



LATROBE CITY COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING

HELD IN THE
NAMBUR WARIGA MEETING ROOM,
CORPORATE HEADQUARTERS, MORWELL
AT 7:00 PM ON 05 DECEMBER 2011

PRESENT:

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

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CLOSED

1. Opening Prayer

The Opening Prayer was read by the Mayor.

Recognition of Traditional Landholders

The Recognition of Traditional Landholders was read by the Mayor.

2. Apologies for Absence

NIL

3. Declaration of Interests

Cr White declared an indirect interest under section 78E of the *Local Government Act* 1989 in Item 11.3.1 Planning Permit Application 2010/384 – Two Lot Subdivision at 85 Frasers Road, Hazelwood

Cr O'Callaghan declared an indirect interest under section 78B of the *Local Government Act* 1989 in Item 11.5.2 National Partnership Agreement on Preventative Health – Prevention Community Model

Cr Middlemiss declared an indirect interest under section 78B of the *Local Government Act* 1989 in Item 15.9 ITT 13049 Provision of Arboriculture Maintenance Services

4. Adoption of Minutes

Moved: Cr Lougheed

Seconded: Cr Gibson

That Council adopts the Minutes of the Ordinary Council Meeting held on 21 November 2011 (CM 362), relating to those items discussed in open Council.

CARRIED UNANIMOUSLY

PUBLIC QUESTION TIME

Suspension of Standing Orders

Moved: Cr Gibson
Seconded: Cr Harriman

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

CARRIED UNANIMOUSLY

Standing Orders were suspended at 7.02 pm

Cr White left the Chamber 7.03 PM due to an indirect interest under Section 78E of the *Local Government Act 1989*

Mr Wayne Leviston addressed Council in relation to Item 11.3.1 Planning Permit Application 2010/384 – Two Lot Subdivision at 85 Frasers Road, Hazelwood

Cr White returned to the Chamber at 7.07 PM

Mr Max O'Doherty addressed Council in relation to Item 11.3.2 Planning Permit Application 2011/204 – Construction of a (4) Bay Hay Storage Shed at 97 Varney Crescent, Traralgon East

Mr Lex Grigg addressed Council in relation to Item 11.3.2 Planning Permit Application 2011/204 – Construction of a (4) Bay Hay Storage Shed at 97 Varney Crescent, Traralgon East

Resumption of Standing Orders

Moved: Cr Loughheed
Seconded: Cr Gibson

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 7.15 PM

The Mayor sought Council's consent to bring forward the following Items:

- 11.3.1 PLANNING PERMIT APPLICATION 2010/384 - TWO LOT SUBDIVISION AT 85 FRASERS ROAD, HAZELWOOD
- 11.3.2 PLANNING PERMIT APPLICATION 2011/204 – CONSTRUCTION OF A (4) BAY HAY STORAGE SHED AT 97 VARNEY CRESCENT, TRARALGON EAST

Moved: Cr Lougheed

Seconded: Cr Gibson

CARRIED UNANIMOUSLY

**11.3.1 PLANNING PERMIT APPLICATION 2010/384 - TWO LOT
SUBDIVISION AT 85 FRASERS ROAD, HAZELWOOD**

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2010/384 for a two lot subdivision at 85 Frasers Road, Hazelwood.

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 2011-2015.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objective – Built Environment

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

Latrobe City Council Plan 2011-2015

Strategic Direction – Built Environment

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

4. BACKGROUND

4.1 SUMMARY

Land: 85 Frasers Road Hazelwood, known as Lot 3 Plan of Subdivision 302490

Proponent: W J Leviston and J Leviston
c/-Beveridge Williams & Co P/L
Zoning: Part Farming Zone, Part Special Use Zone
Schedule 5
Overlay: Part Design and Development Overlay
Schedule 1, Part Environmental Significance
Overlay Schedule 1 (ESO1), Part State
Resource Overlay Schedule 1 (SRO)

A planning permit is required to subdivide land in accordance with the following clauses of the Latrobe Planning Scheme (the Scheme):

- Clause 35.07-3 (Farming Zone);
- Clause 37.01-3 (Special Use Zone);
- Clause 42.01-2 (Environmental Significance Overlay);
- Clause 43.02-3 (Design and Development Overlay).

It should be noted that there is no planning permit trigger for the proposal under the SRO provisions.

4.2 PROPOSAL

The proposal seeks to subdivide the subject site into two lots, in accordance with the submitted plan of subdivision (dated 12 October 2010), as follows:

- Lot 1 is to be vacant, with a frontage of 169m to Frasers Road along its western boundary, and an area of 45 hectares. The northern part of Lot 1 is to be located within the land zoned Special Use, and the southern part is to be located within the land zoned Farming.
- Lot 2 is to accommodate the existing dwellings, outbuildings, driveway and wastewater management system. Lot 2 is proposed to be 21.7 hectares in area, with a frontage of 275m to Frasers Road along its western boundary. Lot 2 is to be located wholly within the Farming Zone.

Refer to *Attachment 1* for the proposed plan of subdivision.

Subject Land:

The subject site is located on the east side of Frasers Road, 325m north of the intersection with Hazelwood Estate Road.

As submitted by the applicant, the site currently accommodates two dwellings with associated outbuildings grouped in the centre of the land.

The site has access to Frasers Road via a gravel driveway. It is affected by two gas supply easements in its northern portion.

The site is irregular in shape, with a total area of 66.73 hectares. It abuts Frasers Road for a distance of 346m along the western boundary into two parts, on each side of a dwelling that was excised from the larger farm.

It is predominately cleared of vegetation and is currently used for grazing cattle.

Surrounding Land Use:

Surrounding allotments are used for grazing cattle and/or rural residential purposes in the Farming Zone.

The Hazelwood Power Station cooling pond is located approximately 600m to the northwest of the site, on the north side of Switchback Road.

A locality map of the area is set out at Attachment 2.

As shown on the locality map, there are a number of existing dwellings within the area bound by Hazelwood Estate Road, Frasers Road, Arnolds Road and Switchback Road at a range of densities.

Frasers Road is a bitumen sealed road with rural style drainage.

The central activity district of Churchill is located 4.45km to the east of the subject site. It comprises a range of community and commercial facilities.

4.3 PLANNING CONTEXT

The history of assessment of the Planning Permit application is set out in Attachment 3.

The provisions of the Scheme that are relevant to the subject application have been included at Attachment 4.

5. ISSUES

State and Local Planning Policy Framework

There are a number of state and local planning policies that apply to the consideration of this application.

In particular the Agriculture State Planning Policy is to protect the State's agricultural base, including protecting productive farmland which is of strategic significance in the local or regional context.

The strategies to achieve the rural productivity objective as specified under Clause 11.05-3 of the State Planning Policy Framework are as follows:

- *Prevent inappropriately dispersed urban activities in rural areas.*
- *Limit new housing development in rural areas, including:*
 - *Directing housing growth into existing settlements.*
 - *Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.*
 - *Encouraging consolidation of existing isolated small lots in rural zones*
- *Restructure old and inappropriate subdivisions.*

The Municipal Strategic Statement (MSS) of the Scheme, under Clause 21.07-5 (Agriculture Overview), further states that *'there remains a need to improve dairy industry efficiency, protect the agricultural land resource base and encourage new sustainable enterprises amid ongoing structural changes in rural industries.'*

One of the strategies under Clause 21.07-5 of the Scheme is to *'limit subdivision, use or development of land that should be incompatible with the utilisation of the land for sustainable resource use'*.

As explained in the next section of this report, the proposed subdivision does not meet the objectives and/or strategies of the above State and Local Planning Policy Framework, and the various policies.

Subdivision in a Farming Zone

The majority of the subject site is zoned Farming, of which the purpose is to use and encourage the retention of agricultural land for agricultural activities. Within the Farming Zone, the minimum lot size is set out in its schedule at 40 hectares.

Clause 35.07 however provides for the granting of a permit to allow the creation of a lot below the minimum size if the lot is for an existing dwelling excision. Decision guidelines for such subdivisions include consideration of (amongst other things):

- *Whether the use or development would support and enhance agricultural production*
- *Whether the use or development would permanently remove land from agricultural production*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *The capacity of the site to sustain the agricultural use*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*

The subject site has an overall area of approximately 65 hectares, and is currently used for grazing purposes. As submitted by the applicant, *'the soils (of the subject site) are good and have supported a grazing enterprise for a number of years'*. The site is considered productive in agricultural terms and as discussed above, the State and Local Planning Policy Framework requires that it should be protected for agricultural purposes.

It is considered that the loss of 25 hectares of land being excised for the existing dwelling on Lot 2 would diminish rather than enhance the agricultural potential of the overall subject site.

There is also concern that a dwelling that may be subsequently constructed on Lot 1 would result in further fragmentation of that land, and a proliferation of dwelling density in the Farming Zone. This outcome is specifically discouraged under clause 11.05-3 of the Scheme.

Whilst the current application only relates to subdivision and it does not seek approval for the use or development of any additional dwellings, it should be noted that pursuant to Clause 65.02 of the Scheme, before deciding on an application to subdivide land, the responsible authority must consider (amongst other things) the existing use and possible future development of the land and nearby land.

Concerns relating to the possible use and development of a dwelling on Lot 1 are therefore legitimate, particularly in consideration that Lot 1 is proposed to be 45 hectares, and a 'dwelling' is an 'as-of-right' (i.e. no planning permit required) use and development on a lot of greater than 40 hectares pursuant to Clause 35.07 (Farming Zone) of the Scheme.

On the above basis, it is reasonable to consider that the proposed subdivision does not meet the relevant agriculture objectives and/or strategies in the Scheme. In particular, the proposal is likely to disrupt the ongoing use of land for agriculture purposes, and to encourage the use and development of a dwelling on Lot 1 which is generally incompatible with the utilisation of the land for sustainable resource use.

Subdivision within a Coal Buffer Area

The subject site is partly zoned Schedule 5 to Special Use Zone (SUZ5), and affected by both Schedule 1 to the State Resource Overlay (SRO1) and Schedule 1 to the Environmental Significance Overlay (ESO1), which all relate to coal resources and coal buffers.

Pursuant to Clause 21.07-4 of the Scheme, buffer areas have been identified in the Scheme for the mutual protection of urban amenity and coal development within Latrobe Valley.

Some of the objectives relating to coal buffers which are also relevant to the proposal are:

- *To ensure that adequate spatial separation is provided between existing and proposed urban and industrial uses and existing or proposed coal development so as to reduce the likely effects of earth subsidence, the emission of noise, dust, fire hazard and visual intrusion.*
- *To provide for uses and developments which are compatible to coal development and ancillary services within the buffer area.*

Some of the strategies to implement the above objectives include:

- *To ensure that adequate spatial separation is provided between works associated with the proposed Morwell River Diversion and any proposed uses and development*
- *To encourage high amenity and low intensity uses of land such as farming and broad scale recreation uses.*

Accordingly, the use and development of land affected by coal buffer for agricultural purposes are generally considered to be appropriate, and are encouraged in accordance with Clause 21.07-4 of the Scheme.

However, the proposal to subdivide the land into two smaller lots is likely to diminish rather than enhance the agricultural potential of the overall subject site (as discussed in length under the 'Subdivision in a Farming Zone' section above). The proposal therefore is considered to be contrary to the purpose of the SUZ5, SRO1, ESO1 and the strategic direction of the Local Planning Policy Framework relating to coal buffer. These provisions all seek to encourage low intensity land uses, such as farming, as appropriate interim uses over coal resources in order to ensure the long term protection of coal resources in the Latrobe Valley.

6. FINANCIAL AND RESOURCES IMPLICATIONS

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

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Notification:

The application was advertised pursuant to the following Sections of the *Planning and Environment Act 1987* (the Act):

- Section 52(1)(a): to adjoining property owners and occupiers;
- Section 52(1)(d): to neighbouring properties on the other side or roads and laneways and display of an A3 sign on site.

External:

The application was referred to the Department of Primary Industries (DPI), as the site is affected by the SRO and is partly zoned SUZ5.

DPI does not object to the proposal, subject to a restriction on the land to specify that no dwelling is to be constructed within the SUZ5 zoned portion of proposed Lot 1. Should a planning permit be issued, such a restriction must be included as a condition to the permit.

Internal:

Council's Infrastructure Planning team does not object to the granting of a permit for the proposed development, subject to a number of engineering conditions and notes.

The application was also referred to Council's Health Services team, and they do not object to the proposal.

Details of Community Consultation Following Notification:

No objections were received to the application and no planning mediation meeting was required.

8. OPTIONS

Council has the following options in regard to this application:

1. Issue a Notice of Refusal; or
2. Issue a Planning Permit subject to conditions

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

9. CONCLUSION

The proposal is considered to be:

- Inconsistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Inconsistent with Clause 21.07-5 of the Scheme, in terms of facilitating a subdivision that is likely to disrupt the ongoing agricultural use on the land.
- Inconsistent with the 'Purpose' and 'Decision Guidelines' of the Farming Zone, in particular the guidelines relating to agricultural issues.

- Inconsistent with the purpose of Schedule 5 to the Special Use Zone, Schedule 1 to the State Resource Overlay and Schedule 1 to the Environmental Significance Overlay, in terms of failing to protect coal resources and encouraging an incompatible interim land use over coal resources within the Latrobe Valley.
- Inappropriate having regard to the proper and orderly planning of the area, and therefore is inconsistent with Clause 65 (Decision Guidelines) of the Scheme.

10. RECOMMENDATION

- A. That Council issues a Notice of Refusal to grant a planning permit, for the subdivision of land at 85 Frasers Road in Hazelwood, more particularly described as Lot 3 Plan of Subdivision 302490, on the following grounds:
1. The proposal is inappropriate having regard to the proper and orderly planning of the area.
 2. The proposal is contrary to the purpose of the Farming Zone and the decision guidelines at Clause 35.07 (Farming Zone) of the Scheme, in particular the guidelines relating to agricultural issues.
 3. The proposed subdivision does not accord with Clause 21.07-5 of the Scheme, in terms of facilitating a subdivision that is likely to disrupt the ongoing agricultural use on the land.
 4. The proposal is contrary to the purpose of Schedule 5 to the Special Use Zone, Schedule 1 to the State Resource Overlay and Schedule 1 to the Environmental Significance Overlay, in terms of failing to protect coal resources and encouraging an incompatible interim land use over coal resources within the Latrobe Valley.

Cr White left the Chamber 7.16 PM due to an indirect interest under Section 78E of the *Local Government Act 1989*

ALTERNATE MOTION

Moved: Cr Gibson

Seconded: Cr Kam

That the Motion be adopted.

That Council defer consideration of this matter until the next ordinary Council Meeting.

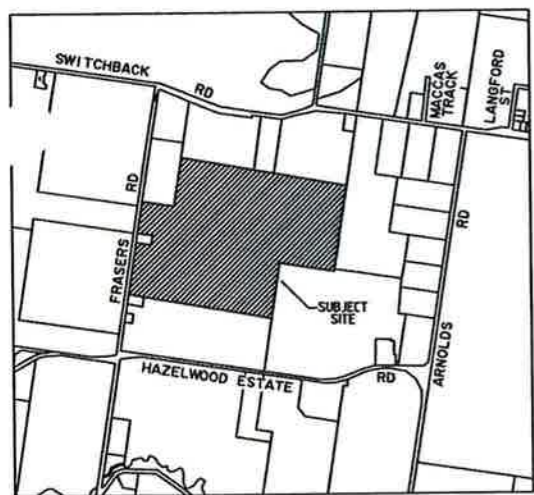
CARRIED UNANIMOUSLY

Cr White returned to the Chamber at 7.23 PM

ATTACHMENTS

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**ATTACHMENT 1
PROPOSED PLAN OF SUBDIVISION**



LOCALITY PLAN
TRARALGON
NOT TO SCALE



Beveridge Williams

development & environment consultants

Traralgon ph : 03 5176 0374

www.beveridgewilliams.com.au

ORIGINAL	
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Sheet 1 of 1	

PLAN OF PROPOSED SUBDIVISION

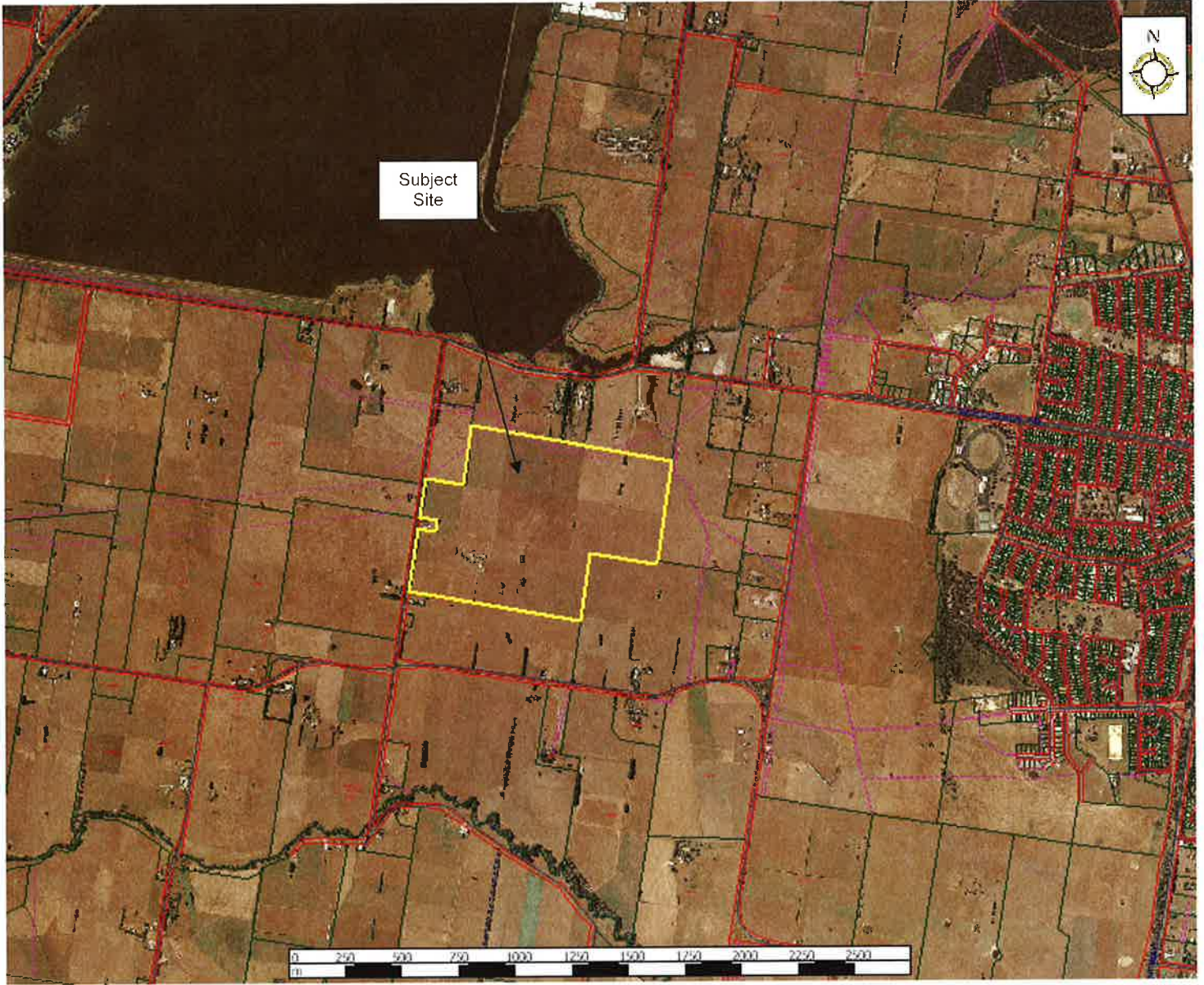
PREPARED	A. SPEIR
SURVEY	
CHECKED	P.G. DELL
DATE	12/10/2010
AUTHORISED FOR ISSUE	
Proj No	1001290

