activities from baby rhyme time through teenage activities to Internet training for seniors.
- ❖ Investigate programs to targeted groups such as children & youth; older citizens; Culturally and Linguistically Diverse community members; aboriginal people and people with disabilities.
- ❖ Investigate linkages with local education providers.



#### **4. Library Strategy Plan 2006 - 2011**

##### ***Summary of Achievements***

Enhancements to our outreach service have been delivered by partnering with several aged care facilities. This allows housebound residents easy access to our collections without the need to travel.

The Churchill Community Hub opened in February 2009 and has been successful with positive usage numbers recorded.

The Churchill Community Hub was our first branch to fully operate under the integrated service delivery model; the same initiative that won the 2010 LGPro Awards for Excellence – Service Delivery Initiative.

We have partnered with the local community and the State Library of Victoria in hosting several very successful and prominent exhibitions which include;

- ❖ Two Latrobe Valley Ukrainian photography exhibitions hosted at the Morwell Library.
- ❖ Travelling Treasures were hosted in Moe during 2007 and Traralgon during 2009.
- ❖ The two year state-wide Independent Type travelling exhibition was launched by John Cain at the Traralgon library in 2009.

The review of our Library Management System resulted in our joining the SWIFT Consortia and the implementation of a new Library Management system in 2007.

The Consortia started with nine Victorian libraries joining together to purchase a shared library management system and has grown to include 16 Victorian libraries and 6 New South Wales libraries.

- ❖ During the 2009 – 2010 financial year these 22 SWIFT libraries loaned over 15.5 million items.
- ❖ Latrobe City has a collection of around 122,000 items, but through our involvement with SWIFT we offer our community easy access to a collection that exceeds 4 million items.
- ❖ Our involvement in the consortia has allowed us to access enhancements to our system at consortia prices and delivered savings in annual maintenance fees associated with the running of our system.
- ❖ The SWIFT Consortia was announced as the winner of the 2009 LGPro Management Initiative Award.

The Library Plan 2011 – 2017 continues the work initiated in the previous five year plan.



## 5. Program Areas

For the period 2011 – 2017 the Library Service will continue to develop and consolidate its six key program areas:

### ***Service Delivery***

Through an integrated service model provide access to Council services and deliver a range of high quality library services that support the cultural, educational and recreational needs of our community.

### ***Partnerships***

To work with a broad range of people to develop and support learning opportunities; enhance liveability and foster community strengthening initiatives within Latrobe City.

### ***Facilities***

To provide welcoming, safe and accessible spaces for all to gather and participate in Library activities.

### ***Resources***

To develop the Library's collections and services to best reflect the expectations of our diverse community.

### ***Marketing & Communication***

To promote the Library's facilities, collections and services to encourage greater community awareness of what the library offers.

### ***Information Technology***

To implement and provide technology that enhances the library experience in a timely and relevant way.



## 6. Action Plan

### *Service Delivery*

Through an integrated service model provide access to Council services and deliver a range of high quality library services that support the cultural, educational and recreational needs of our community.

	<b>Actions</b>	<b>Measures</b>	<b>Outcome</b>	<b>When</b>
<b>1</b>	Develop a training plan to provide training for all Community Information Officers and Senior Library Officers covering; <ol style="list-style-type: none"> <li>1. Basic reference work;</li> <li>2. Basic readers' advisory;</li> <li>3. Training in the functions of the library's management system;</li> <li>4. LibraryLink Victoria.</li> </ol>	Annual Training Plan developed providing opportunities for all relevant staff to receive training in the four identified topics.	Confident and informed staff responding to customers; customers confident that their enquiries will be successfully dealt with; reduction in the number of requests for assistance from counter staff to qualified staff.	Annually
<b>2</b>	Conduct a biennial customer survey, using the 2010 Customer Satisfaction Survey as a benchmark.	Undertake one customer satisfaction survey every second year.	Greater understanding of community expectations and needs.	2012/2013 2014/2015 2016/2017
<b>3</b>	Investigate potential options for the provision of programs for the aged.	Increased usage of library services by the aged section.	Greater access for aged residents.	Annually
<b>4</b>	Investigate and implement programs to targeted groups such as children and youth; older citizens; Culturally and Linguistically Diverse community members; aboriginal people and people with disabilities.	One targeted program to each group delivered per year.	Increased usage of library services.	Annually

## **Partnerships**

To work with a broad range of people to develop and support learning opportunities; enhance liveability and foster community strengthening initiatives within Latrobe City.

<b>Actions</b>	<b>Measures</b>	<b>Outcome</b>	<b>When</b>
<b>5</b> Maintain partnerships with community groups, government agencies and service clubs.	Complete one joint project per year.	Establishing strong relationships with external partners to encourage lifelong connection with the library.	Annually
<b>6</b> Develop and maintain partnerships with local educational providers	Complete one joint project per year.	Establishing strong relationships with children to encourage ongoing connection to the library through the school years.	Annually
<b>7</b> Develop a volunteer program within the libraries.	Establishment of program.	Increased community capacity and greater participation in community life, through increased participation by volunteers.	2011/2012
<b>8</b> Continue to participate as a member of the SWIFT consortium and PLVN and leverage such participation into related areas such as database access, shared acquisitions and specialised programs.	Regular attendance and active participation of Council Officers at meetings.	Involvement delivers access to innovative and cost effective services and programs, as well as awareness of forthcoming grants funding which will benefit the community.	Annually
<b>9</b> Maintain a strong relationship with the Friends of the Library group.	Complete two joint projects per year.	Closer relationships with committed group will lead to increase in membership of the group and an interest in participating with the library in events.	Annually

## Facilities

To provide welcoming, safe and accessible spaces for all to gather and participate in Library activities.

	<b>Actions</b>	<b>Measures</b>	<b>Outcome</b>	<b>When</b>
<b>10</b>	Relocate the Moe Service Centre and Library into the Moe Community Hub when constructed.	Successful transition of services to the new Moe Community Hub.	Enhanced service delivery to the Moe community and surrounding district.	Following construction of the Moe Community Hub
<b>11</b>	Conduct an audit of library facilities and develop an annual schedule of maintenance works.	Schedule of works developed annually.	Well presented, safe and accessible facilities.	Annually
<b>12</b>	Investigate and source funding to implement energy efficiency enhancements to library facilities.	Projects identified and scoped. At least one grant application lodged per year.	Long term savings due to reduced energy costs.	Annually

## Resources

To develop the Library's collections and services to best reflect the expectations of our diverse community.

	<b>Actions</b>	<b>Measures</b>	<b>Outcome</b>	<b>When</b>
<b>13</b>	Align per capita spend to the state average as identified in the Annual Public Libraries Survey.	Per capita spend on resources aligns with the state average.	Well developed and relevant collections.	Annually
<b>14</b>	Review the Collection Development Guidelines biennially.	Biennial review undertaken.	Increased turnover of the collection as usage increased through improved collection development practices.	2011/2012 2013/2014 2015/2016
<b>15</b>	Review the provision of materials for identified groups and subjects such as early childhood literacy, adult literacy, parenting, foreign languages and seniors.	Annual acquisition targets reviewed and achieved.	Increased turnover of the collection as usage increased through improved collection development practices.	Annually

### **Marketing and Communication**

To promote the Library's facilities, collections and services to encourage greater community awareness of what the library offers.

	<b>Actions</b>	<b>Measures</b>	<b>Outcome</b>	<b>When</b>
<b>16</b>	Develop an annual schedule of events to promote the library's services.	Development of an annual schedule of events.	Increase in usage of the library service and awareness of programs and services offered.	Annually
<b>17</b>	Develop a program schedule targeting seniors over the duration of the plan.	Initial program developed and implemented	Increase in usage of the library service and awareness of programs and services offered by seniors.	Annually
<b>18</b>	Develop and deliver 'Introduction to libraries' sessions.	Deliver four sessions per year.	Increase in membership and usage of the library service and awareness of programs and services offered.	Annually
<b>19</b>	Update and promote the library website; offering greater interactivity – especially access to social networking websites for teens.	Increased visits to the Latrobe City Library website.	Increase in usage of the library website.	Annually

### **Information Technology**

To implement and provide technology that enhances the library experience in a timely and relevant way.