WAYNE & JOANNE LEVISTON

**85 FRASERS ROAD, HAZELWOOD
PS302490W LOT 3
C/T VOL 10044 FOL 155**

LATROBE CITY COUNCIL

**ATTACHMENT 2
LOCALITY MAP**



**ATTACHMENT 3
HISTORY OF APPLICATION**

History of Application

29 November 2010	Planning Permit application received by Council.
22 December 2010	Letter sent to applicant requesting that they advertise their application by sending letters to adjoining landowners and occupiers and by placing a sign on site for 14 days under Section 52(1)(a) and Section 52(1)(d) of the <i>Planning and Environment Act 1987</i> (the Act).
23 December 2010	The application was referred internally to Council's Infrastructure Planning and Health Services Department for consideration
23 December 2010	The application was referred externally to the Department of Primary Industries for consideration, pursuant to Section 55 of the <i>Act</i> .
11 January 2011	Council's Health Services team provided their referral comments and generally do not object to the proposal, subject to standard conditions relating to septic tank system.
31 January 2011	Applicant submitted statutory declaration to Council confirming that advertising had been completed as requested.
31 January 2011	Council's Infrastructure Planning team provided their referral comments and confirmed that they have no objections to the granting of a permit subject to conditions relating to construction of appropriate vehicle crossing.
15 February 2011	A response was received from the Department of Primary Industries (DPI), advising their objection to proposal.
February 2011	The applicant requested verbally that the application be placed on hold until further notice, in order for him to discuss the matter further with DPI.
29 April 2011	A revised response was received from DPI, advising that DPI no longer objects to the application, subject to a number of standard notes being included on the permit (should one be issued).
August 2011	The application was meant to be considered by Council at the Council's Ordinary meeting on 5 September 2011. A report was also prepared by Council's Officer to recommend that the application be refused. However, as requested by the land owners, the application was later withdrawn from Council's meeting agenda for 5 September 2011, to enable further discussions.
September 2011	Meetings were held between Council's Officers and the land owners, to discuss ways to move the application forward. Alternative subdivision layouts were submitted to Council for informal consideration, however these alternative layouts were also deemed unsustainable and no resolution reached.

**ATTACHMENT 4
RELEVANT CLAUSES OF THE
LATROBE PLANNING SCHEME**

Latrobe Planning Scheme

State Planning Policy Framework:

- Clause 11.05-3 – Rural Productivity
- Clause 14.01-1 – Protection of Agricultural Land

Municipal Strategic Statement:

- Clause 21.01 – Municipal Profile
- Clause 21.02 – Municipal Vision
- Clause 21.07-4 – Coal Buffers Overview
- Clause 21.07-5 – Agriculture Overview

Zoning:

The subject site is zoned part Farming, part Schedule 5 to Special Use Zone.

Overlays:

The subject site is not affected by the following overlays:

- Part Design and Development Overlay Schedule 1
- Part Environmental Significance Overlay Schedule 1
- Part State Resource Overlay Schedule 1

Particular Provisions:

n/a

General Provisions:

Before deciding on an application, the Responsible Authority must also consider the 'Decision Guidelines' of Clause 65 as appropriate.

Incorporated Documents:

No Incorporated Documents are considered to be relevant to this application.

11.3.2 PLANNING PERMIT APPLICATION 2011/204 CONSTRUCTION OF A (4) BAY HAY STORAGE SHED AT 97 VARNEY CRESCENT, TRARALGON EAST

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

1. PURPOSE

The purpose of this report is to determine Planning Permit Application 2011/204 for the Construction of a (4) four bay hay storage shed at 97 Varney Crescent, Traralgon East (Lot 2 on Plan of Subdivision 637634E).

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 2011-2015.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

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

Latrobe City Council Plan 2011 - 2015

Strategic Direction – Built Environment

Promote and support high quality design within the built environment; and

Ensure proposed developments enhance the liveability of Latrobe City, and provide for a more sustainable community.

Legal

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

4. **BACKGROUND**

4.1 **SUMMARY**

Land: 97 Varney Crescent, Traralgon East known as Lot 2 on Plan of Subdivision 637634E.

Proponent: Lex Grigg

Zoning: Farming Zone primarily with a small area to south Rural Living Zone, Schedule 3.

Overlay: Land Subject to Inundation Overlay

A Planning Permit is required:

- to construct or carry out a building in the Farming Zone which is setback less than 100 metres from a dwelling not in the same ownership pursuant to Clause 35.07-4 of the Scheme;

The area in question has a split zoning. Of the 51.77ha, approximately only 4000m² at the southern part of the subject lot is zoned Rural Living Zone Schedule 3.

The development of the (4) four bay hay storage will take place on an area of the property zoned Farming Zone.

4.2 **PROPOSAL**

The application is for the development of the land for a (4) four bay hay storage shed which is to be located in the southern portion of the lot which is zoned Farming Zone.

The subject lot is presently used for broadacre agricultural purposes. The applicant is proposing that this application will result in a more beneficial use of the existing agricultural activity of the land and allow effective winter storage of fodder.

The proposed shed is a (4) four bay hay shed. The original shed had an apex height of 6.28m, a width of 12m and a length of 20m. This was originally to be placed 5 metres from the boundary with the property from the south (in a different ownership). The shed is now to be located 10m from the boundary between the two properties and further down the slope. No new access is required from Varney Crescent to support this development.

Subject Land: Varney Crescent is located in Traralgon East. The subject site is irregular in shape with a total site area of 51.77 hectares. The area in question is a mix of rural living and broadacre agricultural uses.

The land comprises predominantly cleared pasture but there a number of mature gum trees predominantly to the south of the property. The only existing structures on the property are related to the use of the cattle yard. The majority of the site is low lying land which forms part of the Latrobe River floodplain. A major gas pipeline bisects the southern portion of the allotment. Access from Varney Crescent is facilitated via an existing gravel driveway.

Land to the south of the subject property is used for rural residential purposes, comprising of allotments averaging 2 hectares in size which each contain a single dwelling and associated outbuildings. The surrounding land is predominantly used for broadacre agricultural activities.

The general area is serviced with reticulated electricity, water and telecommunications. Reticulated sewerage and gas are not available. Varney Crescent is a typical rural sealed road with open drains. The topography of the general area is flat to gently undulating.

4.3 HISTORY OF APPLICATION

Planning Permit 2009/448 has been issued for the subject site. A statement of compliance was issued on the 4th of November 2010. This was a two lot re-subdivision which resulted in a Section 173 Agreement been placed on title to prevent further subdivision that increased the number of lots.

The history of assessment of this application is set out in Attachment 1.

The provisions of the Scheme that are relevant to the subject application have been included in Attachment 2.

5. ISSUES

5.1 LATROBE PLANNING SCHEME

State Planning Policy Framework

There are several clauses under the State Planning Policy Framework that relate to the use and development of Farming Zone and/or agricultural land.

The objective of Clause 11.05-3 'Rural Productivity' is to manage land use change and development in rural areas to promote agricultural and rural production. The strategies to achieve this include preventing inappropriately dispersed urban activities in rural areas; and limiting new housing development in rural areas.

The objective of Clause 14.01-1 'Protection of Agricultural Land' is to protect productive farmland which is of strategic significance in the local or regional context. Similarly Clause 14.01-2 'Sustainable agricultural land use' aims to encourage sustainable agricultural sustainable land use.

The application proposed is consistent with these strategies due to the proposed use of the hay shed and the existing activities occurring on the subject site.

Similar policies exist at Clause 16.02-1 'Rural Residential Development'. Its objective is to identify suitable land for rural living and rural residential development.

It is considered that the proposed development complies with the directions of Clause 11.05-3, Clause 14.01-1 and Clause 16.02-1 of the Latrobe Planning Scheme.

5.2 LOCAL PLANNING POLICY FRAMEWORK

Clause 21.04-3 'Rural Living Overview' acknowledges pressure for rural residential development and it states that the sustainable use of high value rural land and natural resources need to be protected from encroachment rural living development pressures.

It is a stated objective under Clause 21.07-5 'Agricultural Overview' to 'Protect high quality agricultural land.'

The agricultural quality of the land is identified as Class 2 in the document *Assessment of agricultural quality of land in Gippsland* by the Department of Agriculture, 1974.

In the context of Latrobe City it is considered that the proposal aims to make more beneficial use of highly versatile agricultural land.

5.3 CLAUSE 35.03 RURAL LIVING ZONE SCHEDULE 3

The area in question has a split zoning. Of the 51.77ha, approximately only 4000m² at the southern part of the subject lot is zoned Rural Living Zone Schedule 3 while the rest is in the Farming Zone.

However, the proposed hay shed is to be located entirely in the Farming Zone and therefore the Rural Living Zone-Schedule 3 provisions are not directly applicable to the application.

5.4 CLAUSE 35.07 FARMING ZONE

There are two key issues that require consideration under the Farming Zone. The first is to promote the use of sustainable land management practices that increase the agricultural benefit of the land. The second issue is that non-agricultural uses, particularly dwellings, do not adversely affect the use of the land for agriculture.

The character of Varney Crescent is Rural Living in nature with the majority of lots approximately two hectares in size with existing dwellings and associated outbuildings. The subject land however is currently vacant and in the majority zoned Farming Zone and is used for agriculture. The surrounding land north of the existing Rural Living Zone lots are also zoned Farming and are utilised for agricultural purposes.

The subject lot is more suitable for productive commercial agricultural activity due to its larger lot size and existing agricultural activity. The proposed application will aid the current activity occurring on the land.

The proposal is considered to be consistent with the following 'Purposes' detailed under the Farming Zone.

5.5 Objectors Concerns

The main issues brought up by the objector, which will be addressed individually, are as follows:

1. *Proximity of the shed to his dwelling which would impact on the uninterrupted views from the house and reduce the view by up to 50%*

Officer Comment

The shed is to be located approximately 45 metres from objectors dwelling on the downward slope from the dwelling. As can be seen on the longitudinal profile, the impact from view of the Objector's property is only 22 degrees out of the 180 degree vista.

It is considered due to the new reduced height of the hay shed from 6.28m to 5.26m and the change of slope of the land that the location of the proposed shed is acceptable given the use and character of the area.

In any case this proposal is a legitimate agricultural development in an area appropriately zoned for that purpose.

2. Noise level of machinery operating in around the hay shed.

Officer Comment

The noise level impact would be similar on the objector's property whether it was placed on the eastern side of the existing dwelling or north of the dwelling as proposed. In any case machinery will only be used occasionally and considering what the subject land is zoned for this issue is not of sufficient weight to refuse the application.

3. Reduction in the value of the property.

Officer Comment

This is not a valid planning consideration.

5.6 Decision Guidelines (Clause 65):

Before deciding on an application or approval of a plan, the Responsible Authority must also consider the 'Decision Guidelines' at Clause 65.01.

As discussed previously in this report, the proposal is considered to be generally consistent with the decision guidelines at Clause 65.01.

6. FINANCIAL AND RESOURCES IMPLICATIONS

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

7. ISSUES INTERNAL / EXTERNAL CONSULTATION

7.1 Internal / External Consultation

Notification:

The application has been advertised under Section 52(1)(a) and Section 52(1)(d) of the Act by sending notices to all adjoining and adjacent landowners and occupiers and by displaying an A3 sign on the Varney Crescent frontage of the subject site for a minimum of 14 days.

External:

There were no external referrals as part of this application.

Internal:

The application was not referred internally as it was considered a relatively minor application.

Details of Community Consultation following Notification:

Following referral and notification of the application one submission in the form of an objection was received.

As a result of the objection a planning mediation meeting took place on the 13 September 2011.

Consensus was not reached between the parties.

8. OPTIONS

Council has the following options in regard to this application:

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

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

9. CONCLUSION

Having evaluated the proposal against the relevant provisions of the Scheme, it is considered that the application meets the requirements of the Scheme, subject to appropriate Planning Permit conditions. It is therefore recommended that a Notice of Decision to Grant a Planning Permit be issued.

10. RECOMMENDATION

That Council issues a Notice of Decision to grant a Permit, for the Construction of a four (4) bay hay storage shed at 97 Varney Crescent, Traralgon East on Lot 2 on Plan of Subdivision 637634 subject to the following conditions:

- 1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.**
- 2. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.**
- 3. Downpipe water from the structure must be suitably directed into water tank, soakwell, or otherwise discharged, so as not to cause erosion to the subject or surrounding land, to the satisfaction of the Responsible Authority.**
- 4. Upon completion of the hay shed, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.**
- 5. Soil erosion control measures must be employed throughout the construction stage of the development to the satisfaction of the Responsible Authority.**
- 6. The subject land must be kept neat and tidy at all times and its appearance must not, in the opinion of the Responsible Authority, adversely affect the amenity of the locality.**
- 7. Appropriate measures must be implemented throughout the construction stage of the development to rectify and/or minimise mud, crushed rock or other debris being carried onto**
- 8. This permit will expire if one of the following circumstances applies:
The development is not started within two years of the date of this permit.
The development is not completed within four years of the date of this permit.
The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three months afterwards.**

Moved: Cr Harriman

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

ATTACHMENT 1
History of Application

History of Application

10 June 2011	Planning Permit application received by Council.
4 July 2011	Further information requested from applicant. The purpose of this request was to obtain a full certificate of title and three copies of revised site plan that depicts the exact location of the proposed 4 bay hay storage shed. Phone call made to the applicant also discussing these issues.
5-7 July 2011	Additional information submitted by the applicant. Email correspondence with the application discussing the proposed location of the hay shed with regards to the LSIO and distance from the southern boundary. Site Plan still considered inadequate.
7 July 2011	Applicant requested to advertise the application under Section 52(1)(a) and Section 52(1)(d) of the Act by sending notices to adjoining and adjacent landowners and occupiers and by placing two A3 signs on site for a minimum of 14 days.
27 July 2011	Objection to the Planning Permit Application received.
1 August 2011	Email discussions with the applicant, identifying the objectors concerns. Again reiterated that the proposed location east of the objectors would be more suitable.
13 September 2011	Mediation meeting held with no satisfactory outcome.
14 September 2011	New amended site plan requested which locates the proposed shed further down the slope and new roof height of the proposed shed requested to reduce the visual impact on the objectors property.
28 September 2011	New amended site plan, floor plan and elevations sent to the objector for consideration. This was still not considered enough for the objection to be withdrawn.

ATTACHMENT 2
Latrobe Planning Scheme

Latrobe Planning Scheme

State Planning Policy Framework:

- Clause 11.05 – Regional Development.
- Clause 14.01 – Agriculture.
- Clause 16.02-1 – Rural Residential Development.

Municipal Strategic Statement:

- Clause 21.01 – Municipal Profile.
- Clause 21.03 – Natural Environment Sustainability.
- Clause 21.04-3 – Rural Living Overview
- Clause 21.07-5 - Agricultural Overview

Zoning:

The subject site is located in the Farming Zone and Rural Living Zone-Schedule 3

Overlays:

The subject site is located in the Land Subject to Inundation Overlay.

Particular Provisions:

- Clause 52.02 Easements, Restrictions and Reserves

General Provisions:

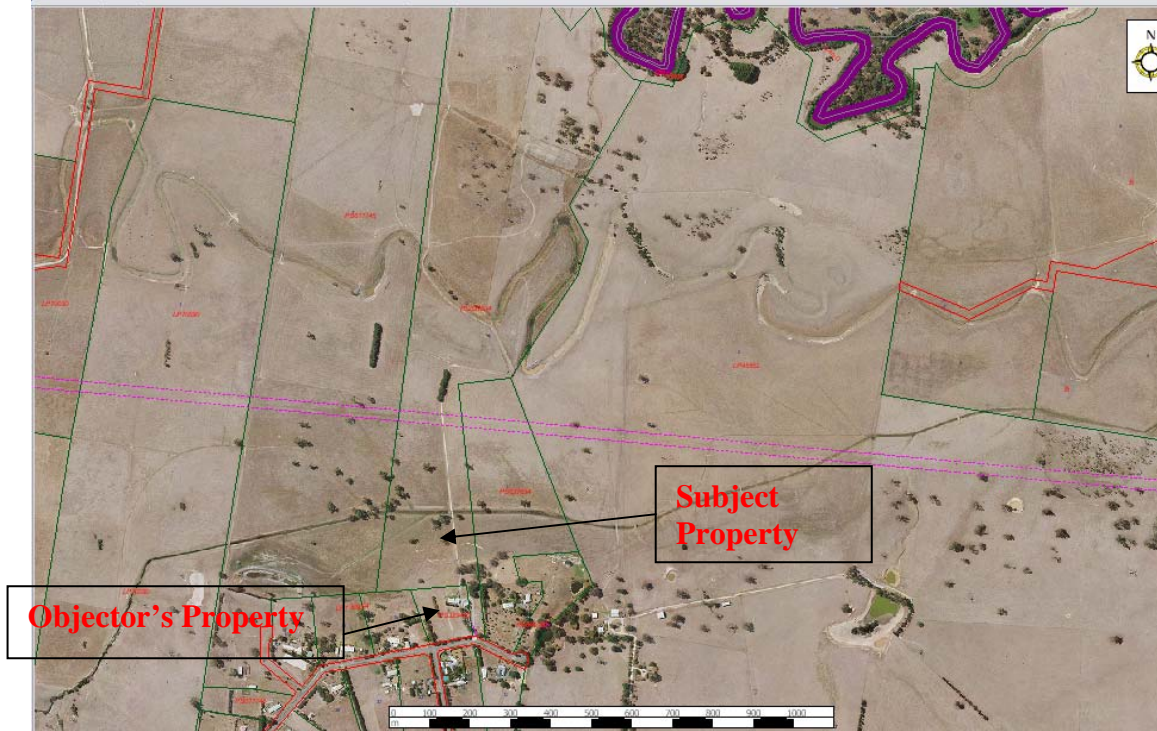
Before deciding on an application, the Responsible Authority must also consider the 'Decision Guidelines' of Clause 65 as appropriate.