	<b>Actions</b>	<b>Measures</b>	<b>Outcome</b>	<b>When</b>
<b>20</b>	Implement radio frequency identification (RFID) across the collection.	Identification of needs and undertake tendering process.  Implementation.	Freeing staff from automated processes and allowing for more quality interactions with customers along with efficiencies in stocktaking and materials checkout and a reduction of counter congestion.	2011/2012  2012/2013
<b>21</b>	Audit public access computer usage to determine appropriate resources required to meet the needs of the community.	Audit undertaken, requirements identified and action plan developed.	Meet the increasing usage of the community of internet resources.	2011/2012
<b>22</b>	Ensure the library webpage meets customers' expectations regarding access to resources and services.	Survey website users annually.	Higher proportion of library members making use of the website.	Annually
<b>23</b>	Develop digital literacy programs e.g. Introduction to computers; Introduction to Internet and email; Internet for Seniors.	Training delivered to 100 people per annum.	Meeting community requirements for skills development in information technology.	Annually
<b>24</b>	Investigate the provision of services such as e-books and related technology for relevance to Latrobe City users.	Business case and recommendations developed for consideration by management.	Enhanced collection and increased access for members.	2011/2012

## 7. Budget Implications

With the exception of Actions 10, 12, 13 and 20 all other actions are expected to be achieved within the Library recurrent budgets.

**Action 10** is expected to be incorporated in the Moe Rail Precinct Revitalisation Project, which is currently being undertaken. Funding for this project is yet to be finalised and delivery of this action will be dependant on funding being sourced.

**Action 12** will be dependant on the availability of funds being sourced for any projects identified.

**Action 13** will require additional funds above the normal recurrent budget process for acquisitions of approximately \$100,000.

The Annual Public Libraries Survey 2008-2009 reports the average per capital spend for library resources to be \$4.90.

Latrobe City per capita spend for the same period was \$3.40.

This Plan proposes budgetary consideration be given for the acquisition of resources to increase by CPI plus \$25,000 per annum for the financial years of 2011/2012, 2012/2013, 2013/2014 and 2014/2015.

**Action 20** will be dependant on the availability of funds being sourced once project costs have been identified. This would potentially require both Council capital expenditure and external funding being sourced.

## 8. Implementation and Reporting

Actions identified in this Library Plan 2011 – 2017 will commence in the 2011/2012 financial year and conclude at the end of the 2016/2017 financial year.

A review of this Plan will be undertaken during the 2016/2017 financial year and will inform the development of any future Library Plan.

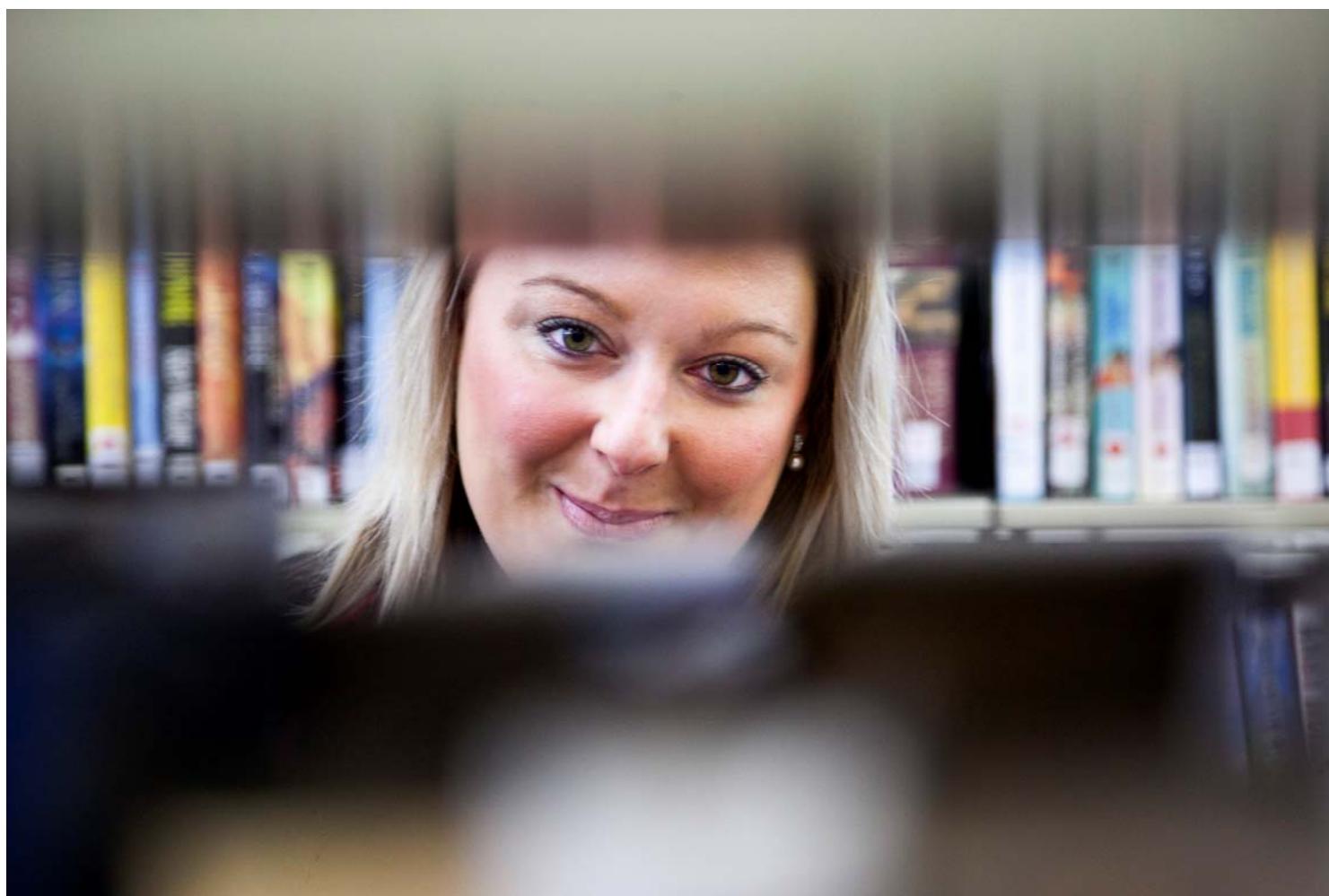
Reporting on the delivery of relevant actions within this Plan will be included in monthly Community Information Services Business Plan Reporting.

Comments relating to this plan should be directed to the Coordinator Libraries on 1300 367 700.



**Latrobe City Council  
141 Commercial Road  
Morwell Victoria 3840**

**1300 367 700  
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# GOVERNANCE

**11.6.1 PROPOSED ROAD RENAMING - PART FREEMANS ROAD (SOUTHERN SECTION OFF OLD MELBOURNE ROAD) TO COPELAND COURT, TRARALGON.**

**AUTHOR:** General Manager Governance  
**(ATTACHMENT – YES)**

**1. PURPOSE**

The purpose of this report is to seek Council's approval to commence the statutory process to rename the southern section of Freemans Road, off Old Melbourne Road to Copeland Court Traralgon.

**2. DECLARATION OF INTERESTS**

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

**3. STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2010-2014.

*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 2010 - 2014*

*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.
- Ensure that Council decision-making considers adopted policies.

*Legislation – Section 206 of the Local Government Act*

The powers of a Council in relation to roads in its municipal district include the powers set out in Schedule 10.

*Legislation – Schedule 10 Clause 5 of the Local Government Act*

1. A Council may -
  - a) approve, assign or change the name of a road; and
  - b) erect signs on a road; and
  - c) approve, assign and change the number of a road and any premises next to a road; and
  - d) require people to number their premises and to renew those numbers.
2. The Council, in exercising a power under paragraph (a) of sub-clause (1) must act in accordance with the guidelines in force for the time being under the *Geographic Place Names Act 1998* and must advise the Registrar under that Act of the action it has taken under that paragraph.

*Legislation – Geographic Place Names Act 1998 and the Guidelines for Geographic Place Names Victoria 2010.*

The *Geographic Place Names Act 1998* and the *Guidelines for Geographic Place Names Victoria 2010* seek to promote the use of consistent and accurate geographic names throughout the state.

The guidelines also provide a structure for ensuring that the assignment of names to features, localities and roads is undertaken in a way that is beneficial to the long term interests of the community.

Under the guidelines, municipal councils are listed as the main naming road authority for municipal controlled roads and a council “*must act in accordance with the guidelines and ensure the proposal conforms to these various naming principles and procedures. Importantly, road authorities must seek the Registrar’s approval for the proposed road name prior to publishing a gazette notice.*”

*Policy - Nil*

There is no specific Council policy relating to the naming or renaming of features, localities or roads. The procedure relating to the naming or renaming of features, localities or roads is specified by the *Geographic Place Names Act 1998* and the *Guidelines for Geographic Place Names Victoria 2010*.

When it has been necessary to allocate a name to an unnamed road or rename an existing road, officers have previously referenced the appropriate Parish or Township Plan to identify a suitable name. The Parish and Township Plans were prepared by the Office of the Surveyor General in the 1950's and record respective property owner and property description details.

#### **4. BACKGROUND**

Freemans Road is a Government Road Reserve. This road reserve commences at Traralgon West Road (northern end) and runs through to the Old Melbourne Road at the southern end, as shown on the attached plan.

Prior to 2002, this section of road network was named Freemans Road North. The extension of the road south of Old Melbourne Road through to Coopers Road was then known as Freemans Road South. To comply with the then Geographic Place Name Guidelines and address issues with rural road numbering Council, in September 2002, renamed Freemans Road North to Freemans Road and renamed Freemans Road South to Regan Road. (The name Regan was recorded on the 1951 Parish Plan of Traralgon as a property owner in the general vicinity of the renamed road.)

The physical construction of the renamed Freemans Road has occurred from both the Traralgon West Road and Old Melbourne Road sides as the land at respective ends of the road reserve has progressively been subdivided and developed.

As a result of the subdivision of land and sealing of the road pavement from either end, there is a section in the middle of Freemans Road that remains unconstructed. This unconstructed segment of Freemans Road is approximately 165 meters in length and crosses a gully containing a natural watercourse; accordingly vehicles cannot travel between Old Melbourne Road and Traralgon West Road, especially when the water course is flowing. To link respective sections of constructed road would require a bridge or causeway to be built across the gully and the sealed pavement extended from both ends.

Road construction of this nature is expensive and it is unlikely that this section of Freemans Road would be constructed in the short to medium time frame. This is due to restricted potential development density as the land on the eastern side of the road reserve is zoned Low Density Rural Zone and the land on the western side is zoned Rural Living Zone 3. It is noted that the respective zones may be revised in the future, permitting greater development density following the finalisation of the Traralgon Growth Area Review that is currently underway. The Traralgon Growth Areas Review is intended to provide a growth strategy that identifies areas for future urban development (housing, retail, industrial and employment) around Traralgon, Traralgon-Morwell Corridor, Glengarry, Tyers and their surrounding areas up to the year 2050.

## 5. ISSUES

In October 2008, Council approved the subdivision of 370 Old Melbourne Road, being land situated at the corner of Old Melbourne Road and southern section of Freemans Road. This plan of subdivision (PS547910) created three vacant allotments facing the southern section of Freemans Road, and one allotment with a dwelling facing Old Melbourne Road.

With the construction of a new dwelling on a Freemans Road allotment in December 2010 and a requirement to allocate a rural road number, it became evident that the southern section of Freemans Road needed to be renamed to comply with the *Guidelines for Geographic Names 2010*. To allocate a Freemans Road rural road number, number 91, to the property would create the perception that access to the dwelling was available from the Traralgon West Road whereas this is not possible because of the gully and watercourse.

As mentioned above it is unlikely that the middle section of Freemans Road Reserve will be constructed in the near future and the *Guidelines for Geographic Place Names Victoria 2010* therefore requires Council to rename either the northern or southern segment of Freemans Road. As there are a number of established residences at the northern end of Freemans Road, it is considered that there would be less inconvenience to affected residents by renaming the southern section of Freemans Road.

In considering possible road names, officers examined the Parish Plan for Traralgon (December 1951) and identified that there was property in the general vicinity owned by a T Copeland. The Parish Plan recorded that T Copeland acquired the property on the 6 April 1893 and the land was described as Crown Allotment 35B, being a total area of 129 acres, 1 rood and 9 perch (Imperial Measurement System). which is now described as an area of 52.33ha.

As the name Copeland has not been used as a road or street name within the Traralgon environs or the municipal area of Latrobe City Council, Copeland Court is considered a suitable street name as it satisfies the general naming principles contained in the *Guidelines for Geographic Place Names Victoria 2010*:

- Principle 1(A) Language.
- Principle 1(B) Recognising the public interest.
- Principle 1(C) Ensuring public safety.
- Principle 1(D) Ensuring names are not duplicated.
- Principle 1(E) Directional names to be avoided.
- Principle 1(F) Assigning extent to a feature, locality or road.
- Principle 1(G) Linking the name to the place.
- Principle 1(H) Using commemorative names.
- Principle 1(I) Using commercial and business names.
- Principle 1(J) Names must not be discriminatory.
- Principle 1(K) Recognition and use of Indigenous Australian names.
- Principle 1(L) Dual names.
- Principle 1(M) Consulting with the public.
- Principle 1(N) Lodging, considering and addressing objections.
- Principle 1(O) Notification of a naming decision.
- Principle 1(P) Signage.

The above principles are designed to ensure that there can be no confusion, errors or discrimination caused by the naming, renaming or boundary change process. These principles must be used in conjunction with the relevant specific principles relating to naming, renaming features, localities and roads. With respect to naming, renaming of roads there are an additional seven naming principles.

These specific road naming principles are:

- Principle 4(A) AS/NZ 4819 Geographic Information – Rural and Urban Addressing,
- Principle 4(B) Extent: road course, start and end,
- Principle 4(C) Addresses and numbering,
- Principle 4(D) Road types,
- Principle 4(E) Unacceptable road names,
- Principle 4(F) Obstructed or altered roads,
- Principle 4(G) Signage

As mentioned previously, it is considered that the southern section of Freemans Road should be renamed to conform to the *Guidelines for Geographic Place Names Victoria* 2010 principles listed above, in particular Principle 4(B) Extent: road course, start and end. The preferred road name Copeland Court satisfies the relevant Principles 1(A) through to Principle 1(J) and the specific road naming principles: Principle 4(A) to Principle 4(F) as it creates a unique property address which is important when an emergency service vehicle cannot navigate a road from one end of a road to another.

## **6. FINANCIAL AND RESOURCES IMPLICATIONS**

Costs associated with the initial stage of the proposed road renaming is minimal, being a public notices and the preparation of correspondence inviting public submissions.

The total cost of the above will be within existing budget allocations.

## **7. INTERNAL / EXTERNAL CONSULTATION**

*Engagement Method Used:*

Should Council proceed with the proposed road renaming, the *Geographic Guidelines* require Council to commence a formal community consultation process.

Accordingly, Council would write to the affected property owners and also place a Public Notice in the Latrobe Valley Express inviting submissions from the community

*Details of Community Consultation / Results of Engagement:*

The *Guidelines for Geographic Place Names Victoria 2010* requires Council give 30 days public notice of proposed road renaming. In this instance it is proposed that any public submissions received would be considered at the Council meeting to be held on Monday, 16 May 2011.

**8. OPTIONS**

Council has the following options available:

1. Give public notice of Council's intention to rename the southern section of Freemans Road to Copeland Court and invite submissions from adjoining property owners and the Traralgon Historical Society, or
2. Not comply with the *Guidelines for Geographic Place Names Victoria 2010* and not commence the statutory process to rename the southern section of Freemans Road.

**9. CONCLUSION**

To allow Council to allocate a rural road number to the three properties at the southern end of Freemans Road off Old Melbourne Road Traralgon that were created by Plan of Subdivision PS547910, it is recommended that Council commences the statutory process to rename this section of Freemans Road to Copeland Court, Traralgon.

**10. RECOMMENDATION**

1. That Council gives public notice and invite submissions concerning its intention to consider a proposal to rename the southern end of Freemans Road off Old Melbourne Road Traralgon to Copeland Court, Traralgon pursuant to the *Local Government Act 1989* and the *Geographic Place Names Act 1998* and *Guidelines for Geographic Place Names Victoria 2010*.
2. That Council considers any submissions received in relation to renaming the southern end of Freemans Road off Old Melbourne Road Traralgon to Copeland Court, Traralgon at the Ordinary Council Meeting to be held on 16 May 2011.