Incorporated Documents:

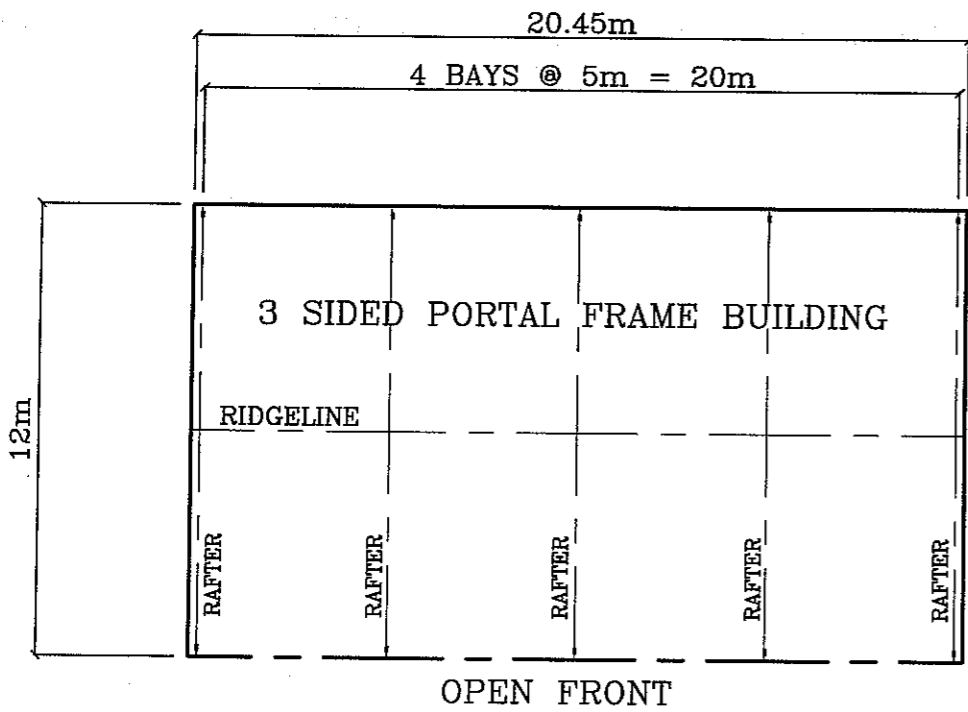
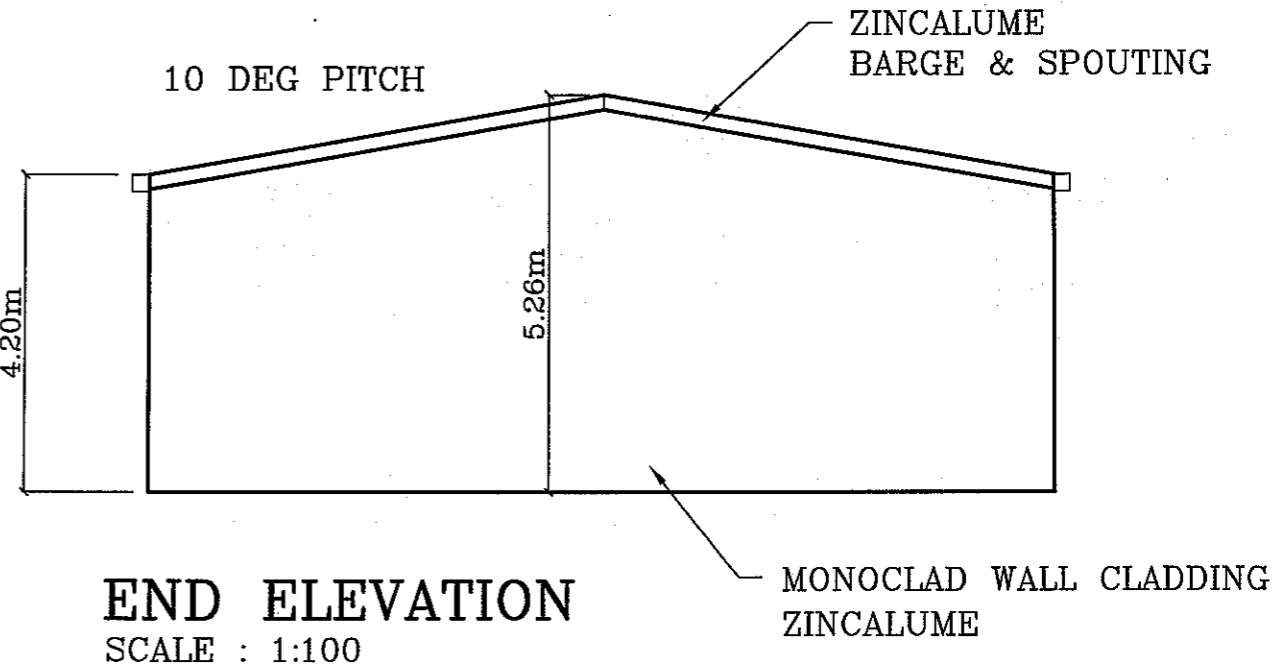
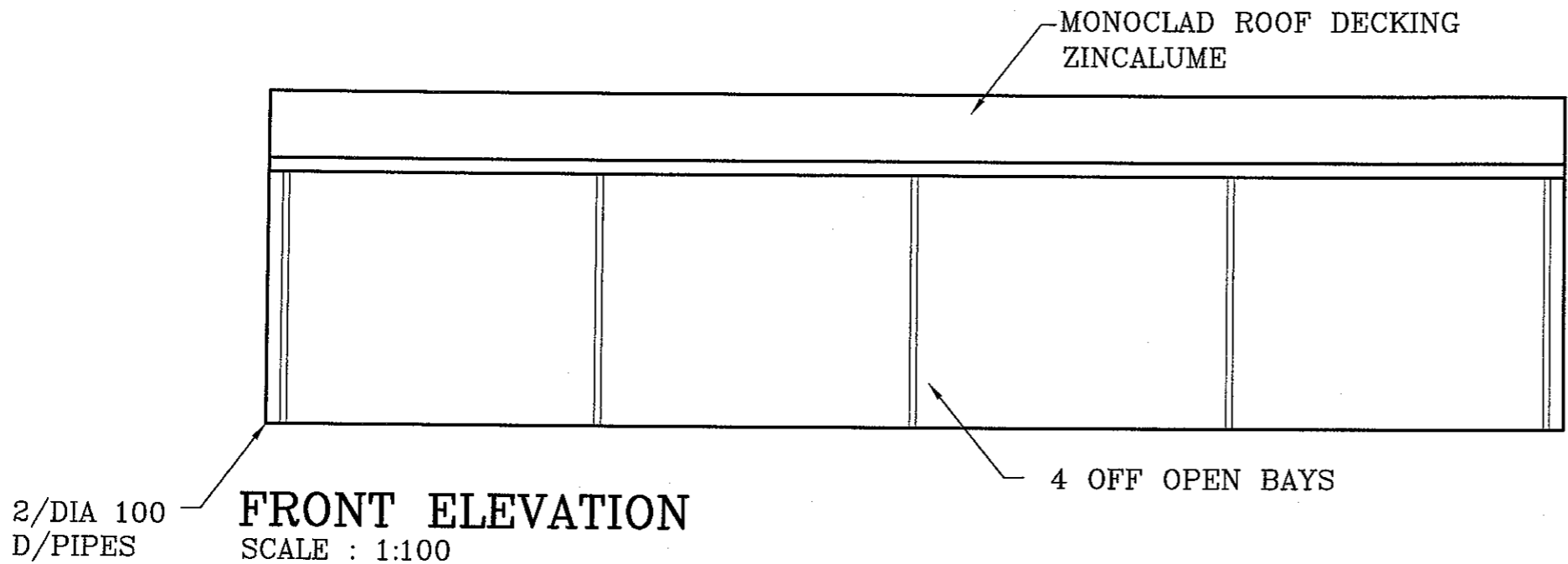
No Incorporated Documents are considered to be relevant to this application.

ATTACHMENT 3
Locality Plan

Subject Location



ATTACHMENT 4
Application Plans

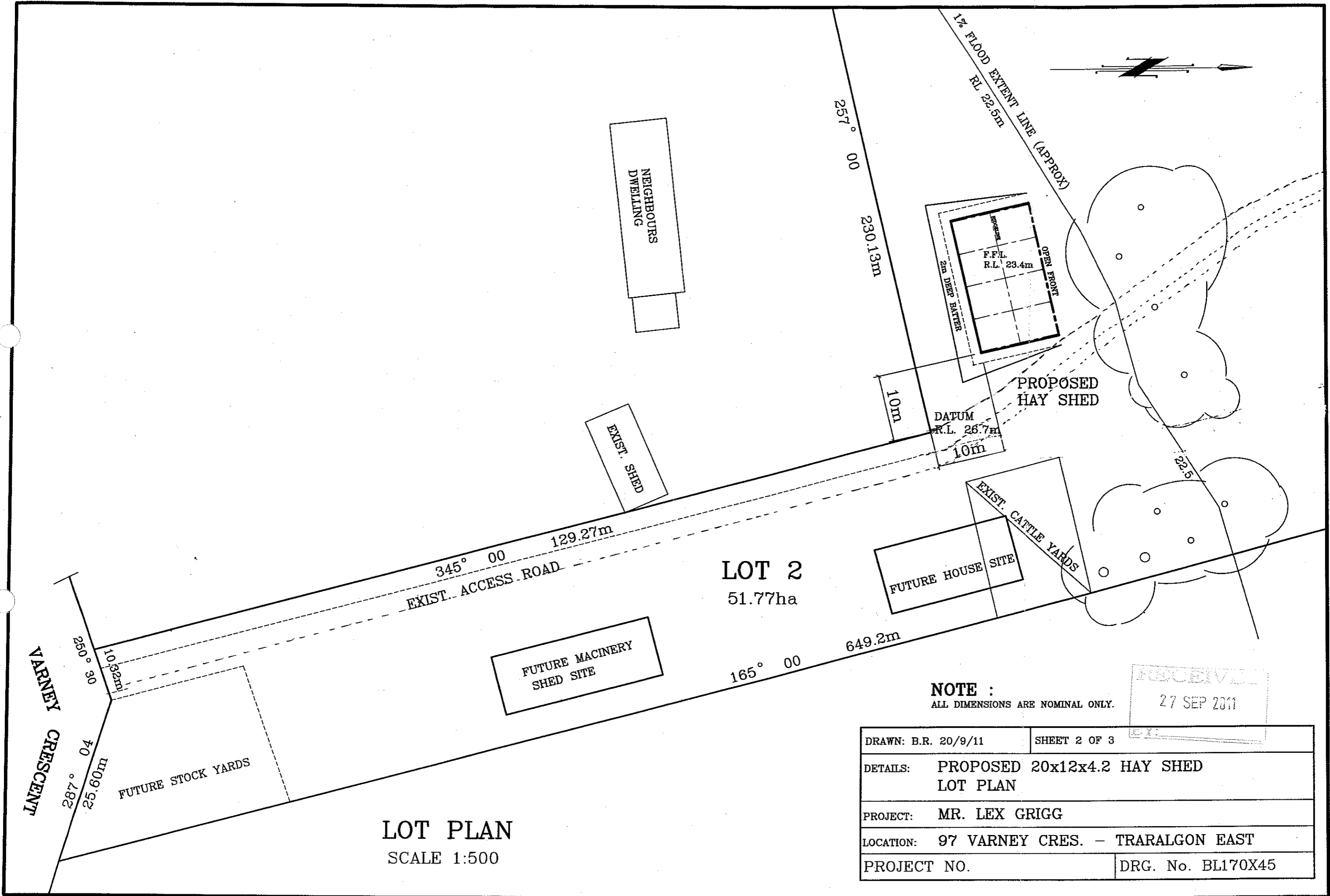


NOTE :
ALL DIMENSIONS ARE NOMINAL ONLY.

27 SEP 2011

DRAWN: B.R. 20/9/11	SHEET 1 OF 3
DETAILS:	PROPOSED 20x12x4.2 HAY SHED ARCHITECTURAL DETAILS
PROJECT:	MR. LEX GRIGG
LOCATION:	97 VARNEY CRES. - TRARALGON EAST
PROJECT NO.	DRG. No. ARCH2012



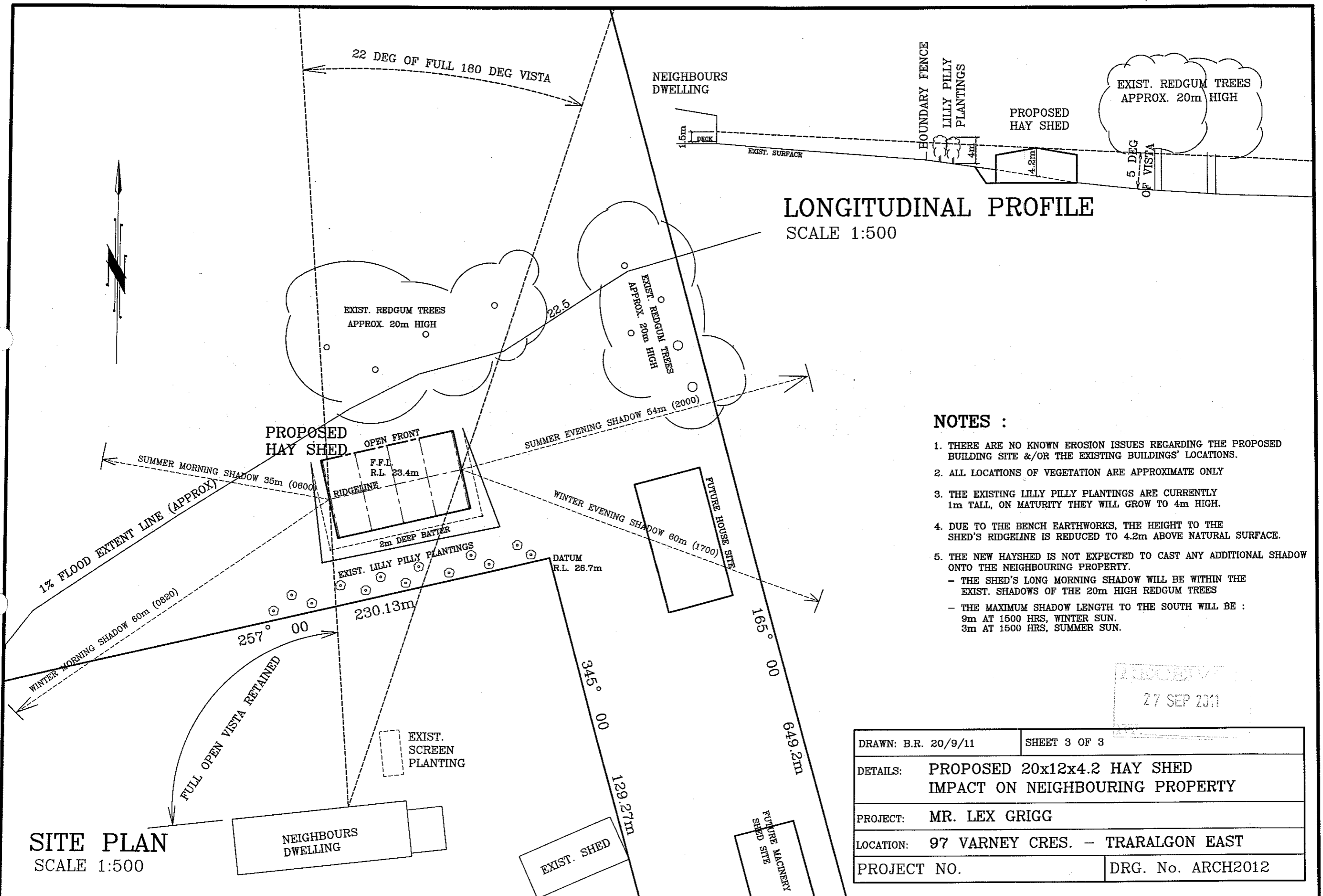


LOT PLAN
SCALE 1:500

NOTE :
ALL DIMENSIONS ARE NOMINAL ONLY.

RECEIVED
27 SEP 2011
BY: _____

DRAWN: B.R. 20/9/11	SHEET 2 OF 3
DETAILS: PROPOSED 20x12x4.2 HAY SHED LOT PLAN	
PROJECT: MR. LEX GRIGG	
LOCATION: 97 VARNEY CRES. - TRARALGON EAST	
PROJECT NO.	DRG. No. BL170X45



SITE PLAN
SCALE 1:500

LONGITUDINAL PROFILE
SCALE 1:500

NOTES :

1. THERE ARE NO KNOWN EROSION ISSUES REGARDING THE PROPOSED BUILDING SITE &/OR THE EXISTING BUILDINGS' LOCATIONS.
2. ALL LOCATIONS OF VEGETATION ARE APPROXIMATE ONLY
3. THE EXISTING LILLY PILLY PLANTINGS ARE CURRENTLY 1m TALL, ON MATURITY THEY WILL GROW TO 4m HIGH.
4. DUE TO THE BENCH EARTHWORKS, THE HEIGHT TO THE SHED'S RIDGELINE IS REDUCED TO 4.2m ABOVE NATURAL SURFACE.
5. THE NEW HAYSHED IS NOT EXPECTED TO CAST ANY ADDITIONAL SHADOW ONTO THE NEIGHBOURING PROPERTY.
 - THE SHED'S LONG MORNING SHADOW WILL BE WITHIN THE EXIST. SHADOWS OF THE 20m HIGH REDGUM TREES
 - THE MAXIMUM SHADOW LENGTH TO THE SOUTH WILL BE :
9m AT 1500 HRS, WINTER SUN.
3m AT 1500 HRS, SUMMER SUN.

RECEIVED
27 SEP 2011

DRAWN: B.R. 20/9/11	SHEET 3 OF 3
DETAILS: PROPOSED 20x12x4.2 HAY SHED IMPACT ON NEIGHBOURING PROPERTY	
PROJECT: MR. LEX GRIGG	
LOCATION: 97 VARNEY CRES. - TRARALGON EAST	
PROJECT NO.	DRG. No. ARCH2012

ATTACHMENT 5
Objector's Submission

Objection to grant of a planning permit

Permit No. 2011/204

I, Max O'Doherty am the owner of the neighbouring property to 97 Varney Crescent Traralgon. Our property at 95 Varney Crescent will be significantly affected by the grant of a permit to erect a 4 bay hay / storage shed on the proposed site.

I am objecting to this proposal because a shed erected in the vicinity of the proposed site would sit 10mt from my property boundary and less than 50mt from our house. In turn this would directly impact on the current uninterrupted views from our house and reduce the view by up to 50%.

At present the Winter sun penetrates into the house early in the morning. I believe that a shed erected in the proposed site would also have an effect on Winter sun and delay it from reaching the house until mid – late morning.