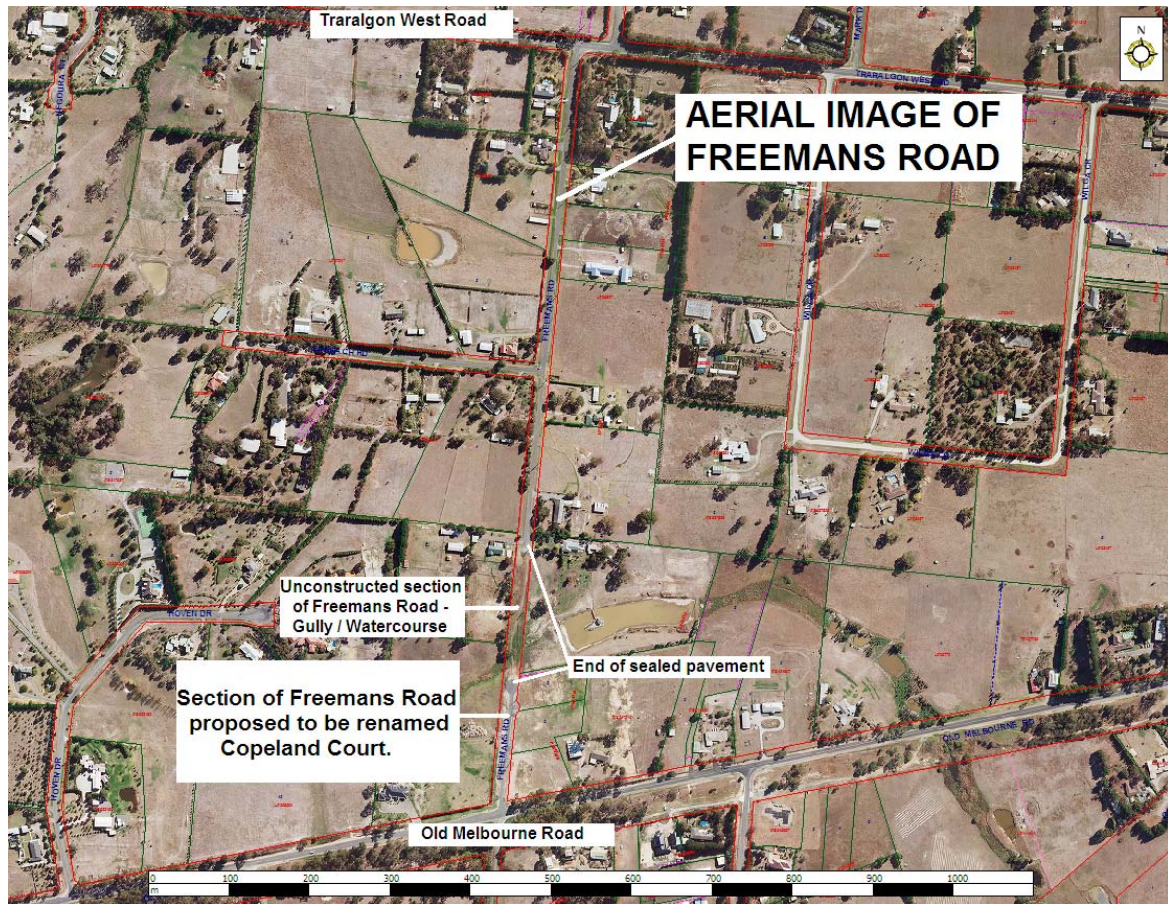
**Moved:** Cr Lougheed

**Seconded:** Cr Kam

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

ATTACHMENT  
FREEMANS ROAD TRARALGON.



## **11.6.2 TRUENERGY YALLOURN - APPLICATION FOR PERMANENT ROAD CLOSURES.**

**AUTHOR:** General Manager GOVERNANCE  
**(ATTACHMENT – YES)**

### **1. PURPOSE**

The purpose of this report is to consider a request from TRUenergy Yallourn to commence the statutory process to discontinue a number of roads within the Maryvale Field mining licence area - MIN 5003.

### **2. DECLARATION OF INTERESTS**

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

### **3. STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2010-2014.

#### *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 2010 - 2014*

##### *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.
- Ensure that Council decision-making considers adopted policies.

*Legislation – Section 206 of the Local Government Act*

The powers of a Council in relation to roads in its municipal district include the powers set out in Schedule 10 of the Act.

*Policy – Council has not adopted a policy relating to Road Discontinuances.*

#### 4. **BACKGROUND**

TRUenergy Yallourn has written to Council (copy attached) and requested that various roads (refer attachment 2) be formally discontinued. These road closures will allow TRUenergy Yallourn to progress the current Yallourn Coal Re-alignment project and most importantly allow for the diversion of the Morwell West Drain.

The sections of Government Road Reserves TRUenergy Yallourn require discontinued are:

- Maxwell Morrison Road north from Old Melbourne Road west extension intersection,
- Old Melbourne Road west extension, west of the Latrobe Road intersection,
- Toners Lane north from the commencement of TRUenergy Yallourn Property.

TRUenergy has stated that it is requesting Council commence the statutory process to discontinue the above mentioned roads for the following reasons:

1. Maxwell Morrisons Road and the Old Melbourne Road west extension are required closed to allow progressive development of the Maryvale Mine and to accommodate heavy plant movements and security of the mine development area.
2. Toners Lane closure “is required immediately to allow construction of the Morwell West Drain diversion crossing, which has been designed as a low speed crossing of the 8 metre deep drain excavation to minimise the disturbance of high conservation significance roadside vegetation. This crossing is not recommended for normal public traffic use due to the design constraints requiring steep approach ramps with tight corners.”

It is noted that TRUenergy Yallourn has commenced Morwell West Drain diversion earthworks on its land that will allow the drain diversion to link into the Yallourn Wetlands/Morwell River waterway as shown on attachment 3.

As part of the Morwell West Drain diversion, TRUenergy Yallourn has advised that it is committed to the construction of a public walking track and extensive native revegetation works with community involvement. The diversion earthworks are expected to be completed in June 2011, followed by vegetation plantings.

TRUenergy Yallourn is the owner of land on either side of the respective road reserves it has requested to be discontinued. In addition to the farm land currently being used for grazing purposes, TRUenergy Yallourn has tenants occupying two dwellings in Toners Lane and one dwelling in Maxwell Morrisons Road. Further, the Morwell Gun Club occupy land off the Old Melbourne Road west extension. In the event that the various roads are formally discontinued it would become the responsibility of TRUenergy Yallourn to provide access to the respective dwellings, Gun Club and farm land whilst occupied.

In addition to the closure of the above requested Government Road Reserves, Council Officers also consider this is an opportune time to discontinue a number of other road reserves. These additional road reserves are both Government and the former "Morwell West" Subdivision Road Reserves within the Maryvale Field mining licence area. The subdivision Road Reserves are owned by TRUenergy Yallourn and are not accessible by the general public.

The additional former "Morwell West" Road Reserves identified and shown on attachment 2 are:

- Part Morwell Bridge Road and Sand Pit Road (Government Roads),
- Kaye Street, Alliss Street, Hill View, Crown Road, and
- The Boulevard, Sunburst Avenue, Community Street, Centre Crescent, Panorama Avenue and Hollywood Parade (Subdivision Roads created by LP21189).

These "Morwell West" Road Reserves are not listed on the Latrobe City Council Register of Public Roads, the exception being "*The Boulevard*" which relates to a totally different section of road network. Accordingly Council has not accepted care and management of these roads, which in the most part are now unformed and not accessible by the general public.

## 5. ISSUES

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 Victorian Government Gazette: and*
- (ii) sell the land from that road (if it is not Crown Land), transfer the land to the Crown or itself or retain the land.*

This power is subject to Section 223 of the Local Government Act whereby:-

*The Council must 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 to be heard, is entitled to appear before a meeting of Council.

The respective sections of Government Road Reserve, if discontinued, would revert back to the Crown as unalienated Crown Land. TRUenergy Yallourn would then be required to negotiate with the Department of Sustainability and Environment to acquire the respective parcels of land. As for the other non Government Road Reserves the land would vest free of all encumbrances in the Council.

Subject to Council completing the statutory process and the roads being formally discontinued it would be necessary for TRUenergy Yallourn to erect suitable barriers at its cost. TRUenergy Yallourn would also become responsible to provide and maintain access to the Morwell Gun Club for members and guests using the facility and tenants of dwelling.

## 6. FINANCIAL AND RESOURCES IMPLICATIONS

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

Subject to the formal closure of respective roads, Council will be released from ongoing road maintenance and construction costs incurred for these sections of road network.

As True Energy Yallourn is the proponent for the road closures it will be responsible for any costs associated with the road closures, access barriers and future maintenance.

## **7. INTERNAL / EXTERNAL CONSULTATION**

*Engagement Method Proposed:*

- *Public notice in the Latrobe Valley Express.*
- *Letters to Morwell Gun Club and owners/occupiers of properties located in Toners Lane.*
- *Letters to the Department of Sustainability and Environment, VicRoads and Electricity, Gas, Telstra and Water Authorities.*
- *Latrobe City Council Web Site*
- *Erecting signs at suitable locations at the intersection Old Melbourne Road west extension and Latrobe Road, and another sign at the southern end of Toners Lane.*

*Details of Community Consultation / Results of Engagement:*

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

## **8. OPTIONS**

Council has the following options:

1. Commence the statutory process to discontinue the various road reserves by giving public notice of its intention to consider the discontinuance, or
2. Not accede to the request to discontinue the various road reserves and take no further action. In the event this occurs it is expected that TRUenergy Yallourn would pursue other avenues to achieve the required road closures.

## 9. CONCLUSION

It is recommended that Council gives notice of its intention to discontinue the various sections of Government and non Government Road Reserves located within the TRUenergy Yallourn Maryvale Field Licence Area as identified in the above Council Report.

## 10. RECOMMENDATION

1. That Council, pursuant to Section 206 and Schedule 10 Clause 3 of the *Local Government Act 1989*, gives public notice of its intention to consider the discontinuance of the following road reserves:
  - unsealed section of Old Melbourne Road west extension at the intersection of Latrobe Road Morwell
  - Maxwell Morrisons Road off Old Melbourne Road west extension Morwell, and
  - Toners Lane north of the Council owned Toners Lane Multi Use Reserve.
  - Part Morwell Bridge Road and Sand Pit Road (Government Roads),
  - Kaye Street, Alliss Street, Hill View, Crown Road, and
  - The Boulevard, Sunburst Avenue, Community Street, Centre Crescent, Panorama Avenue and Hollywood Parade (Subdivision Roads created by LP21189).
2. That Council in accordance of a section 223 of the *Local Government Act 1989* consider submissions received regarding the proposed discontinuance of the following road reserves:
  - unsealed section of Old Melbourne Road west extension at the intersection of Latrobe Road Morwell
  - Maxwell Morrisons Road off Old Melbourne Road west extension Morwell, and
  - Toners Lane north of the Council owned Toners Lane Multi Use Reserve.
  - Part Morwell Bridge Road and Sand Pit Road (Government Roads),



- Kaye Street, Alliss Street, Hill View, Crown Road, and
- The Boulevard, Sunburst Avenue, Community Street, Centre Crescent, Panorama Avenue and Hollywood Parade (Subdivision Roads created by LP21189).

at the Ordinary Council Meeting to be held on 9 May 2011.

3. That Council notify the Morwell Gun Club, owners and occupiers of properties in Toners Lane and occupier of the dwelling in Maxwell Morrisons Road, the Department of Sustainability and Environment, VicRoads, Electricity, Gas, Telstra and Water Authorities of its intention to consider the discontinuance of various roads listed above.

Cr Gibson left the Chamber at 8.21 pm due to an indirect interest under section 78 of the *Local Government Act 1989*.

Cr O'Callaghan left the Chamber at 8.21 pm due to an indirect interest under section 78B of the *Local Government Act 1989*.

**Moved:** Cr Lougheed

**Seconded:** Cr Middlemiss

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

Cr Gibson returned to the Chamber at 8.23 pm.

## TRUenergy Road Discontinuance Application Attachment 1

25 February 2011

Mr Tom McQualter  
Manager Council Operations and Legal Services  
PO Box 264  
Morwell  
VIC 3840



TRUenergy Yallourn Pty Ltd  
ABN 47 065 325 224  
Eastern Road  
Yallourn Victoria 3825  
PO Box 444 Moe Victoria 3825  
Telephone +61 3 5128 2000  
Facsimile +61 3 5128 2200  
[www.truenergy.com.au](http://www.truenergy.com.au)

Dear Tom,

### **Re: Application for Road Closures - Yallourn Coal Field Re-alignment Project**

As recently discussed with you, TRUenergy Yallourn is progressing with its Yallourn Coal Field Re-alignment Project. As part of this development, several road closures are required to facilitate the development of the mine and associated infrastructure.

The following road closures are sought within our mining licence MIN 5003:

1. Maxwell Morrison Road north from the Old Melbourne Road intersection
2. Old Melbourne Rd west of the Latrobe Road intersection
3. Toners Road north from the TRUenergy Yallourn property boundary

Under EES approval in 2001 these roads were to be closed for the earlier project option that would have resulted in the Morwell River being diverted across Toners Lane and Old Melbourne Road to follow the current path of the Morwell West Drain (MWD) to the north.

The current Yallourn Coal Field Re-alignment Project includes the diversion of the MWD from Latrobe Rd south west around the Maryvale Field mine to the Morwell River at the Yallourn wetlands, following a similar path to the original Morwell River Diversion proposal. Two Works on Waterway permits have been sought from the West Gippsland Catchment Management Authority for the MWD diversion; one has been approved and the other is expected to be approved in the very near future.

The closure of Maxwell Morrison Road is required for the progressive development of the Maryvale Mine. The closure of Old Melbourne Rd is required for the later stages of mine development. However, closure of both roads is sought immediately to accommodate heavy plant movements and security of the mine development areas.

The closure of Toners Lane is required immediately to allow the construction of the MWD diversion crossing, which has been designed as a low speed crossing of the 8 metre deep drain excavation to minimise the disturbance of high conservation significance roadside vegetation. This crossing is not recommended for normal public traffic use due to the design constraints requiring steep approach ramps with tight corners.

An ecological assessment has been completed for the proposed roadside vegetation removal and a Planning Permit will be sought for this activity. The proposed offset will include the protection of nearby roadside vegetation, approval for which will also require road closure.

TRUenergy Yallourn has committed to the construction of a public walking track and extensive native revegetation works with community involvement as part of the MWD diversion.

TRUenergy Yallourn consults with the local community through its regular Environment Review Committee meetings involving public and authority representation. This committee has been regularly consulted on the mine development proposals and recently visited Toners Lane to inspect the MWD diversion site.

The commencement of the MWD diversion earthworks is scheduled for early March 2011 and work is expected to be completed in June 2011, followed by native vegetation plantings.

I have endeavoured to include all relevant documentation however if further information is required please don't hesitate to contact me.

Yours sincerely,



Ron Mether  
Manager Mining  
TRUenergy Yallourn

Phone: 5128 2353  
Mob: 0418567284  
Email: ron.mether@truenergy.com.au

Attachments:

1. Work Plan Variation General Site Plan
2. Morwell West Drain Concept Plan

Plan of Roads Proposed to be Discontinued.  
Attachment 2.