The noise level also needs to be taken into consideration. Stacking and feeding from a hayshed is noisy, as it is a task undertaken with a tractor. Our property would be considerably impacted by such noise levels if the shed was erected on the proposed site, only 50mt from our house.

For 30 years we have had uninterrupted views to the north and expanding round to the East which overlooks magnificent Latrobe River flood plains. This area to the North East of our house is filled with River Red Gums and 2 extremely old Oak Trees that were planted 30 years ago. I am concerned that for a shed to be erected in this vicinity, our views of these trees will be lost. There is also the possibility that some of these trees would need to be removed in order to erect a large hay/storage shed.

If a permit were to be granted for the proposed four (4) bay hay/storage shed, it would without a doubt have a significant effect on the overall aesthetic appeal of our property at 95 Varney Crescent, Traralgon East, which in turn would mean a significant reduction in the current sale price.

I would strongly recommend that Latrobe Shire inspect the proposed site and it will then become evident that Mr Grigg has over 20 acres of high ground (not susceptible to flood) in which to erect the proposed shed, without directly impacting on our property. There is ample area to the East of our boundary (above the stockyards) in which I have no problem with the erection of a hayshed.

I am happy to discuss this further and would welcome that you call me on

Regards,

Max O'Doherty

NOTICES OF MOTION

6.1 **2011/30 - NOTICE OF MOTION - AUGUSTA MARGARET RIVER SHIRE**

CR PRICE

MOTION

“That the Mayor writes to The Augusta Margaret River Shire to convey the support and sympathy of the Latrobe City community to the people of the Augusta Margaret River Shire who have recently lost property in the Margaret River fires.”

Moved: Cr Price
Seconded: Cr Gibson

That the Motion be adopted.

CARRIED UNANIMOUSLY

ITEMS REFERRED BY THE COUNCIL

7.1 INVESTIGATION INTO MECHANISMS RESTRICTING THE SALE OF HUBERT OSBORNE PARK TRARALGON

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to provide Council with advice regarding options to restrict the future sale of Hubert Osborne Park in 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 2011-2015.

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 2011 - 2015

Service Provision – Governance

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

Service Provisions – Built Environment

Ensure proposed developments and open space areas are complementary to their surrounds.

Legislation

Local Government Act 1989

Section 189 of the Local Government Act 1989 provides Council with the power to sell or exchange land subject to the following legislative requirements;

- *Give at least four weeks public notice of an intention to sell or exchange land;*
- *Obtain a valuation of the land which is made not more than six months prior to the sale or exchange of land; and*
- *Allow interested persons to make a submission under section 223 on the proposed sale or exchange of land.*

Policy – Sale of Council Owned Property 11 POL 4

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

4. BACKGROUND

At the ordinary Council meeting held on 23 May 2011 Council resolved

The having considered all submissions received in respect to the Traralgon Indoor Aquatic and Leisure Centre Feasibility Study 15 July 2010, Council resolves the following:

1. *To not pursue the sale of any land on the Hubert Osborne Park site for the purpose of funding an indoor aquatic facility.*
2. *To not pursue the development of an indoor aquatic facility at Catterick Crescent.*
3. *To authorise the Chief Executive Officer to prepare a further report for consideration of Council in respect to the future use of the current Traralgon Outdoor Pool site and Traralgon Croquet Club site which considers the following options:*
 - a. *Developing an indoor aquatic and leisure centre on the site currently occupied by the Traralgon Outdoor Pool (outlined in Development Scenario 1 in the Traralgon Indoor Aquatic and Leisure Centre Feasibility Study 15 July 2010);*

- b. Identifying opportunities for modifications to the current Traralgon Outdoor Pool to facilitate increased patronage/usage, including costs associated with any potential works; and*
- c. Maintaining the status quo in respect to the current outdoor pool and associated infrastructure on the site.*
- 4. To refer any development options in respect to the provision of improved aquatic infrastructure for Traralgon to Latrobe City Council's ten year financial plan for consideration.*
- 5. That Council investigate the use of a legal or other instrument over the land at Hubert Osborne Park that would protect it from sale in the future and that a report be presented to Open Council on its findings.*
- 6. That an invitation be extended to the following stakeholders to establish a working party that would be consulted by the CEO in relation to the work undertaken at point 3 which would include:*
 - Traralgon Swimming Club*
 - Traralgon Community Development Association*
 - Save Hubert Osborne Park Group*
 - Traralgon Croquet Club*

Council officers subsequently sought advice from Maddocks Lawyers regarding mechanisms that would restrict the sale of Hubert Osborne Park in the future.

5. ISSUES

The advice from Maddocks canvasses a number of different options that exist to restrict the future sale of Hubert Osborne Park.

In summary, the advice indicates;

1. Council does not own all of the lots that make up the Hubert Osborne Park. Two lots on the Park are Crown Land;
2. There is little that Council can do to completely bind itself in future to the sale of the lots it owns in Hubert Osborne Park;
3. There are a number of legislative requirements that already exist in relation to the sale of any land within Hubert Osborne Park; and
4. There are some policy type options that exist for Council to consider that would limit its ability to sell Hubert Osborne Park in the future.

In the event that the Council sought to sell the Hubert Osborne Park without any additional requirements other than the existing legislation it would be required to comply with the terms of the Local Government Act 1989. The Local Government Act 1989 requires;

- a) Council to give public notice of its intention to sell or exchange the land at least four weeks prior to the sale or exchange;
- b) Obtain a valuation of the land no older than six (6) months from the date of sale or exchange;
- c) Comply with the submissions process under section 223 of the Act.

Furthermore, as the land is public open space Council would be required to provide replacement open space under the Subdivision Act 1988. This would not prevent the sale, but would go some way towards preventing Council from doing so as it would need to find and acquire replacement land.

Further to the above requirements, in order for Council or a developer to use the land for any purpose other than a public park and recreational use (PPRZ) it would require a change to the Planning Scheme which also includes a public process for submissions.

As such, there are a number of existing measures in place that would be required to be complied with should a future Council determine to sell Hubert Osborne Park.

It should be noted, that any other actions that Council elects to do in order to restrict the sale of Hubert Osborne Park, could be undone by a future Council.

6. FINANCIAL AND RESOURCES IMPLICATIONS

A small fee was incurred in obtaining legal advice from Maddocks Lawyers in relation to this report.

In the event that Council pursues one or several of the options set out in the Maddocks advice further expenses will be incurred. These expenses could be incorporated within existing budgets.

7. INTERNAL / EXTERNAL CONSULTATION

No community engagement was undertaken in the preparation of this report however there was extensive consultation undertaken in respect to the Traralgon Indoor Aquatic Facility Feasibility Report. The results of the consultation were provided to Council at its ordinary meeting on 23 May 2011.

8. OPTIONS

The following options are available to Council;

1. That Council notes this report and taken no further action;
2. That Council seeks further information regarding one or several of the options that would restrict the future sale of Hubert Osborne Park;
3. That Council resolves not to sell Hubert Osborne Park and commence preparation of a policy further restricting any sale of Hubert Osborne Park.

9. CONCLUSION

Council officers have sought advice regarding the prevention of the future sale of Hubert Osborne Park.

There are a number of legislative protections that already exist limiting Council's ability to sell the land. There is no action that the Council can take that would completely prevent a future Council from selling the freehold lots at Hubert Osborne Park.

Council may determine that it is appropriate to develop a policy placing conditions on any sale of the land comprising Hubert Osborne Park.

10. RECOMMENDATION

- 1. That Council does not sell any land making up the Hubert Osborne Park in Traralgon.**
- 2. That a draft policy be prepared relating to Hubert Osborne Park and be presented to Council for consideration.**

Moved: Cr Harriman

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

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Maddocks

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DX 259 Melbourne

Email Letter

From Stephanie Tonkin	Date 12/07/2011	
Direct 03 8615 0333	Email stephanie.tonkin@maddocks.com.au	
Partner Mark Hayes		
To Tom McQualter	Organisation Latrobe City Council	Email tommc@latrobe.vic.gov.au

Our Ref MRH:SCT:5812527

Dear Tom

Hubert Osborne Park

We refer to your email of 30 May last and to our recent telephone conversation, and thank you for your instructions.

You have told us that there has been significant community concern about a proposal to sell the Hubert Osborne Park (**the Park**), which is located in the Traralgon central business district. The proposal to sell the Park arises out of the Traralgon Activity Centre Plan (**TACP**). The community concern was voiced at a Council meeting where a related feasibility study – for the Traralgon Indoor Aquatic and Leisure Centre, another development under the TACP – was considered (the funding for which was proposed to come from the sale of the Park or part of it).

Council has resolved *not* to sell the Park and now seeks our advice on whether and how Council can, in a legal sense, prevent the future sale of the Park.

SUMMARY OF ADVICE

- Council does not own some of the lots that make up the Park. Therefore, had Council resolved to sell the Park on 23 May last, it would have been prevented from doing so at least with respect to the two lots it does not own.
- There is little that Council can do to completely 'bind' itself in future as to the sale of the freehold lots that it owns.
- However, there exist a number of legislative protections with respect to the Park, including requirements for public processes, in the event that Council decides to sell the Park in future.
- There are some 'policy-type' options open to Council that could confirm its commitment not to sell the Park in future.

OUR REASONS

Status of the Park

As discussed, the Park is made up of ten separate lots. Of the ten lots:

- two lots (L-shaped and running along the left and right boundaries of the Park) are Crown land and reserved on title for recreational purposes (**the Crown lots**). You have told us that Council is the committee of management for the two lots, appointed pursuant to the *Crown Land (Reserves) Act 1978*; and
- the remaining eight lots are owned by Council in fee simple (**the freehold lots**), and – as far as we have been instructed to enquire – have no reservation status recorded on title.

The entire Park is zoned for public purposes and recreation (**PPRZ**) under the Latrobe Planning Scheme (**Scheme**).

THE CROWN LOTS

Existing protections

1. Council cannot sell land it does not own

As the committee of management under the *Crown Land (Reserves) Act*, Council has a number of responsibilities for the care and management of the Crown lots. That said, Council is not the *owner* of the Crown lots, and so, could not sell the Crown lots.

It appears that, had Council resolved to sell the Park on 23 May last, it would have been able to sell only the freehold lots.

Transferring the freehold lots to the Crown would be one means of Council 'disposing of' the Park in its entirety. Alternatively, Council could seek to purchase the Crown lots or in some other way have the Crown lots transferred to it, so that Council could sell the Park as a whole to a third party. This would be a time consuming and potentially expensive exercise, and both scenarios are dependent on the Crown agreeing to take part in the transaction.

Essentially, the Crown's ownership of the Crown lots is a significant hurdle to Council selling those lots and potentially the Park as a whole.

2. Limitation on the power to sell land in the *Subdivision Act 1988*

If the Crown transferred ownership of the Crown lots to Council, Council would need to comply with additional requirements imposed by the *Subdivision Act 1988* prior to selling the Crown lots. This is because the Crown lots are located on land reserved for public purposes and the reservation is recorded on title.

To sell land that is reserved for public purposes Council would need to:

- 2.1 amend the Scheme or obtain a planning permit to alter the use of the Park; and
- 2.2 remove the reservation from the Park, by following the process set out in section 24A of the *Subdivision Act*.

Amending the Scheme or obtaining a planning purpose would involve Council applying to itself (as responsible authority) or the Minister for Planning pursuant to the *Planning and Environment Act 1987*. Both applications would require public notice and (if objections were received with respect to the proposal) public submissions processes, and both applications could be refused by the decision-maker.

If Council could successfully obtain a planning permit or amend the Scheme, it would then need to lodge with the Titles Office for registration a certified plan in accordance with section 24A of the *Subdivision Act*. Assuming all of the above requirements are met, then the reserve status of the Crown lots could be removed and the lots would vest in Council as ordinary freehold land, to be used for a purpose consistent with any Act under which Council operates and the Scheme (see section 24A(7)(b) *Subdivision Act*).

If Council sought to sell the Crown lots, it would be required, by sections 20(4) and 24A(7)(a) of the *Subdivision Act*, to provide replacement public open space in its municipal district. Council would also be required to apply the proceeds of the sale of the Crown lots (if sold) to pay the expenses incidental to the sale and any remaining proceeds to recreational and cultural purposes.

As this would (eventually) be a sale of Council-owned land, Council would also need to comply with the requirements of section 189 of the *Local Government Act 1989 (LGA)* as set out below.

All of the above assumes that the Crown would agree to transfer ownership of the Crown lots, which may well be unlikely.

Additional measures which Council could take

3. Council can lease the Crown lots as committee of management

Council could lease the Crown lots to a third party to ensure that the use of the Crown lots continues to be for public purposes. The *Crown Land (Reserves) Act* confers on Council as committee of management the power to lease the Crown lots to a third party (e.g. pursuant to section 17D) even though Council is not the owner of the Crown lots.

There are limitations in the *Crown Land (Reserves) Act* on Council's power to lease reserved land, such as in relation to the length of leases over reserved land (the maximum being for a period of 21 years in certain circumstances). The Minister administering the Act would also need to approve the lease.

It is arguable that, prior to granting a lease, Council is also required to undertake the statutory process referred to in sections 190 and 223 of the LGA (described below). There is some uncertainty as to whether section 190 of the LGA applies to leases granted by a council in its capacity as committee of management of Crown land (as opposed to leases of freehold land owned by the Council).

There is an argument that entering the lease to preserve a particular use of the Crown lots involves pursuit of an unauthorised purpose. That is, it could be argued that Council would be leasing the Crown lots to another person or organisation for the purpose of preventing consideration of an alternative use.

THE FREEHOLD LOTS

Existing legislative protections

The protections described in paragraphs 4 to 6 already exist with respect to the future sale of the freehold lots. That is, had Council resolved to sell the freehold lots on 23 May last, it would have had to follow these processes, and could have been prevented from proceeding, as outlined above.

Even though the sale of the Park could have been prevented at any time through the legislative protections, the community concern is understandable given that the sale of the Park was recently proposed.

4. Limitation on the power to sell land in the *Local Government Act 1989*

Council is the registered proprietor of the Park. Section 189 of the LGA imposes restrictions on Council's power to sell land owned by it. The provision requires that Council:

- 4.1 gives public notice of its intention to sell or exchange the land at least four weeks prior to the sale or exchange;
- 4.2 obtains a valuation of the land no older than 6 months from the date of the sale or exchange; and
- 4.3 (in most cases) undertakes a submissions process pursuant to section 223 of the LGA.

The process required by this section would allow any community concern surrounding a proposed sale to be expressed through the submissions process, along with any other submissions. Council will be bound to consider all submissions when deciding whether to sell or exchange the land.

We note that Council would not be bound to follow the requirements in section 189 of the LGA if it decides to transfer, exchange or lease the Park, without consideration, to the Crown, a Minister, a public body, trustees appointed under an Act or a hospital in certain circumstances (please refer to s.191 LGA).

We have assumed that the Park was not initially acquired for a particular purpose, and so, section 192 of the LGA is irrelevant to this advice. Similarly, in the absence of any instructions about the circumstances of acquisition we assume that there is no 'statutory trust' of the kind recognised in *Bathurst City Council v PWC Properties Pty Ltd* (1998) 195 CLR 566.

5. Limitations in the *Subdivision Act*

Even though land is not reserved for public purposes on title, it can still constitute 'public open space' under the *Subdivision Act*. 'Public open space' is defined in section 3 of the *Subdivision Act* as:

land set aside in a plan or land in a plan zoned or reserved under a planning scheme –

- (a) for public recreation or public resort; or
- (b) as parklands; or
- (c) for similar purposes

Here, the Park – both the freehold lots and the Crown lots – is land in a plan zoned under the Scheme for public recreation and similar purposes. Therefore, should Council attempt to sell any of the land in the Park, it will need to provide replacement open space (see section 20(4) *Subdivision Act*).

Though this is not a complete limitation to the sale of the freehold lots, in practice it would go some way to prevent the sale of the Park because Council would need to find and acquire the replacement land for public purposes.

6. Planning limitations

The PPRZ permits public uses including carnivals, sporting facilities and the like as of right. Other uses (such as retail premises) generally require a planning permit unless carried out in accordance with legislation.

Council could attempt to sell the freehold lots with the zoning remaining over the Park. However, the zone would significantly limit any use to which the potential purchaser might put the Park, and could be off-putting to a potential purchaser. Council would still need to follow the process in section 189 of the LGA as outlined in paragraph 1 above.

Council could remove the PPRZ from the Park by application to the Minister for Planning for a Scheme amendment. Council, as owner of the freehold lots, could also apply to itself as planning authority under the *Planning and Environment Act*, though this option would be less appropriate in the circumstances and the ultimate decision would need to be approved by the Minister for Planning. The application process would also involve a public process should any submissions opposing the rezoning be received.

Additional measures which Council could take

7. Resolution not to sell Park in future

In addition to its resolution of 23 May 2011, Council could resolve not to sell the Park in future.

The weakness of this option is that any such resolution could be overturned by a subsequent resolution of Council.

The validity of a resolution that prohibits Council from doing something in future might also be open to challenge pursuant to administrative law principles. Council cannot fetter the exercise of its discretions in future - it must consider the particular facts and circumstances relevant to a decision before it. The Courts are, however, inclined to 'read down' statements or agreements (or resolutions) purporting to bind a public authority in its exercise of a discretion in future (see e.g. *L'Huillier v State of Victoria* [1996] 2 VR 465 at 478).

Here, a Court would probably consider that, given Council can change the resolution by subsequent resolution, the discretion to deal with land (conferred by sections 3F and 5(2)(d) of the LGA) is not unlawfully fettered.

So, Council could make this type of resolution. In practice, it provides little protection against any future sale of the Park.

8. Policy Statement

Council could create a policy or policy statement for the future use and development of the Park.

A policy statement could set out the history of community concern over the use of the Park and clarify Council's position that Council should maintain ownership of the Park to be used for public purposes in future.

A specific policy concerning the future sale of the Park could conceivably encourage Council to consider a number of factors before deciding whether and how to deal with the Park. Relevant factors could include the:

- majority of public opinion following a survey or vote;
- use to which the future owner would put the Park to; and/or
- development of similar facilities in the municipal district.

The policy might also impose criteria against which any proposal for the sale, transfer or development of the Park would be assessed. The policy could be drafted in a way that discourages Council accepting proposals that rate poorly against these criteria.

The policy would be useful to clearly state Council's present position, it can be devised out of community consultation, and it may impose a number of factors that Council should consider if the question of selling the Park arises in future.

The limitation of policies and policy statements is that they are unenforceable at law. A council can use a policy to assist it to reach a decision but it must also consider all of the other relevant circumstances to the decision. An aggrieved person could not challenge a decision of Council to sell the Park even if an objective assessment of the proposal against the policy would strongly suggest retaining ownership of the Park.

It is worth stating that Council cannot simply apply the policy without considering all of the relevant factors to the decision. For example, if a person or organisation proposed buying the Park, Council would be bound to consider the proposal instead of simply relying on the policy or policy statement to reject the proposal.

In the final analysis then, the adoption of a policy about sale may similarly provide little protection.

9. Restrictive Covenants

Restrictive covenants bind successive owners with respect to the use and occupation of land. Here it would be unusual for a restrictive covenant to be created over the freehold lots.

Generally speaking, a restrictive covenant can be created if the following requirements are met:

- 9.1 the covenants of the agreement are 'restrictive' in nature;
- 9.2 the covenants of the agreement relate to the subject land ('servient tenement') for the benefit of some other piece of land ('dominant tenement'); and
- 9.3 a subsequent owner of the servient tenement has notice of the agreement.

The issue here is that the no land would receive a benefit of the type necessary for a restrictive covenant to be created over the freehold lots, or enforced. The benefit that the servient land confers must 'touch and concern' the beneficiaries' land, rather than being a personal benefit (such as restricting a particular use of the freehold lots). A benefit that 'touches and concerns' the land must directly affect the land in how it is occupied, for example, a covenant that requires only one house to be built on a parcel of land (e.g. *Fitt v Luxury Developments Pty Ltd* [2000] VSC 258).

Even if a restrictive covenant could be created over the freehold lots, it could not restrict the future sale of the freehold lots. There are (potentially complicated) means of removing a restrictive covenant from land in certain circumstances, such as by a planning permit issued under the *Planning and Environment Act*, or an order of the Supreme Court pursuant to the *Property Law Act 1958*.

We note that creating a restrictive covenant over the freehold lots would amount to creating an 'interest' in land. 'Land' is defined in section 37 of the *Interpretation of Land Act 1984* as including an interest in land. If Council decided to attempt to create a restrictive covenant over the freehold lots, it would also trigger the requirements and process in section 189 of the LGA, as set out above.

10. Lease the Park for a particular purpose

To continue operation of the freehold lots for public purposes, Council could enter into a lease with a third party on the basis that the freehold lots be used solely for public purposes.



Council's power to lease land, and on certain conditions, is found in sections 3F, 5(2)(d), 190 and 191 of the LGA. Section 190 of the LGA requires a public process, similar to that in section 189 as outlined above, before certain leases can be entered into.

Council can lease land for a maximum of 50 years, and the public process outlined in section 190 could be avoided in the circumstances outlined in section 191 of the LGA. Of course, Council as lessor, or the lessee, would likely be able to terminate the lease. If a lease were to be entered into, Council would probably be able to transfer the legal ownership of the freehold lots with the lease remaining on foot.

We have concerns about whether the taking of this measure risks Council entering the lease for improper purposes. These are the same concerns as those as set out in paragraph 3, in the context of the Crown lots.

11. **Agreement pursuant to section 173 of the *Planning and Environment Act***

Agreements made pursuant to section 173 of the *Planning and Environment Act* (**173 Agreements**) are useful because they can be registered on the title to the freehold lots and bind successive owners. Additionally, 173 Agreements need not 'touch and concern' the beneficiaries' land.

Here a 173 Agreement would give rise to the unusual situation where the agreement would be between Council as the Responsible Authority and Council as landowner of the freehold lots. Generally, at common law, a legal person cannot contract with itself (see e.g. *Clay v Clay* [2001] HCA 9 at [51]). If Council entered into a 173 Agreement with itself, it could also unilaterally end the 173 Agreement because this can be done by agreement between the parties. On the other hand, any person can enforce a 173 Agreement and this might suggest that 173 Agreements are regulatory in nature and this situation would not offend the principle in *Clay's* case.

There is, therefore, uncertainty surrounding whether Council could validly enter into this type of arrangement with itself. By entering into a 173 Agreement with itself, Council also risks fettering its discretion to deal with the freehold lots in future. We would, therefore, advise against Council taking this option.

An alternative option could be - should Council decide to sell the freehold lots in future - to undertake to consider whether it should enter into a 173 Agreement with the purchaser at that time. This intention could be enshrined in a Council policy (considered above), or, by recording the intention in a Land Information Certificate. Of course, it would be open to Council not to follow this course.

We have sought to canvass the options open to Council in the circumstances, and each option's benefits and limitations. Should you require any further information about the issues raised above, please feel free to contact us.

Yours sincerely
Maddocks

Transmission authorised by:
Mark Hayes
Partner

7.2 GIPPSLAND LOCAL GOVERNMENT NETWORK

AUTHOR: Chief Executive Officer
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to provide information to Council regarding the Gippsland Local Government Network.

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 2011-2015.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Advocacy and Partnerships.

In 2026, Latrobe Valley is supported by diversity of government, agency, industry and community leaders, committed to working together to advocate for and deliver sustainable local outcomes.

Latrobe City Council Plan 2011 - 2015

Strategic Direction – Advocacy and Partnerships.

Provide regional leadership and strengthen partnerships on issues of importance to our community.

Advocate on behalf of our community and its vision for a secure and sustainable future.

Actively build partnerships with other municipalities, government, industry and community agencies to deliver important services and projects, and ensure strong outcomes for our community.

Strengthen relationships with the Victorian and Australian Governments, to ensure Latrobe City Council is positioned to take advantage of strategic initiatives and funding opportunities.

Service Provision – Executive Office.

Actively participate in the Gippsland Local Government Network.

Major Initiatives - Advocacy and Partnerships.

Lead components of regional plan development and implementation in collaboration with the Gippsland Local Government Network.

Policy - This report is consistent with the Gippsland Regional Plan.

4. BACKGROUND

At the Ordinary Council Meeting held on Monday, 6 June 2011 Council resolved the following:

That the CEO provide to Council the following:

- *The MOU that was signed by 6 municipalities;*
- *The full financial reports of the GLGN;*
- *The process used to determine what issues they would represent and where they are ratified;*
- *The voting process;*
- *A list of all projects that GLGN are conducting, also the cost of all these projects;*
- *A list of all stakeholders that GLGN are involved with;*
- *Clarification on the range of ways that they would communicate with members.*

This report has been provided in response to the above resolution.

5. ISSUES

The Gippsland Local Government Network (GLGN) is an alliance of six Gippsland Councils who represent the collective interests of Gippsland and work cooperatively on issues and projects of mutual interest.

The six GLGN councils are:

- Bass Coast Shire Council
- Baw Baw Shire Council
- East Gippsland Shire Council
- Latrobe City Council
- South Gippsland Shire Council
- Wellington Shire Council

Memorandum of Understanding

The Gippsland Local Government Network was established in 1998 by agreement of all Councils through a Memorandum of Understanding, which outlined the objectives and the operating arrangements of GLGN. A copy of the MOU is attachment 1.

On 5 March 2001 Council endorsed an updated Gippsland Local Government Network (GLGN) Memorandum of Understanding (MOU).

The updated Memorandum of Understanding outlined the following:

1. The GLGN Memorandum of Understanding be amended in relation to the election of the Chair, to read 'the Chair shall be elected at the April meeting of GLGN each year commencing in 2001, by the 7 Mayoral members of GLGN, for a period of 12 months'.
2. GLGN meetings will be hosted on a rotational basis between member Councils.
3. That GLGN establish an interim secretariat to provide executive and secretarial services to GLGN for a 12 month period generally in accordance with the revised interim proposal set out in the report to the meeting – Effective 1 March 2001.
4. That each member Council contribute an amount of \$6,000 per annum towards the cost of appointing the Executive Director, this amount to cover the contract and travel expenses.
5. That Graeme Pearce be appointed as Executive Director to GLGN for a 12 month period commencing 1 March 2001 for an annual cost of \$35,000 plus travel expenses.
6. That South Gippsland Shire Council act as banker/contract superintendent for the executive/secretarial function.
7. That a detailed brief for the ongoing secretarial requirements of GLGN be prepared by the interim Executive Officer by September 2001.

In 2002 a project brief was presented to the GLGN for the provision of consultancy services to the network. The project brief was submitted to SOCOM for comment and quotation. A sub committee was responsible for negotiating the contract for this service.

In February 2003, SOCOM was appointed as secretariat for the GLGN.

A tender process was undertaken during 2010 to engage a suitably qualified consultant to undertake the secretariat services for the GLGN. The tender was awarded to SOCOM – with the contract being signed on 16 February 2011.

The contribution to the GLGN for 2011/12 is \$13,815 per council. This contribution covers the costs associated with the operation of GLGN, including the secretariat. This contribution is reviewed annually and is subject to each council's budget process.

The detailed costs are provided in the table below.

July 1 2011 – June 30 2012 – Projected expenses		
GLGN	Funding	Per Council
GLGN Secretariat	\$52,530	\$8,755
GLGN briefing papers (billable 30 June and 30 September) assumes development of 4 papers	\$10,600	\$1,767
GLGN Communications expenses (billed 30 June and 30 September)	\$19,758	\$3,293
Total	\$82,888	\$13,815

There are also project specific costs related to cooperation amongst Gippsland councils which are included in the table below.

Regionally Supported Expenses	2011/12	Per Council
Destination Gippsland funding	\$150,000	\$25,000
Gippsland Region Plan Policy and Strategy Officer	\$60,000	\$10,000
Climate Change Network Officer	\$15,000	\$2,500
Climate Change Project (DPI)	\$120,000	\$20,000
<i>Total</i>	<i>\$345,000</i>	<i>\$57,500</i>

Issue Prioritisation Process

The process for determining which projects/issues will be undertaken on behalf of GLGN are driven from a number of areas. These areas include:

- priorities from the Gippsland Regional Plan;
- issues that effect more than two Gippsland councils; or
- priorities driven from the state / federal government e.g. Gippsland Regional Transport Strategy.

Voting Process

When determining whether GLGN will undertake a project or put forward a submission on behalf of GLGN, the decision is generally made on a consensus basis. However, if any issues require a count of votes then an informal voting process is undertaken. All Councils are entitled to one vote per Council.

Projects Underway

The GLGN Workplan (attachment 2) showcases the key priorities from the Gippsland Regional Plan. Each priority provides information on GLGN's position and the actions to be undertaken by GLGN. This report also provides a status update on each of these priorities.

GLGN Stakeholders

The GLGN have developed a large range of stakeholders that contribute to the effectiveness of GLGN. These include:

- State and Federal Governments
- AGING
- Agribusiness Gippsland Inc.
- Apprenticeship Group Australia
- Australian Education Union – Gippsland Region
- CCETP Forum
- Central Gippsland Health Service
- Central Gippsland TAFE
- Committee for Gippsland
- Country Fire Victoria
- Department of Broadband Communication and Digital Economy
- Department of Education and Early Childhood Development
- Department of Education, Employment and Workplace Relations
- Department of Human Services
- Department of Industry, Innovation and Regional Development
- Department of Planning and Community Development
- Department of Primary Industries
- Department of Sustainability and Environment
- Department of Transport
- Destination Gippsland
- East Gippsland Local Learning and Employment Network
- East Gippsland Water
- Education Gippsland
- Environmental Protection Authority

- GHD
- Gippsdairy
- Gippsland Education Precinct
- Gippsland Health Alliance
- Gippsland Integrated Natural Resources Forum
- Gippsland Ports
- Gippsland Regional Waste Management Group
- Gippsland Southern Health Service
- Gippsland Trade and Labour Council
- Greyhound Bus Lines
- HVP Plantations
- IXC Australia
- Lateral Plains Pty Ltd
- Latrobe Community Health Service
- Latrobe Valley Bus Line
- MECU
- Monash University –Gippsland
- Municipal Association Victoria (MAV)
- National Bus Lines
- National Tertiary Education Union
- Patties Foods Ltd.
- Primaform
- Regional Development Australia
- Regional Development Victoria
- Regional Rail Link Authority Rural Councils Victoria
- RICA
- SAGE Technology
- South East Australian Transport Strategy (SEATS)
- Southern Rural Water
- State Emergency Services Victoria
- Telstra - Countrywide
- Tourism Victoria
- Vegco
- VECCI
- Vic Farmers
- VicRoads
- Victoria Police
- VicTrack
- VLine
- Westernport Water

Member Communication

The GLGN have a number of ways they communicate with member councils and stakeholders.

The GLGN developed a website in December 2010 for member councils and community members to keep up to date with the operations of GLGN.

Media releases are also provided on behalf of GLGN.

Latrobe City Council also provides all minutes from GLGN meetings to Councillors for information and discussion if required.

6. FINANCIAL AND RESOURCES IMPLICATIONS

There were no financial implications in preparing this report.

The contribution to the GLGN for 2011/12 is \$13,815 per council for operating costs. \$57,500 is also contributed for project delivery. This contribution is reviewed annually and is subject to council's budget process.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Consultation on this report is not required.

8. OPTIONS

1. That Council notes the Gippsland Local Government Network report; or
2. That Council does not note the Gippsland Local Government Network report; or
3. That Council requests further information regarding the Gippsland Local Government Network report.

9. CONCLUSION

The Gippsland Local Government Network is an important network for Latrobe City Council to be involved with. The GLGN Charter provides an important framework for the GLGN to operate efficiently.

10. RECOMMENDATION

That Council notes the Gippsland Local Government Network report.

Moved: Cr Lougheed

Seconded: Cr White

That the Recommendation be adopted.

For the Motion

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

Against the Motion

Councillor Kam

The Mayor confirmed that the Recommendation had been CARRIED

ATTACHMENT 1

MEMORANDUM OF UNDERSTANDING BETWEEN SHIRES OF BAW BAW, EAST GIPPSLAND, BASS COAST, SOUTH GIPPSLAND, CARDINIA, WELLINGTON & LA TROBE

Recitals

The Councils who are signatories to this Memorandum of Understanding wish to establish an alliance between Councils under the conditions specified within this Memorandum of Understanding.

Purpose

The purpose of the Gippsland Local Government Network shall be:

1. As a forum to deal with strategic issues of importance to the region.
2. As a forum to deal with regional coordination and cooperation between Member Councils.
3. To provide a united voice for Gippsland to advocate for the region's needs.

Conditions

1. Membership

The member Councils of the Gippsland Local Government Network shall be:

- Baw Baw Shire
- East Gippsland Shire
- Bass Coast Shire
- South Gippsland Shire
- Cardinia Shire
- Wellington Shire
- La Trobe Shire

2. Representatives

Each Council will be represented by the Mayor or the Mayor's nominee and the Chief Executive Officer appointed at the time each meeting of the Network is convened.

3. Voting Rights

The Gippsland Local Government Network will be run on general consensus, however if any issues require a count of votes then voting rights shall be one vote per member Council.

4. Quorum

Meeting shall be constituted with quorum of majority of Councils - being 4 Councils.

5. Notice of Meeting

Reasonable notice with Agenda.

6. Term of the Agreement

This agreement shall commence on 1 November 1998 and expire on the 1 of April 2002.

Resourcing

As an alliance the Member Councils seek to minimise the financial cost to Members whilst utilising in kind contributions from Members on an equitable basis.

Accordingly, Councils nominated in the "Convenor Schedule" below shall provide the following resources:

- A. Chairperson and spokesperson for the Group being the Mayor of the Council.
- B. Secretarial services facilitated by the Chief Executive Officer of the nominated Council.

Convenor Schedule

Council	Term
Cardinia Shire	1 Nov 1998 - 31 Mar 1999
Bass Coast	1 Apr 1999 - 30 Sept 1999
Baw Baw Shire	1 Oct 1999 - 31 Mar 2000
East Gippsland Shire	1 Apr 2000 - 30 Sept 2000
La Trobe Shire	1 Oct 2000 - 31 Mar 2001
South Gippsland Shire	1 Apr 2001 - 30 Sept 2001
Wellington Shire	1 Oct 2001 - 31 Mar 2002

Files, Minutes and Agendas

The Convenor Council shall be responsible for maintaining the Gippsland Local Government Network file system, notification of meetings and preparation of minutes. Files will be handed over immediately to the next Convenor Council on the nominated hand over date.

Meetings

Meetings will be held on a bi-monthly basis being the 1st Friday of the even months of each calendar year i.e. February, April, June, August, October, December.

The location of each meeting shall rotate amongst Councils and the host Council shall provide the necessary facilities for the conduct of the meeting.

The meetings shall be open to all Councillors of member municipalities as observers. A meeting may be closed by the Chairman where matters before the Network would meet the criteria for closure under Section 89 of the Local Government Act as if dealt with by a Council.

Finance

There shall be no annual contribution or subscription towards the operation of the Network. Councils may contribute "in kind" support for the realisation of objectives set by the Network.

Where projects require a cash contribution from Councils such projects shall be funded on an agreed basis between Councils involved. Each case shall be assessed on its own merits.

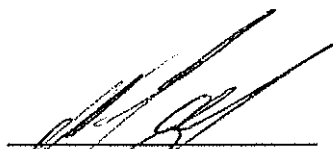
Affiliations

The Gippsland Local Government Network is an independent group with no affiliations to any bodies, however the Network will maintain communication links with regional and industry entities.

Working Groups

The Gippsland Local Government Network may establish working groups to pursue particular projects or action plans and those working groups may be required to report back to the Network as required.

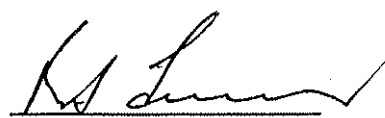
Signed on behalf of Member Councils on the 9th April, 1999.