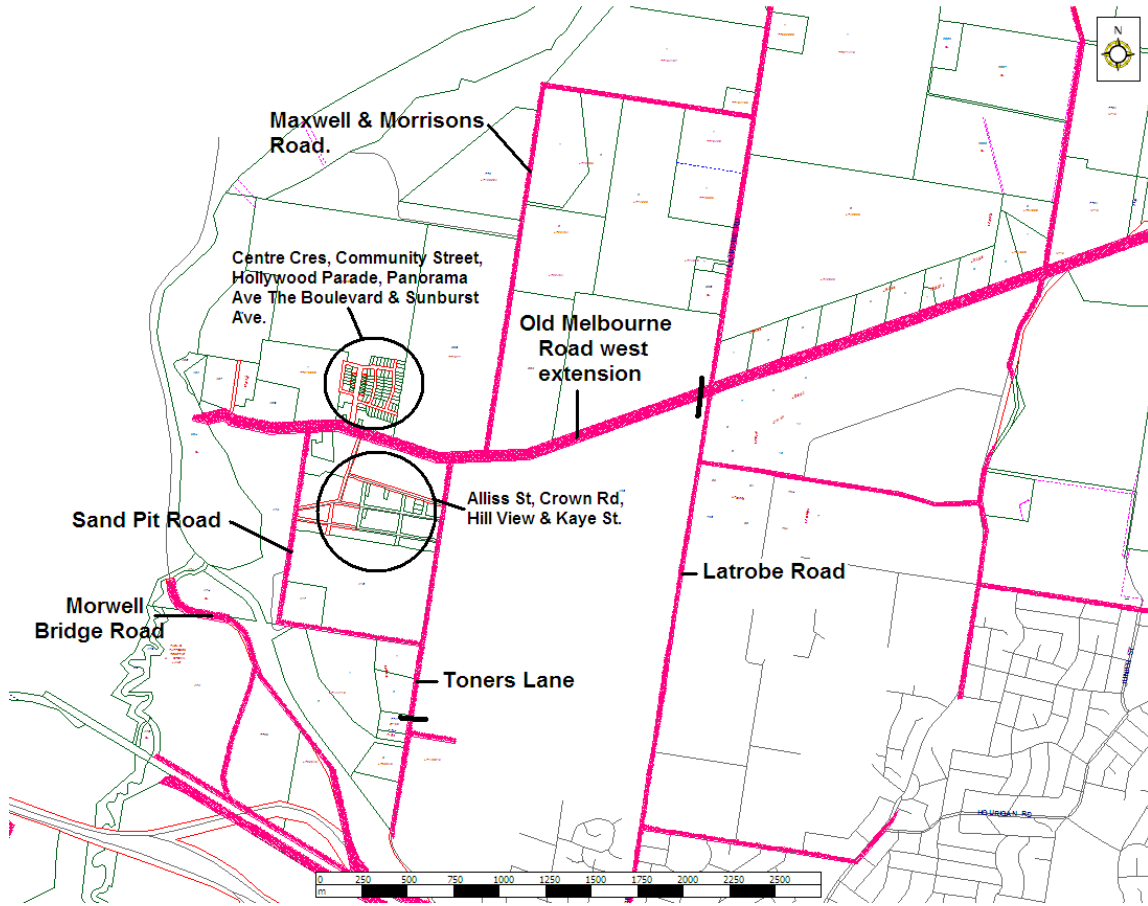
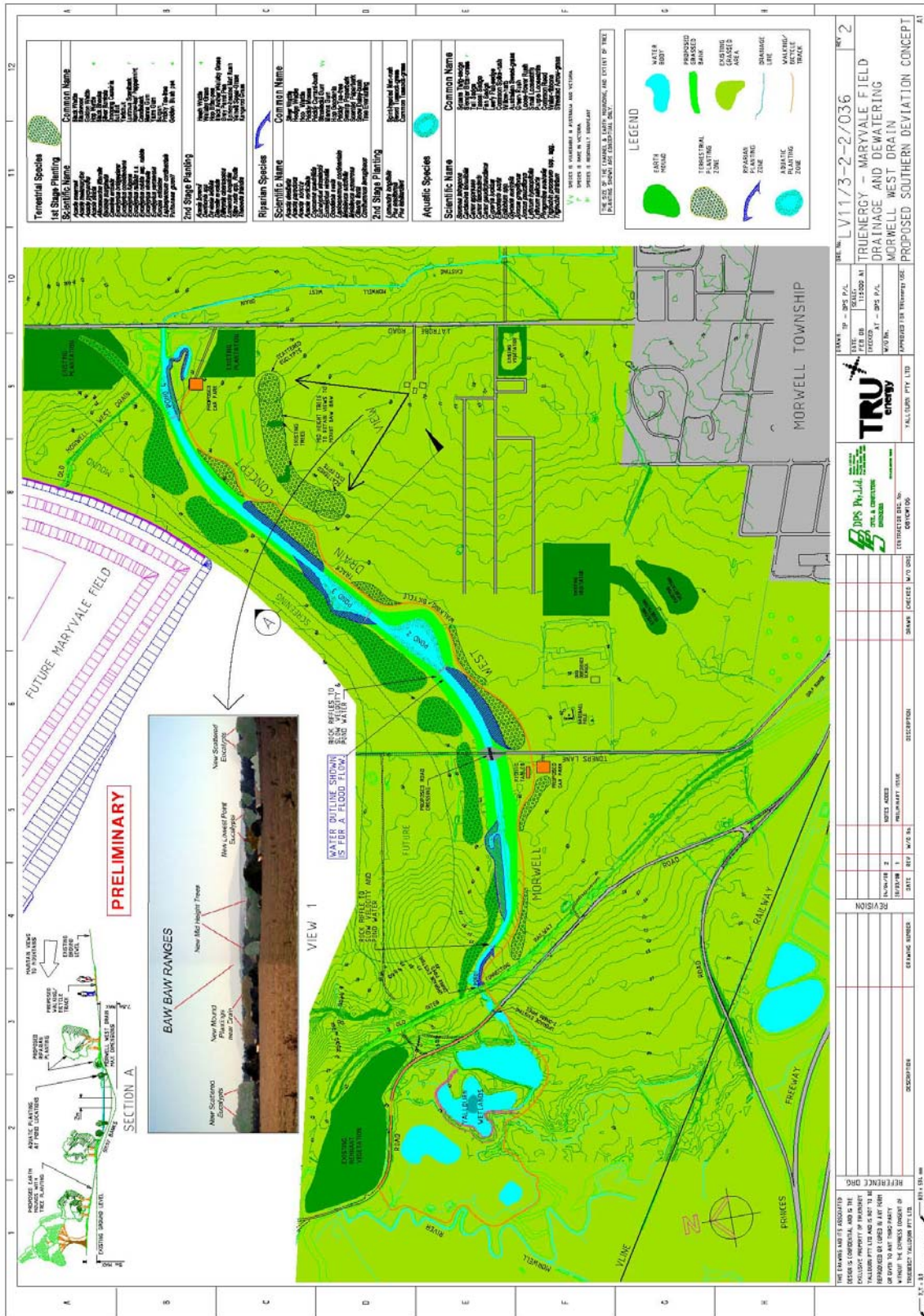


Diagram of the Morwell West Drain Diversion.  
Attachment 3



**11.6.3 DOCUMENTS PRESENTED FOR SIGNING AND SEALING**

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

**1. DECLARATION OF INTERESTS**

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

**2. DOCUMENT/S**

Lease Nos. 538 & 653/CL	Variation of Lease Agreement between Latrobe City Council as Landlord of the first part; Gippsland Rotary Centenary House Inc as Tenant of the second part; and Latrobe Regional Hospital as Sub-Tenant of the third part effectively amending: a) Special Condition 1 of the 25-year Head Lease Agreement dated 5 April 2005 between the Landlord and Tenant commencing 1 March 2005; and b) the Permitted Use set out in the Thirteenth Schedule of the collateral Sub-Lease Agreement between the Tenant and the Sub-Tenant dated 23 November 2009 to allow that part of Lot 8 on PS 067735 comprising 1.01 hectares of the demised property under the Head Lease situated at the rear of 39 Valley Drive, Traralgon to be used by the Sub-Tenant for residential purposes in accordance with Planning Permit No. 2010/321 issued 24/02/11 in lieu of additional car parking for the Gippsland Cancer Care Centre as specified.
PP 2010/321	Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Latrobe Regional Hospital as the permit operator pursuant to Condition 3 of Planning Permit No. 2010/321 issued 24/02/11 for Buildings and Works Associated with the Construction of Residential Development in Three (3) Stages on Land being part of Lot 8 on PS 067735 situated at the rear of 39 Valley Drive, Traralgon and contained in Certificate of Title Volume 08542 Folio 473 which provides: a) The use of nearby airspace by aircraft landing and taking off from the Latrobe Regional Airport, will create noise which could cause disturbance and may be visually intrusive to occupiers of the land; b) The owners and/or occupiers of the land may not use, or permit to be used on the land, any

	<p>electrical or other equipment which may cause interference with communications to or from aircraft, or communications to or from centres established for air traffic control, or with navigational aids or with air surveillance systems;</p> <p>c) The owners and/or occupiers of the land may not construct or erect, or allow to be constructed or erected or permit to remain on the land, any roof having a highly reflective surface and in particular shall not erect or allow to be erected or to remain on the land, any roof which is coloured white or another similar colour or which is constructed of metal which is not painted and which does not have a bonded colour finish;</p> <p>d) No building may be constructed or any tree allowed to grow on the land, which extends in height above the obstacle limitation surfaces as defined in the Manual of Standards issued by the Civil Aviation Safety Authority in relation to aerodromes, and which therefore might interfere with the flight of aircraft taking off or landing at the Latrobe Regional Airport. Any building or tree which does breach that obstacle limitation surface is to be removed; and</p> <p>e) The owners and/or occupiers will not take any action against the owner/operator of Latrobe Regional Airport in relation to claims, complaints, or any other matter pertaining to the airport and its operations</p> <p>except with the written consent of the Responsible Authority.</p>
P/P 2009/334	<p>Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Brian Xavier Fletcher and Sandra Pearl Fletcher as the Owner of Land contained in Certificate of Title Volume 11110 Folio 582 being Lot 2 PS 603504 situated at 65 Buckleys Road, Hazelwood North pursuant to Condition 6 of Planning Permit No. 2009/334 issued 3/12/09 for a 2-lot Plan of Subdivision providing that the land may not be further subdivided to increase the number of lots except with the written consent of the Responsible Authority.</p>
P/P 2008/322/A	<p>Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Edward Charles Bradley and Jeanne Bradley as the Owner of Land contained in Certificates of Title Volume 7469 Folio 034, Volume 9112 Folio 693 and Volume 9523 Folio 398 being Lot 1 TP162686, Lot 1 TP84032, CA15F situated at 1875 Monash Way and 125 Speargrass Road, Yinnar South pursuant to</p>