Mayor
Bass Coast Shire




Chief Executive Officer
Bass Coast Shire




Mayor
Baw Baw Shire




Chief Executive Officer
Baw Baw Shire

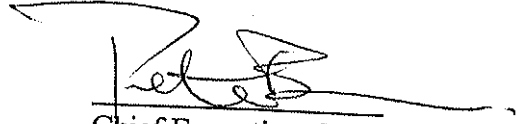

Mayor
Cardinia Shire

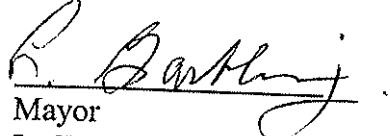

Chief Executive Officer
Cardinia Shire



Mayor
East Gippsland Shire

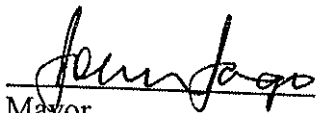

Chief Executive Officer
East Gippsland Shire

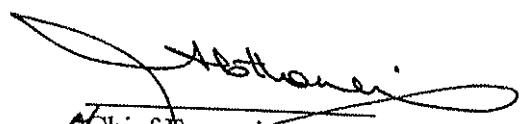

Mayor
South Gippsland Shire


Chief Executive Officer
South Gippsland Shire

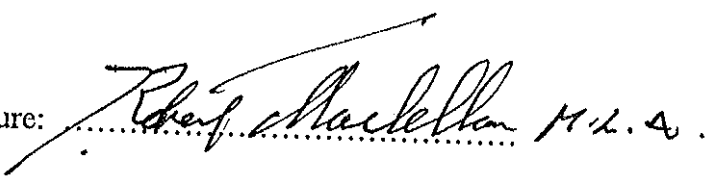

Mayor
La Trobe Shire

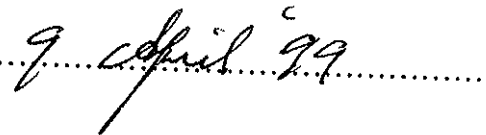

Chief Executive Officer
La Trobe Shire


Mayor
Wellington Shire


Chief Executive Officer
Wellington Shire

Witnessed by the Hon. Robert Maclellan, MLA
Minister for Planning and Local Government

Signature: 

Date: 

ATTACHMENT 2

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GLGN Workplan 2011 – Working Document (updated 15th October 2011)

	PRIORITY	VICTORIAN GOVERNMENT POSITION (State-wide spending unless indicated otherwise)	FEDERAL GOVERNMENT POSITION (Country-wide spending)	POSITION	OBJECTIVES	WORK TO BE COMPLETED	STATUS
1.	Low-Carbon Economy Transition Plan LEAD: Latrobe	<ul style="list-style-type: none"> ▪ Coalition promise of \$30 million for Latrobe Valley Industry and Employment Roadmap - included in Roadmap is \$10 million stimulus package for the Latrobe Valley region to help promote jobs and economic growth ▪ Advantage fund being led by Gary Blackwood and Russell Northe ▪ Working group with Damian Drum, to meet in mid-June ▪ Establishment of four new Industry Link Officers under the Skilling the Valley project ▪ BUDGET – Industry Sustainability Working Committee ▪ BUDGET – \$41M for Low Emission Energy technology program 	<ul style="list-style-type: none"> ▪ Possible carbon tax ▪ Possible SIA – to be completed if carbon tax goes ahead ▪ Possible Climate Change Access fund to be accessed if carbon tax goes ahead ▪ Analysis of Garnaut report ▪ Crean says RDA to play prominent role in funding low-carbon initiatives 	The <i>Gippsland Low Carbon Economy Transition Plan</i> is critical to Gippsland being positioned to make an effective transition to a low carbon economy.	<p>\$500,000 investment for:</p> <ol style="list-style-type: none"> 1. A review of the status of current coal related exploration and mining licenses and facilitate appropriate activation and/or investment with respect to utilisation of the coal resource. 2. Establishment of the Gippsland Low Carbon Economy Transition Plan that builds upon the Gippsland Local Government Network endorsed “Positioning Latrobe City for a Low Carbon Emission Future” including: - <ol style="list-style-type: none"> a. Regional coal resource development plan that identifies the long term future for utilisation of the region’s brown coal assets; b. The development of mechanisms required to foster the use of “clean coal” technology and the development of coal derivatives; and c. A regional transition program for industry, including: agriculture, businesses and communities highly impacted by a future low carbon economy. 3. Heightened focus and planning around food production and agribusiness. 4. Expand Latrobe transition paper to cover the Gippsland area. 	<p>Development of briefing paper/plan (Socom and Latrobe) TBC</p> <p>Coal Council (potential future cooperation) (GLGN) TBC</p> <p>Awaiting response from Garnaut report, will also wait to see work produced by working group (GLGN) TBC</p> <p>SIA application to be circulated (Latrobe) Completed – August 2011</p> <p>Representative from Low Carbon Futures Committee/stakeholder to attend GLGN meeting in June (Latrobe) Completed – June 2011</p> <p>Meet with Agribusiness Gippsland (GLGN) Completed – June 2011</p> <p>Food Plan proposal being submitted to RDA by Agribusiness Gippsland (GLGN) Approved by RDA July 2011, will monitor</p> <p>GLGN/DPI Climate Change Adaptation Plan (Wellington) MoU yet to be signed by all Councils – July 2011</p> <p>Engage State Government (GLGN) Suggest inviting Northe and Blackwood to speak about Advantage Fund Invite to October meeting</p> <p>Apply pressure on Federal Government to fund ESD and related infrastructure (GLGN) TBC</p> <p>Key focus area in budget submission for 2011-2012. To be completed in September</p>	
		▪	▪				

GLGN Workplan 2011 – Working Document (updated 15th October 2011)

	PRIORITY	VICTORIAN GOVERNMENT POSITION (State-wide spending unless indicated otherwise)	FEDERAL GOVERNMENT POSITION (Country-wide spending)	POSITION	OBJECTIVES	WORK TO BE COMPLETED	STATUS
2.	Post-Secondary Education LEAD: Bass Coast	<ul style="list-style-type: none"> An expert panel has been set up to develop a Tertiary Education Plan for Gippsland (chaired by Professor Kwong Lee Dow, and involving Dr Michele Allan and John Mitchell), looking at how to increase tertiary access, participation and attainment throughout Gippsland. Regional Partnerships Facilitation Fund aims to address this issue and provide regional students with greater flexibility, options and choice BUDGET – Vocational education and training – restore concessions and expand exemptions BUDGET - \$1.5M East Gippsland Institute TAFE Port of Sale education precinct – planning New position now being offered to implement Skills Action Plan 	<ul style="list-style-type: none"> \$500M over five years to strengthen regional higher education and vocational education and training institutions, through the regional priorities round of the Education Investment Fund. \$109.9 million over four years for universities with regional campuses through increased and better targeted loading payments to regional areas. 	Grow opportunities for increased participation in post secondary education and training in the Gippsland region.	<ul style="list-style-type: none"> Build Monash Gippsland Churchill Campus accommodation to cater for increased student numbers (including students from outside the region) and visiting academics. Undertake a feasibility study for a rail link to Churchill that will improve transport links between Churchill and the Latrobe Valley rail corridor Support the expansion of the region’s TAFEs and RTOs; and Upgrade the pathway program and facilities to familiarise Gippsland secondary students to opportunities of higher education. Emphasis to be given need for more trade training 	Gippsland Skills Plan (GLGN)	Now funded
						Media release by GLGN regarding Student Allowance Review being advanced (GLGN)	Completed March 2011
						GLGN Submission for Gippsland Tertiary Review (GLGN)	Completed May 2011
						GLGN Submission for VET Fees and Training Issues Paper (GLGN)	Completed June 2011
						GLGN CEOs attending consultation regarding Gippsland Tertiary Review	25 August 2pm
						GLGN prepared to write letter for Monash, if asked, regarding ‘regional uni’ qualification - \$500M Education Investment Fund (GLGN/Bass Coast)	Not yet asked for letter
3.	Gippsland Gateways – Freight Transport LEAD: South Gippsland	<ul style="list-style-type: none"> \$100 million Local Government Infrastructure Account (to be delivered through the \$1 billion Regional Growth Fund). Additional \$100 million would be allocated during 2nd term of Coalition Government BUDGET - \$160 million Country Roads and Bridges Fund – 40 rural councils to apply for grants of up to \$1 million each year over the next four years BUDGET - \$900 million Maintaining Our Rail Network Fund, including \$100 million in new funding BUDGET - \$50 million for Koo Wee Rup Bypass BUDGET - \$8.0M for Omeo Highway sealing BUDGET - \$6.7M for rural overtaking lanes, including for the Strzelecki Highway BUDGET – \$2.3M Port of Hastings development Announcement of Gippsland Logistics Precinct in Latrobe Valley, incorporating to Gippsland Intermodal Freight Terminal (05/19/11) 		Extend Gippsland’s gateways to market through improvements to rail, road and ports.	Provide funding to extend Gippsland's gateways to market through improvements to rail, roads and ports and in particular the: <ul style="list-style-type: none"> Establishment of the North East Link direct link between Eastlink and the Hume corridor; Construction of Westlink as a priority to create an alternative to the Monash- West Gate Freeway and enhance connectivity for Gippsland’s industries to Melbourne and other regions; and Improve the regional community’s access to regional services, education and training, employment opportunities and recreational activities through improved public transport. Complete and release the Gippsland Freight Action Plan.	Invite Lachlan McDonald to future GLGN meeting – post plan release (GLGN)	Invite to meeting once Freight plan has been released
						Monitor activity relating to Port of Hastings legislation (GLGN)	Monitor activity
						Monitor release of Transport Solutions Strategy - meant to incorporate Gippsland Freight Action Plan – scheduled to be finalised 30 June (GLGN)	Not yet released
4.	Gippsland Gateways – Public Transport	<ul style="list-style-type: none"> BUDGET - New independent Victorian Public Transport Development Authority BUDGET - \$900M Maintaining Our Rail Network Fund, including \$100 million in new 	RDA Fund	Improve the Gippsland communities’ access to services,	Improve the Gippsland communities’ access to services, education, training, employment and recreational activities through a connected regional transport network. GLGN is requesting the following	Study being completed by academia and DoT that will provide gap analysis (GLGN)	Monitor activity

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	LEAD: Wellington	<ul style="list-style-type: none"> ▪ funding ▪ BUDGET - \$47M to improve safety problems at up to 75 country level crossings , including Warragul ▪ BUDGET - \$17.9M Public Transport Development Program ▪ DoT looking to house extra train in Sale 		education, training, employment and recreational activities through a connected regional transport network.	<p>funding and infrastructure development:</p> <ul style="list-style-type: none"> • \$2.5 million in capital funding • \$6 million for a Park and Ride/Bus interchange • Yard and platforms infrastructure (rail) <p>GLGN seeks policy support for the development of a Public Transport Plan for Gippsland that aims to:</p> <ul style="list-style-type: none"> • Further improve bus and rail services and stress importance of alternative transport options • Upgrade parking facilities at major Gippsland railway stations; • Upgrade level crossings; and • Build bike rail trails. <p>GLGN seeks to develop joint advocacy group to encourage improvements to timetables, and increased number of carriages</p>	<p>Baw Baw to submit RDA application for station precinct</p> <p>Develop letter to Minister Mulder outlining relevant public transport issues specifically asking about rumoured truncation of services in Dandenong, commitment to third rail, L2P program and public transport plan for Gippsland. (GLGN)</p> <p>Develop letter for Minister Ryan asking about rumoured truncation of services in Dandenong. (GLGN)</p> <p>Engage State Government (GLGN)</p> <p>Patronage data to be submitted to Secretariat (Wellington and East Gippsland)</p> <p>Letter of support for V/line's position to be sent to Minister Mulder and Local Members</p>	<p>Completed May 2011</p> <p>Completed June 2011</p> <p>Completed June 2011</p> <p>Suggest inviting Edward O'Donohue (PS for Transport) and Gary Blackwood (working with Minister Mulder on public transport)</p> <p>Completed July 2011</p> <p>Completed in September 2011</p>
5.	Centre for Sustainable Technologies LEAD: Latrobe	<ul style="list-style-type: none"> ▪ BUDGET – \$41M for Low Emission Energy technology program ▪ \$1 billion Regional Growth Fund over eight years. 40% to be directed to local projects <ul style="list-style-type: none"> • \$100 million Local Govt Infrastructure Account • \$100 million Putting Locals First Fund 		A centre located in Gippsland with the capability for research and development, commercialisation and education based on the most sustainable and technologically advanced uses of the region's natural resources.	<p>GLGN seeks \$25 million over 4 years Stage 1 of the Centre. Funds will be allocated in the following way:</p> <ul style="list-style-type: none"> ▪ Establishment costs ▪ Recurrent expenditure for recruitment and overhead expenses for a minimum of 4 key staff and administration support. Key staff would include a CEO, Research Director, Commercialisation Projects Director and Industry Partnerships Director. Other staff might include PhD students, administration and communication officers. ▪ Specific project funding, matching partnership project funding, and research funding. It is estimated that the bulk of this funding will be required in years two-four. 	<p>Monash University is moving ahead on this project, amending the proposal for the Coalition government (Latrobe)</p> <p>CEST project scope to be circulated (Latrobe)</p> <p>Planning meeting to take place, GLGN may be asked for letter of support (Latrobe)</p> <p>When moving ahead with Low-Carbon Economy Plan, incorporate CEST (GLGN)</p>	<p>In process</p> <p>Completed – July 2011</p> <p>Not yet asked</p> <p>TBC</p>
6.	Gippsland Lakes Sustainable Development Framework LEAD: East Gippsland	<ul style="list-style-type: none"> ▪ 2010 Promise Coalition promise of \$10 million towards improving the health of the Gippsland Lakes ▪ BUDGET - Retain the 10 Catchment Management Authorities and three coastal boards to ensure local input into decision-making. 		Establish and implement the <i>Gippsland Lakes Sustainable Development Framework</i> that will:	In consultation with GLGN and Destination Gippsland and the Department of Sustainability and Environment develop a Gippsland Lakes Sustainable Development Framework; establish a single authority to oversee that framework and the development and implementation of a Gippsland Lakes Catchment Management Plan.	RDA Application for Bancroft Bay from East Gippsland	Submitted May 2011

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		<ul style="list-style-type: none"> ▪ 2010 Promise Respect existing land rights for private coastal land - where local permit is granted, ensure sustainable private development can occur, but at private risk ▪ BUDGET - \$20 million Community Green Fund to support practical community action on the environment such as elimination of feral pests, weed control, cleaning up waterways, re-vegetation, resource recycling and re-use, biodiversity preservation and habitat preservation (grants from \$10,000 - \$150,000) 		<ol style="list-style-type: none"> 1. Improve the ecological health of the Gippsland Lakes; 2. Build the functionality of the tourism and recreation infrastructure, and 3. Identify nodes appropriate for long-term settlement development and form appropriate planning mechanisms to support such development. 	<p>GLGN seeks state government funding of \$159.4 million for a Gippsland Lakes Marine Infrastructure Program, which would be broken into:</p> <ul style="list-style-type: none"> ▪ Marine industry infrastructure upgrades ; and ▪ Marine recreational/tourist facilities upgrades. 	<p>Some projects covered in 2011-2012 State Budget submission (GLGN)</p>	Completed March 2011
						Taskforce chaired by Tim Bull to look at strategic issues, to be established mid-year (East Gippsland)	Monitor activity, invite Tim Bull to future meeting to discuss taskforce
						Briefing paper sent to Ministers Ryan and Smith recommending that promised \$10M is used for monitoring, infrastructure and health of lakes (East Gippsland)	Awaiting response (East Gippsland)
7.	Health and Well-being LEAD: Baw Baw	<ul style="list-style-type: none"> ▪ 2010 Promise \$2.2 million increased funding for 23 community-owned and run bush nursing facilities ▪ 2010 Promise \$1.6 million Rural Relocation Fund to help doctors to relocate from metro to regional locations ▪ BUDGET - \$70.2 million for an overhaul of Rural and Regional Health, including \$56 million for the Rural Health Support Fund ▪ BUDGET - \$2 million for an upgrade to the Warragul Hospital emergency department ▪ BUDGET - \$56 million capital works program for rural regional health care facilities ▪ BUDGET - \$6.8M for Regional Victoria Living Expo ▪ BUDGET - \$35M upgrades to medical equipment including rural health facilities 	<ul style="list-style-type: none"> ▪ RDA Fund ▪ \$11.5M to <i>Promoting Regional Living</i> program will support non-capital cities, or groups of cities in a region, to deliver targeted marketing strategies to promote living and working in their regions ▪ BUDGET - \$1.8 billion over six years to provide critical infrastructure upgrades to hospitals and health services for regional Australians through the Health and Hospitals Fund regional priority rounds 	Ensuring positive health and wellbeing outcomes is an essential part of Gippsland's liveability, prosperity and sustainability.	<p>Funding:</p> <ol style="list-style-type: none"> 1. Upgrading of Regional Hospitals and community health centres; <ul style="list-style-type: none"> – Expand the Latrobe Regional Hospital's capacity to fulfill its role as Gippsland's regional specialist health service – Upgrade sub-regional and local health services at Warragul and Wonthaggi to meet demand from population and demographic challenges; 2. Develop a Gippsland Regional Sporting Facilities Master Plan; 3. Develop a Regional Tracks and Trail Strategy; 4. Improving the alignment of Community Planning with other key planning processes; and 5. Establishment of <i>Indigenous Conferences</i>. <p>Policy Support:</p> <ol style="list-style-type: none"> 1. Service development to focus on increasing levels of self-sufficiency of health services to provide care as close to where people live as possible while maintaining safety and service sustainability; 2. Support integration between education and training providers and health services (e.g. opportunities for clinical placements); and 3. Improve the linkages between community 	<p>Gippsland Regional Sporting Facilities Plan in development with Gippsland Regional Officers Group (GROG) (GLGN)</p> <p>Baw Baw to speak with DPCD and DoH regarding Trails strategy, make link between health and tourism</p>	<p>Group has requested to attend September 2011 CEO meeting</p> <p>Update from Paul Butler DoH Gippsland: The Strategy Group has endorsed an action plan in relation to Community Well-being projects that will have six priority areas, one of which is Sport and Recreation Strategic planning; this priority has two projects sitting under it, one being the development of the Gippsland Regional Sporting Facilities master plan and the other is the development of the Regional Trail Strategy. As such, it is considered that this project is very much a priority under the Strategy Group's action plan. A project inception plan for the Regional Trail Strategy for consideration by the Strategy Group will be provided at one of the next two monthly meetings.</p>
						Business case to be developed for increased accommodation for aged/retiring - to be completed by housing associations and MECU (Latrobe)	Latrobe to follow up with MECU September 2011

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					planning processes and strategic planning at Council and regional levels.	Latrobe Community Health Service open in Bairnsdale	Project announced
						Upgrade to Leongatha Hospital	Project announced
8.	Integrated Land-Use Plan LEAD: Baw Baw	<ul style="list-style-type: none"> ▪ BUDGET - \$12 million for 60 Landcare Coordinators ▪ 2010 Promise Support a local government review of planning and zoning regulations to enable lifestyle farms to be established in appropriate locations that take into account infrastructure needs and water availability ▪ 2010 Promise Require all councils to complete a Municipal Heritage Strategy to better protect areas and buildings ▪ 2010 Promise Require the Minister to give 48 hours notice to a council before calling in a development application ▪ 2010 Promise Retain third party appeal rights in planning decisions ▪ 2010 Promise Legislate to replace Development Assessment Committees with five-member Planning Referral Authorities (PRA), which the relevant municipality can opt-in or out of via a vote. PRA may apply to any geographic area within a municipality, to form the Responsible Authority to decide applications ▪ 2010 Promise Conduct a full review of Victoria's planning zones ▪ 2010 Promise Regional councils to review and alter land use within farming zones to protect prime farmland for agriculture ▪ BUDGET - \$9.7M for planning Melbourne and regional Victoria ▪ BUDGET – \$2.5M for transparent and efficient planning system 	▪ \$29.2 million over four years to improve strategic planning for regional and coastal high growth centres, reducing red tape for business and fast-tracking investment	Develop a comprehensive <i>Gippsland Integrated Land Use Plan</i> that provides direction and priorities for addressing population growth across the region including changes to land use and infrastructure development.	Develop a Regional Integrated Land Use Plan that can be incorporated into the Regional Strategic Statements and Planning Schemes of the GLGN Councils. \$2 million to for the development of a regional Land-use plan and processes for integration into a Regional Strategic Statement.	Minister Guy to attend GLGN meeting (GLGN)	August 2011
						DPCD to attend meeting to discuss Regional Land Use Plan (GLGN)	Completed May 2011
						Land Use workshop in Baw Baw	Completed June 2011
						Included in 2011-2012 Budget Submission – media release and paper sent to local members (GLGN)	Completed March 2011
						Councils to discuss issue with planners for feedback (GLGN)	Ongoing
						Letter to Minister Guy regarding support for DCP reforms (GLGN)	Completed July 2011
						Governance structure consistency to be achieved – Baw Baw	To be completed before August meeting
						MAV to host upcoming Regional Planning Forum	TBC
9	Gippsland Water LEAD: All	Currently reviewing the submissions to the Draft Gippsland Sustainable Water Strategy (due mid/late this year)		TBD	Contingent on outcome of GSWS – Strategy due for release late 2011	Submission in response to Draft Gippsland Sustainable Water Strategy (GLGN)	Completed December 2010
						Contingent on outcome of GSWS – Strategy due for release late 2011 (GLGN)	Update received from DSE at June meeting
10	Broadband Connectivity		NBN Rollout initiated in mainland Australia (05/18/11)	Gippsland needs to be given the highest priority for the	Broadband Rollout Strategy for the Gippsland region:	NBN committee to provide update(post-June meeting) (GLGN)	Suggest inviting Peter Francis (working group) back to meeting (came to June meeting)

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	LEAD: Bass Coast			simultaneous rollout of high-speed broadband and 'non-fibre to the home' solutions that will benefit small communities.	<ul style="list-style-type: none"> • \$100,000 for Strategy Development; • Planning resource support from the Department of Planning and Community Development to assist with planning issues; • Technical resource support from the Department of Innovation, Industry and Regional Development – Multimedia Victoria to assist with technical issues; and • Identified liaison person within the Department of Broadband, Communications and the Digital Economy. 	Update from working group and Federal Government (Bass Coast)	Future GLGN meeting
						RDA funding approved for Digital Strategy planning (Bass Coast)	Digital Strategy planning to be completed by consultant
11	Tourism Infrastructure LEAD: East Gippsland	<ul style="list-style-type: none"> ▪ 2010 Promise \$2 million over four years to run Country Week to showcase country Vic to metro residents/businesses ▪ 2010 Promise \$800,000 to complete the Gippsland Plains Rail Trail between Traralgon and Toongabbie ▪ BUDGET - \$3.5 million to help address a recent decline in regional tourism ▪ BUDGET - \$1.0M to improve skills and service standards ▪ BUDGET - Repair of Wilsons Prom entrance road leading to Tidal River 	RDA Fund	Provision of quality infrastructure and continued investment is essential to ensure the region remains relevant and competitive in the tourism market.	Infrastructure Projects <ul style="list-style-type: none"> • Gippsland Lakes Boating Infrastructure • Cowes Car Ferry • Mallacoota Bastion Point Ocean Access • Wild Walk in East Gippsland (Croajingalong Coast) • Wilsons Promontory Tidal River Upgrade • Wild East Gippsland Walk with demountable accommodation • East Gippsland and Gippsland nature-based tourism accommodation and activity hubs • Wilson Prom Nature retreat project Land rezone • Croajingolong and Wilsons Promontory National Parks interpretive centres with a tourism/customer service approach • Adventure zip trail near Walhalla • Rail trails Upgrades to Tourism Access Roads: <ul style="list-style-type: none"> • Dargo High Plains Road • Licola-Jamieson Road • Great Alpine Road, which requires safety improvements • Benambra Corryong Road • South Face Road • Barry Way road • Grand Ridge/Tara Valley Road • Connections into and within Southern Gippsland servicing Phillip Island and Wilsons Promontory. Feasibility Study for a regional conference centre with appropriate accommodation.	Meeting with Minister Peter Ryan to discuss tourism infrastructure projects (GLGN)	April 2011
						VicRoads has included South Face Road in its plans	Ongoing
						Included in 2011-2012 Budget Submission – media release and paper sent to local members (GLGN)	Completed March 2011
						South Gippsland to submit application for RDA funding for Rail Trails	TBC
						Mallacoota Bastion Point Ocean Access (East Gippsland)	TBC - under review by State government
						Wild Walk in East Gippsland (East Gippsland)	Business case under development
						DGL revising list of potential tourism projects for GRP (GLGN)	Will report back to GLGN at a future meeting
						Letter of support for DGL submission to be sent to Minister Asher.	Liaising with DGL on their submission. To be completed once DGL submission has been drafted.

7.3 **PETITION REQUESTING THE UPGRADE OF THE STORM
WATER DRAINAGE SYSTEM AT KILKENNY CLOSE,
TRARALGON**

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

1. PURPOSE

The purpose of this report is to provide an update on the investigation into storm water drainage at Kilkenny Close, 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 2011-2015.

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 2011 - 2015

Strategic Direction – Built Environment

Ensure public infrastructure is maintained in accordance with community aspirations.

Service Provision – Infrastructure Development

Provide Asset Management planning, advice and services for Latrobe City.

4. **BACKGROUND**

At the ordinary Council meeting held on 3 October 2011 Council resolved:

1. *That the petition requesting Council to upgrade the storm water drainage system at Kilkenny Close, Traralgon lay on the table until the Ordinary Council Meeting to be held on 5 December 2011.*
2. *That the head petitioner be advised of Council's decision in relation to the petition requesting Council to upgrade the storm water drainage system in Kilkenny Close, Traralgon.*

5. **ISSUES**

Officers have commenced the investigations into the storm water system at Kilkenny Close, Traralgon, but at this time have not completed the investigation in full.

It is anticipated that the investigation will be completed in January 2012.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

There are no financial or resource implications as a result of this report.

7. **INTERNAL / EXTERNAL CONSULTATION**

No consultation was undertaken in preparation of this report. However, the head petitioner has been contacted in relation to the progress of this investigation.

8. **OPTIONS**

The following options are available to Council;

1. Defer consideration of this matter to a future ordinary Council meeting; or
2. Seek further information in relation to this matter.

9. CONCLUSION

Council officers have not yet completed the full investigation into the storm water system at Kilkenny Close, Traralgon.

As such, it is appropriate to defer consideration of this matter to a future Council meeting.

10. RECOMMENDATION

- 1. That Council defer consideration of this matter until the ordinary Council meeting to be held on 6 February 2012.**
- 2. That Council write to the head petitioner updating them in relation to the investigation.**

Moved: Cr Gibson

Seconded: Cr Harriman

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

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ECONOMIC SUSTAINABILITY

11.2.1 COMMITTEE FOR GIPPSLAND

AUTHOR: General Manager Economic Sustainability
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present to Council for consideration, further information regarding membership of the Committee for Gippsland.

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 2011-2015.

Latrobe 2026: The Community Vision for Latrobe Valley

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

Latrobe City Council Plan 2011 - 2015

Strategic Direction – Economy

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

Strategic Direction – Advocacy

Actively build partnerships with other municipalities, government, industry and community agencies to deliver important services and projects, and ensure strong outcomes for our community.

Service Provision – Business Development

Provide Business Development advice, services and programs in accordance with the Latrobe City Council Economic Sustainability Strategy.

Strategy – Latrobe City Council Economic Sustainability Strategy 2011-2015.

This report is consistent with Council's adopted Economic Sustainability Strategy 2011-2015. This strategy outlines the key economic development actions that will be undertaken to underpin economic development, build business and community relationships, increase public and private sector investment, increase employment levels and transition to a low carbon economy.

4. BACKGROUND

In 2008, several business people from across Gippsland formed the Committee for Gippsland Steering Group. From 2008 to early 2011, the group worked to formalise the membership structure and governance arrangements for the group.

The Committee for Gippsland was officially launched in April 2011 with the dual objectives of establishing a non-government, business funded organisation that represents the entire Gippsland region; and to identify and pursue opportunities that contribute to a strong and secure economic future for Gippsland.

In June 2011, the Committee released a position paper on the Gippsland Regional Plan (attachment 1). The Committee is largely supportive of the priorities within the Gippsland Regional Plan. However the position paper did indicate a preference for further engagement with local business in the development of the priorities. The Committee has no formal role in the delivery of the Gippsland Regional Plan.

A report regarding membership of the Committee for Gippsland was presented to Council at its Ordinary Meeting on the 5 September 2011. At the meeting Council resolved the following:

“That Council seeks further information on membership of the Committee for Gippsland.”

In October 2011, the Committee launched their Strategic Plan (attachment 2). The plan is divided into the following themes:

- Building Gippsland's Infrastructure
- Support for Business Development and Tourism
- A Healthy and Smart Gippsland
- Attracting and Retaining Investment in Gippsland

5. **ISSUES**

Membership

Membership is open to all organisations and individuals with a business or with a direct interest in the development of Gippsland. Within the Committee's Statement of Purpose and Rules of Incorporation (attachment 3), Latrobe City Council is eligible for membership of the Committee. However, elected representatives are ineligible for personal membership of the Committee, or election to Board positions.

The group has over 40 member organisations ranging from community groups, tourism operators, small and large businesses and education institutions. Current members include: mecu, Patties Foods, GHD, Safetech, Telstra Country Wide, Burra Foods, LV Printers, Monash University, GippsTAFE, Workways and Radfords Abattoirs.

There are three levels of annual membership:

Major Sponsor – (\$20,000 + GST) for 'foundation' or 'gold' members which includes a position on the executive committee.

Member Subscriber – (\$3,000 + GST) for businesses or organisations employing more than 20 people.

Community Subscriber – (\$1,000 + GST) for businesses or organisations employing less than 20 people.

As the key representative organisation for Gippsland's businesses, the Committee for Gippsland is emerging as an important regional economic development asset and provides industry and business with a voice for the Gippsland region. It is appropriate that Council demonstrates support through membership at an appropriate level.

Membership at the *member subscriber* level would indicate support for the Committee for Gippsland while ensuring the organisation retains a strong private sector focus. Membership to the Committee for Gippsland will provide Latrobe City Council with the opportunity to actively support and work in partnership with business and industry in Gippsland.

Synergies to Policy

The Committee for Gippsland Strategic Plan identifies a range of advocacy actions in relation to each of the above themes, many of these with direct links back to the Gippsland Regional Plan, Latrobe City Council Plan and Positioning Latrobe City for a Low Carbon Emissions Future Policy. These include supporting the efforts of the Gippsland Local Government Network in securing the early rollout of the National Broadband Network in Gippsland, the development of the Gippsland Logistics Precinct, advocating for infrastructure to support future coal and energy projects, supporting the retention of base load energy capacity within Gippsland, and identifying commercial and government investment opportunities within the region.

6. FINANCIAL AND RESOURCES IMPLICATIONS

Member subscriber membership could be accommodated within the 2011/12 Economic Sustainability budget.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

The Executive Director for the Committee for Gippsland made a presentation to Councillors on the 28 March 2011 and has met with officers on a number of occasions prior to preparation of this report.

8. OPTIONS

Council has four options in relation to this issue.

1. That Council submits to become a major sponsor of the Committee for Gippsland.
2. That Council submits to become a member subscriber of the Committee for Gippsland.

3. That Council does not submit to become a member of the Committee for Gippsland.
4. That Council notes the information on the Committee for Gippsland and takes no action.

9. **CONCLUSION**

The Committee for Gippsland has provided an opportunity for businesses and community leaders to invest in and drive a more concerted effort in positively shaping and influencing the region's destiny as a preferred location to live, work and invest.

It is appropriate that Council demonstrate support for the Committee for Gippsland through submitting for membership at the *member subscriber* level.

10. **RECOMMENDATION**

That Council submit to become a member of the Committee for Gippsland, at the \$3,000 per annum member subscriber level for the 2011/2012 financial year.

Moved: Cr Price

Seconded:

As there was no seconder to the motion the motion lapses and no further action will be taken regarding this matter.

ATTACHMENT 1



**Position Paper by the
Committee for Gippsland Inc**

On the

Gippsland Regional Plan

June 2011

Overview

The Gippsland Regional Plan (the Plan) was finalised in 2010, with direct input from the Gippsland Local Government Network, Regional Development Victoria, Regional Development Australia and the Gippsland Regional Management Forum.

Broadly, the Plan seeks to articulate areas of priority in Gippsland that can be pursued by government associated organisations within the region for funding through central government agencies. The Plan establishes 10 key areas of priorities, with extensive research and modelling. The Plan is an important body of work and should be commended for its ability to achieve a cohesive vision statement on each of the areas it focuses on.

Committee for Gippsland and the Gippsland Regional Plan

The Committee for Gippsland was incorporated in February 2011, and officially launched by the Victorian Deputy Premier the Hon Peter Ryan in April 2011. This followed three years of intensive groundwork to establish an organisational framework and recruit member organisations. The Committee for Gippsland comprises member organisations that include small to medium businesses, large companies, community organisations and TAFE and university providers in the Gippsland region. We seek to positively influence government policy at all levels to enhance Gippsland's social and economic opportunities, and to promote ideas and initiatives that will attract jobs and investment to the region.

Through engagement with various government organisations throughout Gippsland, the Committee for Gippsland's view and input into the current draft of the Plan has been sought. Anecdotal feedback from Gippsland's business community suggests a lack of thorough business engagement and understanding of the current Plan. There is significant opportunity for the Committee for Gippsland to provide valuable feedback and input into the Plan on behalf of Gippsland business and industry, and to assist in engaging businesses to more fully understand the value and relevance of the updated Plan.

To initiate this process, this Position Paper sets out the Committee for Gippsland's formal view on each of the ten priority points of the current Plan, and provides commentary where appropriate on points that may be considered for inclusion in the updating of the Plan.

Updating the Gippsland Regional Plan

The Committee for Gippsland believes that it is an appropriate time to reflect on the current Gippsland Regional Plan and its identified priorities, and assess their importance and progress at this juncture. The Committee for Gippsland would like to see a broader engagement with businesses and industry within the region, to help gain a practical understanding and identification of emerging challenges that the region faces now and into the future.

Based on feedback from our member organisations, these current and emerging challenges include Gippsland's ageing population, as well as more broadly our rapidly growing population base. Population trends place pressure on a number of fronts, including land use, infrastructure and resources. The Committee for Gippsland would also support an identification of incentives to attract additional government and commercial decentralisation, that is government and the commercial sector seeking Gippsland as an attractive and adequately resourced region to re-locate to. Some of the challenges that Gippsland faces are unique to the region, and other challenges are similar to the ones shared by other Australian regions. Within the business sector, the move to online retailing and distribution is a strongly emerging trend, and its impact on regional towns that rely significantly on retail trade would be worth evaluating. Other areas include the need to upgrade services and infrastructure to help drive economic growth in the region.

One area of support that the Committee for Gippsland would like to see a re-emergence of is the former business enterprise centres, located in regional areas with field officers that are able to travel to businesses to provide information and face to face support. The Committee for Gippsland would see this and other identified areas such as skills development, services, research and development and supportive resources that provide significant drivers for Gippsland's long-term prosperity and growth.

Once again, the Committee for Gippsland commends the current efforts invested in updating the Gippsland Regional Plan in an inclusive and representative manner.

Sincerely



Harry Rijs
Chairman



Mary Aldred
Executive Director

Ten Priorities of the Gippsland Regional Plan

1. Gippsland Low Carbon Economy Transition Plan

Comment:

This is a meritorious priority, but presents some practical challenges when paired with the reality of the current political, policy and commercial environment. The concept of securing commercial projects is valuable. In fact, the Committee for Gippsland is of the view that there is significant potential for a global centre of clean coal technology to provide research and commercial development, to be situated and developed in the Latrobe Valley (as opposed to the Hunter Region, Gladstone or other Australian coal regions). However, just one illustration around the practical challenges presented by this concept and not explored by the Plan, includes commercial sensitivities around Intellectual Property and information sharing on high level projects that rely fully or partly on commercial funding.

The current Plan is reliant on the emissions targets outlined in the previous State Government's Climate Change White Paper. While the current State Government has indicated that it supports the target levels articulated in the previous government's White Paper, it has said that they are 'aspirational' targets and has already indicated it will vary its approach to reducing emissions, most notably around the issue of a phased shut-down of the Hazelwood power station. This priority should be cognisant of these changes in the updated Plan.¹

The Plan makes considered mention of the value of Gippsland's brown coal assets. However, as the coal resources in Gippsland will outlive the existing life of the generation assets, a more comprehensive articulation of some of the future proposals that the priority alludes to may be valuable. Most significantly, the transition to a low carbon economy is almost entirely dependent on the Federal Government providing detail on the carbon policy mechanism it intends on implementing, and industry having sufficient time, detail and resources to implement necessary changes in response. Before this happens, the Plan's identification of this priority will be near impossible to implement of its own accord.

¹ *Coalition stands by Labor's greenhouse target*, The Age (18.01.2011): <http://www.theage.com.au/victoria/coalition-stands-by-labors-greenhouse-target-20110117-19u13.html>

The Priority's identification of a regional transition program for affected industries is again dependent on the Federal Government identifying its policy mechanism and transitional arrangements. This Priority may also be bolstered by the identification of commercial incentives independent of government to attract additional funding for low carbon technology to the Latrobe Valley.

Recommendation: The Committee for Gippsland supports the broad aims of Priority 1, however urges that further detail on how these objectives could be refined and developed at a local level be considered for inclusion in the updated Plan.

2. Post Secondary Education

Comment: The identification of transport issues affecting access to tertiary education is a valuable insight. Acknowledging the benefit of pooling and sharing education resources, particularly where students could access a training qualification, TAFE certificate and university degree in the same location would also present significant value to Gippsland students. There is also a need to further drive 'placed based training', such as education opportunities from the workplace, which would also help to achieve a greater buy in and coverage in the Gippsland region.

Recommendation: The Committee for Gippsland broadly supports the contents of Priority 2, and urges that in the updated draft, consideration be given to encouraging additional engagement of businesses in the region to ensure that tertiary education takes into account the needs and skills demands of local businesses and industry. The Committee for Gippsland commends the initiative taken by the Gippsland Tertiary Education Plan to identify current barriers that Gippsland students encounter when pursuing tertiary education and urges early action on its final recommendations and findings.

3. Gippsland's Gateways

Comment: While the Port Anthony development is mentioned in the broader body of the explanatory comments, the Committee for Gippsland believes that given its potential economic significance to the region, it should be contained in the central platform of the priority, especially as the Port of Hastings is given such priority status. The Committee for Gippsland suggests upgrading the priority status of the Port Anthony development in the updated Plan.

The other area that the Committee for Gippsland urges consideration of is the urgent need to upgrade the infrastructure to market – which includes road, rail, sea and air port. These areas are of critical importance to maintaining the competitiveness of existing businesses and encouraging (or removing barriers for) new businesses entering our region. These efforts should also be more widely articulated and integrated into broader regional efforts within southeast Victoria. For example, a more detailed consideration of the future Gippsland rail freight requirements should be included into the Port of Hastings rail connection analysis; possibly influencing the Lyndhurst rail link with provision for an eastern rail link onto this line.