	<p>Condition 7 of Planning Permit No. 2008/322/A issued 28/01/09 for 2-lot Plan of Subdivision No.644124P required by the West Gippsland Catchment Management Authority that the owner of each of the proposed Lots 1 and 2 shall enter into an agreement with the Responsible Authority acknowledging that there is to be no further sub-division of the land to ensure that the 70.07 hectares (approx) and 4.76 hectares (approx) are retained as agricultural parcels.</p>
<p>P/P 2005/316</p>	<p>Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Joanne Helen McAfee as the Owner of Land contained in Certificate of Title Volume 11093 Folio 852 being Lot 1 PS 540151Q situated at 783 Jumbuk Road, Jeeralang Junction pursuant to the Natural Environment Sustainability conditions set out in Condition 5 of Planning Permit No. 2005/316 issued 22/04/09 for a 2-lot Plan of Subdivision providing that:</p> <p><u>Lot 2</u></p> <ul style="list-style-type: none"> <li>a) Dwellings and associated outbuildings will be erected only within the 'proposed house site' as shown on the approved plan of subdivision, prepared by Beveridge Williams Pty Ltd; surveyors reference 10526 Version 3, dated 24 March 2009.</li> <li>b) No additional driveways and/or tracks are to be constructed on the site outside the area indicated on the approved plan of subdivision as the 'existing bush track'. The existing track is to be the only vehicle access point to the site.</li> <li>c) All standing remnant trees (dead or alive) are to be retained and protected except to allow for the construction of a single dwelling or ancillary outbuildings in accordance with current legislation.</li> <li>d) Any native vegetation to be removed must be in accordance with the current legislation at the time. Any removal of native vegetation is required to be offset to mitigate removal required.</li> <li>e) All forms of grazing are to be prohibited from the lot.</li> <li>f) Weeds, including both noxious weeds (blackberry, ragwort, etc) and environmental weeds (pittosporum) must be adequately controlled to the satisfaction of the responsible authority.</li> <li>g) Trees must be adequately maintained to prevent branches overhanging the dwelling and any outbuildings, in accordance with current legislation.</li> </ul> <p><u>Lot 1</u></p> <ul style="list-style-type: none"> <li>a) All standing remnant trees (dead or alive) are to be retained and protected except in circumstances</li> </ul>



	<p>requiring construction of a dwelling or ancillary outbuildings, in accordance with the current legislation at the time.</p> <p>b) Any native vegetation to be removed must be in accordance with the current legislation at the time. Any removal of native vegetation is required to be offset to mitigate removal required.</p> <p>c) All forms of grazing are to be prohibited from the lot.</p> <p>d) Weeds, including both noxious weeds (blackberry, ragwort, etc) and environmental weeds (pittosporum) must be adequately controlled to the satisfaction of the responsible authority.</p> <p>e) Trees must be adequately maintained to prevent branches overhanging the dwelling and any outbuildings, in accordance with current legislation.</p>
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### **3. RECOMMENDATION**

- 1. That Council authorises the Chief Executive Officer to sign and seal the Variation of Lease Agreement between Latrobe City Council as Landlord of the first part; Gippsland Rotary Centenary House Inc as Tenant of the second part; and Latrobe Regional Hospital as Sub-Tenant of the third part permitting part of Lot 8 on PS 067735 comprising 1.01 hectares situated at the rear of 39 Valley Drive, Traralgon to be used by the Sub-Tenant for residential purposes in accordance with Planning Permit No. 2010/321 issued 24/02/11 in lieu of additional car parking for the Gippsland Cancer Care Centre.**
- 2. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Latrobe Regional Hospital as the permit operator by reason of the proximity of the Land to the Latrobe Regional Airport pursuant to Condition 3 of Planning Permit No. 2010/321 issued 24/02/11 for the 3-stage Residential Development on Land contained in Certificate of Title Volume 08542 Folio 473 being part of Lot 8 on PS 067735 situated at the rear of the Gippsland Cancer Care Centre, 39 Valley Drive, Traralgon.**

3. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Brian Xavier Fletcher and Sandra Pearl Fletcher as the Owner of Land contained in Certificate of Title Volume 11110 Folio 582 being Lot 2 PS 603504 situated at 65 Buckleys Road, Hazelwood North pursuant to Condition 6 of Planning Permit No. 2009/334 issued 3/12/09.
4. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Edward Charles Bradley and Jeanne Bradley as the Owner of Land contained in Certificates of Title Volume 7469 Folio 034, Volume 9112 Folio 693 and Volume 9523 Folio 398 being Lot 1 TP162686, Lot 1 TP84032, CA15F situated at 1875 Monash Way and 125 Speargrass Road, Yinnar South as required by the West Gippsland Catchment Management Authority pursuant to Condition 7 of Planning Permit No. 2008/322/A issued 28/01/09.
5. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Joanne Helen McAfee as the Owner of Land contained in Certificate of Title Volume 11093 Folio 852 being Lot 1 PS 540151Q situated at 783 Jumbuk Road, Jeeralang Junction pursuant to the Natural Environment Sustainability conditions set out in Condition 5 of Planning Permit No. 2005/316 issued 22/04/09.

Cr Fitzgerald left the Chamber at 8.23 pm due to an indirect interest under section 78B of the *Local Government Act* 1989.

**Moved:** Cr Lougheed

**Seconded:** Cr Gibson

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

Cr O'Callaghan returned to the Chamber at 8.24 pm.

Cr Fitzgerald returned to the Chamber at 8.24 pm.

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**11.6.4 ASSEMBLY OF COUNCILLORS****NOT CONFIDENTIAL****AUTHOR:** General Manager Governance  
**(ATTACHMENT - YES)****1. INTRODUCTION**

The purpose of this report is to present to Council, the Assembly of Councillors forms submitted since the previous Ordinary Council Meeting held 7 March 2011.

**2. DECLARATION OF INTERESTS**

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

**3. OFFICER COMMENTS**

The following Assemblies of Councillors took place between 2 February 2011 and 4 March 2011:

<b>Date:</b>	<b>Assembly Details / Matters Discussed:</b>	<b>In Attendance:</b>	<b>Conflicts of Interest Declared:</b>
2 February 2011	Tourism Advisory Board Meeting – Marketing of Latrobe City, Traralgon Activity Centre Plan.	Cr Fitzgerald, Geoff Hill, David Elder, Linda Brock, Shannyn Kiss and Jacinta Kennedy	NIL
22 February 2011	Timber Traffic Community Reference Group Meeting – Timber traffic on Jumbuk Road	Cr Vermeulen, Cr Kam, Peter Quigley and Richard Brammall	NIL
23 February 2011	Traralgon East Community Centre Redevelopment Advisory Committee – Tour of the Rosedale Centre to assist the Advisory Committee with ideas for the redevelopment of the Traralgon East Community Centre and discussion of Governance and running of the facility. The question of the sale of Traralgon East Hall and timing of the Redevelopment was raised by Cr Vermeulen.	Cr Vermeulen, Michael Bradford and Krysten Forte	NIL
28 February 2011	Issues & Discussion Session  Presentation: Tourism Product Audit and Review of the Visitor Information Centre Services; Presentation from Previous Issues &	Cr Kam, Cr Fitzgerald, Cr Gibson, Cr Loughheed, Cr Middlemiss, Cr Vermeulen, Cr White Paul Buckley, Michael Edgar, Carol Jeffs, Tom McQualter, Peter Quigley,	NIL

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
	Discussion Session: SLT Quarterly Presentation; Future Presentations to Issues & Discussion Sessions; Regional Cities Victoria – Strategy Meeting Minutes – 3 February 2011; Gippsland Local Government Network Agenda – Mayor/CEO Forum 3 March; 2011 Council Policy Review Program	Zemeel Saba, Grantley Switzer, Jayne Emans	
2 March 2011	Tourism Advisory Board Meeting  Grand Strzelecki Track, Morwell Freeway Closure	Cr White, Cr Fitzgerald, Jason Membrey, Linda Brock and Shannyn Kiss	NIL
4 March 2011	Latrobe City Integrated Community Planning & Wellbeing Committee Meeting	Cr Kam, Steve Tong, Helen Taylor, Heather Farley and Michael Bradford	NIL

#### 4. RECOMMENDATION

**That Council note this report.**

**Moved:** Cr Lougheed

**Seconded:** Cr Gibson

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

ATTACHMENTS

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## Assembly of Councillors Record

This form **MUST** be completed by the attending Council officer and returned **IMMEDIATELY** to the Council Operations Team for filing.

**Assembly details:** Tourism Advisory Board Meeting

**Date:** Wednesday 2 February 2011

**Time:** 5.30pm

**Assembly Location:** Nambur Wariga Room, Latrobe City Council Offices.

**In Attendance:**

**Councillors:** Cr Rohan Fitzgerald.

**Officer/s:** Geoff Hill, David Elder, Linda Brock, Shannyn Kiss and Jacinta Kennedy.

**Matter/s Discussed:** Marketing of Latrobe City, Traralgon Activity Centre Plan.

**Are the matters considered confidential under the Local Government Act:** No

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

**Councillors:** NA

**Officer/s:** NA

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

Completed by: Shannyn Kiss

## 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.



## Assembly of Councillors Record

This form **MUST** be completed by the attending Council officer and returned **IMMEDIATELY** to the Manager Council Operations - Legal Counsel for filing.  
{see over for *Explanation/Guide Notes*}.

**Assembly details:** Traralgon East Community Centre Redevelopment Advisory Committee visit to Rosedale Community Centre

**Date:** Wednesday 23 February 2011    **Time:** 10.00-11.30am

**Assembly Location:** Rosedale Community Centre, 2-8 Cricket Street Rosedale  
(some e.g's: Town Hall, *TOWN*, No. xx *ADDRESS*, Latrobe City Council Offices).

### In Attendance:

**Councillors:** Cr Ed Vermeulen

.....

**Officer/s:** Michael Bradford, Krysten Forte,

.....

**Matter/s Discussed:** Tour of the Rosedale Centre to assist the Advisory Committee with ideas for the redevelopment of the Traralgon East Community Centre and discussion of Governance and running of the facility. The question of the sale of Traralgon East Hall and timing of the Redevelopment was raised by Cr Vermeulen. (some e.g's: Proposed Development in *TOWN* discussion with residents, Planning Permit Application No. xxxx re: proposed xx story development at *ADDRESS*, etc)

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

**Councillors:** N/A

.....

**Officer/s:** N/A

Completed by: Michael Bradford    Community Development Officer





## Assembly of Councillors Record

This form **MUST** be completed by the attending Council officer and returned **IMMEDIATELY** to the Council Operations Team for filing.  
{see over for *Explanation/Guide Notes*}.

**Assembly details:** Timber Traffic Community Reference Group Meeting

**Date:** 22 February 2011

**Time:** 5.30 pm

**Assembly Location:** Churchill Hub

**In Attendance:**

**Councillors:** Ed Vermeulen & Sandy Kam

**Officer/s:** Peter Quigley & Richard Brammall

**Matter/s Discussed:** Timber Traffic on Jumbuck Road

**Are the matters considered confidential under the Local Government Act:**  
**No**

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

**Councillors:** .....

.....

**Officer/s:** .....

.....

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

.....

Completed by: Peter Quigley

## 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 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.

## 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).”

The above required information is:

- to be recorded;
- to be retained by the Chief Executive Officer for 4 years;
- to be made available for public inspection at the Council Offices for 12 months after the date of the Assembly of Councillors.”

### 2. Section 76AA definition:

“**Assembly of Councillors** (however titled, e.g: meeting / inspection / consultation etc) is a planned or scheduled meeting, comprising at least 3 Councillors and 1 member of Council 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 -

but does not include a meeting of the Council, a Special Committee of the Council, a club, association, peak body, political party or other organisation...”.

### 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 3 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 3 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.*

### 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 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.



## Assembly of Councillors Record

**Assembly details:** Issues & Discussion Session .....

**Date:** Monday, 28 February 2011..... **Time:** 6.00pm .....

**Assembly Location:** Nambur Wariga Meeting Room, Latrobe City Council Offices,  
Commercial Road, Morwell.....

### In Attendance:

**Councillors:** Cr Kam, Cr Fitzgerald, Cr Gibson, Cr Lougheed,  
Cr Middlemiss, Cr Price, Cr Vermeulen, Cr White .....

**Officer/s:** Paul Buckley, Michael Edgar, Carol Jeffs, Tom McQualter, Peter Quigley,  
Zemeel Saba, Grantley Switzer, Jayne Emans .....

### **Matter/s Discussed:**

Presentation: Tourism Product Audit and Review of the Visitor Information Centre  
Services

Presentation from Previous Issues & Discussion Session: SLT Quarterly  
Presentation

Future Presentations to Issues & Discussion Sessions

Regional Cities Victoria – Strategy Meeting Minutes – 3 February 2011

Gippsland Local Government Network Agenda – Mayor/CEO Forum - 3 March 2011

Council Policy Review Program

**Are the matters considered confidential under the Local Government Act:**

~~Yes~~/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: Jayne Emans .....

## 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.



## **Assembly of Councillors Record**

This form **MUST** be completed by the attending Council officer and returned **IMMEDIATELY** to the Council Operations Team for filing.

**Assembly details:** Tourism Advisory Board Meeting

**Date:** Wednesday 2 March 2011

**Time:** 5.30pm

**Assembly Location:** Nambur Wariga Room, Latrobe City Council Offices.

**In Attendance:**

**Councillors:** Cr Rohan Fitzgerald, Cr Darrell White.

**Officer/s:** Jason Membrey, Linda Brock, and Shannyn Kiss.

**Matter/s Discussed:** Grand Strzelecki Track, Morwell Freeway Closure,

**Are the matters considered confidential under the Local Government Act:** No

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

**Councillors:** NA

**Officer/s:** NA

**Times that Officers / Councillors left/returned to the room:** Cr Rohan Fitzgerald left the meeting at 6.35p. Linda Brock left and returned to the meeting at 6.20pm.

Completed by: Linda Brock

## 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:

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- 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;
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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.



## Assembly of Councillors Record

This form **MUST** be completed by the attending Council officer and returned **IMMEDIATELY** to the Manager Council Operations - Legal Counsel for filing.  
{see over for *Explanation/Guide Notes*}.

**Assembly details:** Latrobe City Integrated Community Planning & Wellbeing Committee

**Date:** 4 March 2011

**Time:** 9.00-10.35am

**Assembly Location:** Nambur Warringa Room (Latrobe City Council Offices).

**In Attendance:**

**Councillors:** Cr Sandy Kam

**Officer/s:** Steve Tong, Helen Taylor, Heather Farley Michael Bradford

**Matter/s Discussed:** Latrobe Integrated Community Planning and Wellbeing Committee Meeting

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

**Councillors:** N/A

**Officer/s:** N/A

Completed by: Michael Bradford



## 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).”

The above required information is:

- to be recorded;
- to be retained by the Chief Executive Officer for 4 years;
- to be made available for public inspection at the Council Offices for 12 months after the date of the Assembly of Councillors.”

### 2. Section 76AA definition:

“**Assembly of Councillors** (however titled, e.g: meeting / inspection / consultation etc) is a planned or scheduled meeting, comprising at least 3 Councillors and 1 member of Council 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 -

but does not include a meeting of the Council, a Special Committee of the Council, a club, association, peak body, political party or other organisation...”.

### 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 3 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 3 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.*

### 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 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.

**MEETING CLOSED  
TO THE PUBLIC**

**13.1 MEETING CLOSED TO THE PUBLIC**

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

**1. PURPOSE**

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

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

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

**2. DECLARATION OF INTERESTS**

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

**3. RECOMMENDATION**

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

	<b>ITEMS</b>	<b>NATURE OF ITEM</b>
15.1	ADOPTION OF MINUTES	<b>(h) other</b>
15.2	CONFIDENTIAL ITEMS	<b>(h) other</b>
15.3	ASSEMBLY OF COUNCILLORS	<b>(h) other</b>
15.4	LATROBE CITY HYLAND HIGHWAY MUNICIPAL LANDFILL CONSULTATIVE COMMITTEE NOMINATIONS, MARCH 2011	<b>(h) other</b>
15.5	TOURISM PRODUCT AUDIT OF LATROBE CITY AND REVIEW OF THE LATROBE VISITOR INFORMATION CENTRE	<b>(a) personnel matters</b>

15.6	STREET LIGHTING ELECTRICITY AGREEMENT	<b>(d) contractual matters</b>
15.7	ITT 12910 - PROVISION OF BANKING AND BILL PAYMENT SERVICES	<b>(d) contractual matters</b>
15.8	ITT 12917 - REHABILITATION OF COLLINS STREET, MORWELL	<b>(d) contractual matters</b>
15.9	ITT 12920 - HYLAND HIGHWAY LANDFILL - LEACHATE POND CONSTRUCTION	<b>(d) contractual matters</b>

**Moved:** Cr Lougheed

**Seconded:** Cr Gibson

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

**Meeting Closed to the Public**

**The Meeting closed to the public at 8.26pm.**

**14. TEA BREAK****Adjournment of Meeting**

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

**Resumption of Meeting**

The Mayor resumed the Meeting at 8.40pm.

**THERE BEING NO FURTHER BUSINESS THE MEETING WAS DECLARED  
CLOSED AT 9.20 pm.**

**I CERTIFY THAT THESE MINUTES COMPRISE OF 364 PAGES IN TOTAL  
AND THAT THEY HAVE BEEN CONFIRMED.**

**MAYOR:** \_\_\_\_\_

**DATE:** \_\_\_\_\_