Recommendation: The Committee for Gippsland generally supports the initiatives put forward in Priority 3, however given the future significance of Port Anthony, the Committee urges that greater emphasis be placed on this project. Upgrading and development of Gippsland’s existing rail, road, air and port infrastructure is crucial to growing the region’s industry and export capabilities and ensuring Gippsland remains an attractive and accessible tourist destination. The Committee for Gippsland would welcome more specific articulation of initiatives that would develop these gateways.

4. Centre for Sustainable Technologies

Comment: There are already demonstration and pilot projects in existence in the Latrobe Valley region through Private-Public-Partnerships and commercial funding. Their existence should be acknowledged in this context. Rather than focussing solely on pursuing government funding for this priority, there should be an exploration of how additional Public Private Partnerships and leverage of commercial funding of projects can be enticed to the region. The Committee for Gippsland recognises that the Victorian Government already funds existing programs to research coal, energy and agriculture. However, future research and development funding should be regionally based, particularly as this is the region most relevant to such work (for example, grants for brown coal R&D should be based in Gippsland, instead of Melbourne). With Gippsland being world renowned for its brown coal energy recourses, government has a role to play in facilitating a regionally based R&D centre around improving its efficient and commercially viable use in a carbon constrained economy.

An acknowledgment of excessive regulation and policy uncertainty would be helpful in the context of urging that these challenges be met in a more expedient manner and as an incentive for investment. There should also be a focus on the role innovation can play in establishing a ‘made in Gippsland’ brand, consistent with the value proposition of a Gippsland food bowl and the region as a leading innovator, producer and exporter of food and wine products. There is also the potential to further develop a regional capacity for recyclable product collection and processing. Increasingly, Gippsland is witnessing the use of high compaction waste collection

practices and the bulk hauling of waste products (ie, paper, aluminium, etc) to Melbourne for processing. This in effect represents another example of employment and investment being exported from the regions to Melbourne.

Waste processing has historically provided employment opportunities for a broad range of skills, including people with disabilities. Consequently, many community enterprise models exist whereby employment arrangements are maintained with community based enterprises. There is significant potential for Gippsland local government organisations to align waste contracts to local community enterprises, and assist to establish the critical mass to develop regional material recycling facilities to service regional areas and centres within Gippsland.

Recommendation: The Committee for Gippsland supports initiatives to strengthen and develop the region’s sustainable technology and innovation capabilities. In addition, the Committee for Gippsland calls for an uptake of locally based and invested recycling ventures, and for local government organisations to engage locally based contracts where appropriate for waste recycling services.

5. Gippsland Lakes Sustainable Development Framework

Comment: The Victorian and Australian governments and their respective agencies should identify ways in which they can work together to assist in the streamlining of regulation and provision of support to ensure Gippsland’s diverse fishing industry remains sustainable at the same time as environmental and lakes management objectives are achieved. It is recognised that there are significant competing demands in terms of pressures for environmental and/ or ecological improvement, housing /construction and development (for example, retirement villages, holiday homes, resorts around the lakes region), tourism infrastructure (for example, boat ramps and marinas) and commercial enterprises (for example, fishing fleet). A lead agency developing such a framework would assist in a clear understanding of what can be done where and the management of the implementation of it.

Recommendation: The Committee for Gippsland supports efforts to ensure Gippsland’s lakes remain healthy and sustainable as a vital organ of the region’s ecosystem. In addition, that sustainable and evidence based measures are implemented to ensure the lakes remain a sustainable recreation and commercial fishing source, and an attractive and pristine tourist and cultural destination.

6. Health & Wellbeing Outcomes

Comment: The Committee for Gippsland commends the Plan for its identification of the necessity for Gippslanders to have information about, and access to local health care providers. Additionally, the support of upgrading and expanding existing facilities is essential, especially in response to growing population demands. This means that in addition to aged care priorities, carers and people with disabilities living in Gippsland need continual growth in the level of support and funding they are provided.

The Committee for Gippsland acknowledges that the Victorian Government has responded to these developments in the 2011 State Budget by making additional resources available for the West Gippsland Hospital and its emergency department in Warragul. The Committee for Gippsland would be supportive of additional measures to encourage the uptake of sports and recreation activities for young people in the area, efforts to encourage premier sporting events to the region such as the National Surf Life Saving Championships held at Lake Entrance, and general initiatives that are aimed at healthy living, general wellbeing and encouraging participation in sport.

Recommendation: The Committee for Gippsland supports the Plan's Priority 7, in particular the identification of the importance of access to health care providers in the region and the availability of information about health and wellbeing. In addition, the Committee for Gippsland calls for the continued upgrade of existing facilities and the building of new infrastructure where forecast local population increases mean current services will see their capacity to meet new demand exceeded. The Committee for Gippsland commends the provision of new funding for the West Gippsland Hospital, and urges the Victorian Government to now focus on upgrading other healthcare facilities in the region where there is a similar increase in demand and population growth.

7. Gippsland's Integrated Land Use Plan

Comment: The Committee for Gippsland commends the Plan for its incisive data about current and projected population and land use pressures in the region. As the Plan notes, by 2026, Gippsland's population will increase by 20 per cent with some 50,000 additional people living in the region.² The challenge will be accommodating the additional population moving into and within the region, while maintaining available land for agricultural practices.

² (7) *Population Growth*, Gippsland Regional Plan (page 8): http://www.rdv.vic.gov.au/data/assets/pdf_file/0004/215347/GRP_V10.4.1_pp1-111.pdf

A failure to accommodate new population growth while preserving prime agricultural land for food production will have a significant economic impact on one of the region's economic breadwinning sectors. The land use plan is critical to identifying primary (or priority) use(s) for areas within Gippsland, helping to provide long term security for various industries, as well as allowing for the forecast population growth in key regions /towns across Gippsland. The plan needs to recognise the importance of the various land-reliant industries which include agriculture, timber and coal, as well as providing for long term infrastructure planning for public facilities and transport.

Recommendation: The Committee for Gippsland supports the broad initiatives expressed in Priority 7, in particular the development of a *Gippsland Integrated Land Use Plan*. The Committee for Gippsland urges that the *Gippsland Integrated Land Use Plan* be tied to developing Gippsland as a food bowl destination and strengthening its capacity as a major agricultural producer and exporter.

8. Gippsland's Water

Comment: The Committee for Gippsland commends the Plan for its acknowledgement of water as not only a precious natural resource but also a necessary commodity essential for industry growth and economic development. The Committee for Gippsland supports initiatives for government agencies to work with industry sectors in Gippsland to identify ways to use water more efficiently, and to promote the uptake of recycled water where appropriate.

Recommendation: The Committee for Gippsland supports the initiatives outlined in Priority 8, and urges further efforts to work with industry in Gippsland to more efficiently use water, and identify additional areas where recycled water could be used in industry processes.

9. Broadband Connectivity

Comment: The Committee for Gippsland is concerned that under present arrangements, towns under 1,000 people will not receive full coverage in the National Broadband Network. This accounts for 40 per cent of Gippsland.³ The Committee for Gippsland understands the Federal Minister for Broadband, Communications and the Digital Economy may be considering alternative arrangements to correct the current NBN policy disadvantage, however we would welcome additional detail on this area.

Recommendation: The Committee for Gippsland broadly supports Priority 8, and encourages the inclusion in the updated Plan of a strategic pathway to engage and lobby the Australian Government on the importance of securing high speed broadband coverage throughout Gippsland.

10. Tourism Infrastructure

Comment: The Committee for Gippsland commends Priority 10 for its recognition of the significant economic contribution that the tourism sector makes to Gippsland. In the updated Plan, we urge that further work be undertaken to ensure careful examination of local government initiated climate change and inundation planning restrictions placed on businesses and towns that are economically tied to water-based tourism. This is a current challenge faced by some Gippsland towns where planning permits will not be granted on the basis that there is no effective egress in the event of a flood. Significantly, this means that as these towns now have a use-by-date, rather than having the ability to improve and upgrade. This inhibits their ability to compete with other water-based tourism regions, such as the Mornington Peninsula and Geelong/ Shipwreck Coast.

Recommendation: The Committee for Gippsland supports Priority 10's broad acknowledgment of Gippsland's tourism businesses, and the importance of adequate infrastructure to support continued growth in the sector. The Committee for Gippsland urges further consideration of the potential to streamline local government planning restrictions that disadvantage tourism businesses compared to their counterparts in other regions of Victoria and to ensure they are not unfairly disadvantaged.

³ (9) *Broadband Connectivity*, Gippsland Regional Plan (page 19): http://www.rdv.vic.gov.au/data/assets/pdf_file/0004/215347/GRP_V10.4.1_pp1-111.pdf

General comments on the Gippsland Regional Plan by the Committee for Gippsland

The Committee for Gippsland raises the following general recommendations as part of its feedback and review of the current Gippsland Regional Plan:

General Comment 1: The Gippsland Regional Plan is a strategic and broadly well-informed document that seeks to achieve beneficial outcomes for Gippsland. While the Committee for Gippsland acknowledges that there has been an effort to engage the business community, the updated version of the Gippsland Regional Plan should seek more explicit avenues of feedback and input from the business community. The Committee for Gippsland is pleased to acknowledge initial efforts to facilitate this by the Victorian Government.

General Recommendation 1: The Committee for Gippsland urges that feedback from the business community in Gippsland be directly reflected in priority items that involve business and industry in Gippsland in the updated Plan.

General Comment 2: The Gippsland Regional Plan is a comprehensive and extensively researched body of work, and should be commended for this contribution to public policy. However, the sheer density of the document means that it is harder to be communicated in an easily digestible format to the wider business community. The Committee for Gippsland believes that in particular, the farming and agricultural community as well as the small business sector should be more widely consulted in the updating of the Plan.

General Recommendation 2: The Committee for Gippsland recommends that greater effort be invested in working with existing organisations like the Committee for Gippsland to support the communication of the contents and priorities of the updated Plan to the Gippsland business community to engender a sense of ownership over the document, particularly the priorities aimed at assisting businesses and industry in the region.

General Comment 3: Gippsland has a thriving arts sector that is largely self-sufficient. Art in Gippsland is sustained through the businesses that rely on art for revenue through teaching, art supplies and the sale of art works. In addition, art has a significant cultural and historical context in Gippsland, including its importance to the region's indigenous communities. Art provides an important social benefit for young people to learn self-expression, the elderly and people with disabilities as a social outlet, and as a way of safekeeping Gippsland's history and culture.

Recommendation 3: The Committee for Gippsland urges an acknowledgement of the social importance of art to the Gippsland community in the updated version of the Gippsland Regional Plan. This could be presented as a stand-alone item or be relevant to the aims outlined in Priority 6 – Health and Wellbeing Outcomes.

[ends]

ATTACHMENT 2



THE COMMITTEE FOR GIPPSLAND

STRATEGIC PLAN
OCTOBER 2011



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1 Executive Summary

This Strategic Plan document outlines the Committee for Gippsland's reason for being: our mission and vision for Gippsland.

The aims and aspirations articulated in this Strategic Plan have been driven and directly informed by feedback and input from the community and business sectors of South Gippsland, East Gippsland, the Latrobe Valley and West Gippsland. The Committee for Gippsland wishes to acknowledge the supportive contribution provided by Regional Development Victoria – Gippsland to assist in the roundtable sessions and preparation necessary for this Strategic Plan.

The Committee for Gippsland engaged Sustainability Advisers to assist in establishing the framework for the Strategic Plan document. The Committee for Gippsland wishes to gratefully acknowledge the generous support provided by the Business Insight Group in facilitating the business roundtable sessions that helped to maximise the feedback and input from participants.

2 About the Committee for Gippsland

2.1 Organisational Structure

The Committee for Gippsland is a member-funded, independent organisation comprising of business and community organisations dedicated to supporting a whole of region effort that puts forward a positive, informed and cohesive voice on behalf of businesses and industry in Gippsland. With nearly three years of groundwork invested in developing our mission and organisational framework, the Committee for Gippsland was launched in April 2011 by the Victorian Deputy Premier. In addition to membership recruitment, stakeholder consultation and organisational development, one of the key priorities for the Committee for Gippsland in its first year of operation is the development of a Strategic Plan.

Organisationally, the Committee for Gippsland is governed by a 13 member Executive Committee. They include the Chairman Harry Rijs from Patties Foods, Deputy Chairman Jon McNaught from GHD, John Mitchell from John Mitchell Consulting, Toni Wakefield from Safetech, Jeanette Vannaprasedth from Telstra Country Wide Gippsland, Manny Gelagotis from the Committee for Moe, Anthony Heinemann from bankmecu, Robert Radford from Radfords Meats, Grant Crothers from Burra Foods, Ian Needham from the LV Printers, David Power from the former Gippsland Area Consultative Committee, Renae Littlejohn from the Southern Business Women's Network, and Karly McCaskill from the East Gippsland Marketing Board.

The Executive Director of the Committee for Gippsland is Mary Aldred.

2.2 Vision

The Committee for Gippsland's aim is to help make Gippsland a premier destination in Australia to live, work, invest and play. With over 40 business members, the Committee for Gippsland represents all areas of Gippsland, from sole trader businesses to ASX listed companies, and sector representation including retail, education, energy, manufacturing, dairy and meat processing, agriculture, tourism, transport, port, financial and legal services, telecommunications and construction.

Our aspirations include a Gippsland:

- With broadly based visionary leadership
- With a common sense of purpose
- That attracts talent and fosters creativity
- That offers a vibrant future for young people
- That has a dynamic and sustainable economy and environment
- With a diverse, connected, committed and engaged population

The Committee for Gippsland's Vision is for Gippsland to be a prosperous region in a global economy.

Our guiding principles include:

- We are non political in everything we do and are receptive to alternative opinions and proposals
- Our members drive the agenda and momentum for our initiatives
- Our Executive Committee maintain the necessary credibility for the Committee to be recognised as a respected advocate for Gippsland
- We develop and nurture partnerships between corporate business, governments, non-government organisations and the community
- We never act as an advocate for the pecuniary interest of individual members



2.3 Mission & Purpose

The Committee for Gippsland's Mission is to foster, facilitate and encourage a Gippsland region that encourages and invites participation and innovation, business investment, industry development and vibrant communities.

The Committee for Gippsland's Purpose is to be a business-led advocacy group that engages business and key stakeholders in positive decision-making for the sustainable future of Gippsland, contributing to a strong and vibrant Victoria and Australia.

We achieve this by seeking input and feedback from our member organisations, and where appropriate, the wider Gippsland community to combine reflective views and informed research in the drafting and presentation of policy work to governments with the objective of positively influencing government priorities towards Gippsland.

The Committee for Gippsland also proactively seeks out members of state and federal governments by inviting them to meet with the Committee for Gippsland, and our member businesses, to ensure Gippsland's business sectors have a strategic approach to informing public policy in a way that helps achieve better social and economic outcomes for our region.

3 Background & Context to the Strategic Plan



The Committee for Gippsland's Executive Committee conducted preliminary workshops to establish a working framework for the Strategic Plan, to assist in informing and driving the aims contained in the eventual Strategic Plan document. The Executive Committee resolved to ensure that the issues, challenges and opportunities from all areas of Gippsland were represented in the Strategic Plan.

Additionally, that the Strategic Plan establish the region's key industry and economic strengths, and consider through the feedback gathered, measures that would assist in the development

and protection of these areas. The Executive Committee also considered the importance of community infrastructure within Gippsland's towns, in particular the economic advantages of ensuring community infrastructure kept pace with population growth, was adequate to ensure that people considering moving to Gippsland to fill job shortages had confidence in local amenities and services, and that businesses residing in Gippsland had the support and infrastructure necessary to assist in growth and development.

In all, the preparation undertaken by the Executive Committee prior to the business roundtable sessions included:

- A detailed research piece on the drivers of change at a local, state and national level, and their potential to impact Gippsland's business as usual environment
- A detailed discussion and framework that established how the Committee for Gippsland would achieve the aims contained in the eventual Strategic Plan
- A SWOT analysis framework; and
- Stakeholder analysis framework

4 Business Roundtable Sessions

Four business roundtable sessions were held through August 2011 in Bairnsdale, Korumburra, Warragul and Traralgon. Participants were invited through the Committee for Gippsland's members and stakeholders databases, media releases and news articles appearing in local newspapers and ABC Gippsland radio, and advertisements were taken out for two weeks running in nearly every local



newspaper in Gippsland.

This ensured that community and business sector representatives had the opportunity to attend their local roundtable session and provide feedback. Each roundtable session was free to attend, ran for two hours and was followed by a light lunch for participants. Attendees ranged from 20 to over 30, with a wide cross section of industry sector and community input.

At each session, the Gippsland Regional Plan and its ten priority areas were referred to, with large posters put up on the meeting room's walls with the ten priorities listed. Participants were asked to

consider the priorities as part of their feedback and provide any comments on the priorities, their progress, relevance to Gippsland and any additional feedback on how they may be achieved.

It is important to acknowledge that the Committee for Gippsland does not seek to replicate or diminish the priorities set out in the Gippsland Regional Plan. In fact, the Committee for Gippsland is generally supportive of these priorities, and has drafted a Position Paper on the ten priorities, where it has sought to present informed feedback aimed at providing a helpful contribution on each priority. This Position Paper is publically available on the Committee for Gippsland's website at:

www.committeeforgippsland.com.au

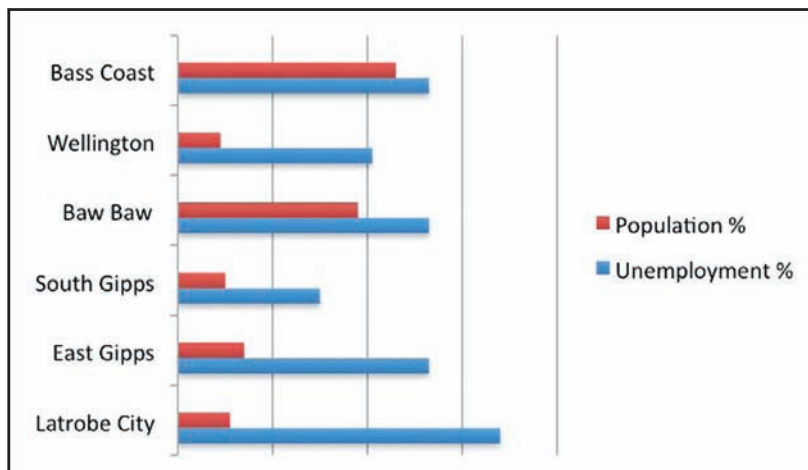
Each roundtable session started with the facilitator holding up a map of Victoria, and asking the question – *what is wrong with this map?* Some participants correctly offered that *Gippsland was missing*.

The point of this exercise was to focus the participant's thinking around the concept of Gippsland not existing, and therefore, the impact that would have on the rest of Victoria, and nationally. This brought to the fore Gippsland's economic contribution and key industries. The discussion then turned to how best to develop and market them, and then led off to other areas of emerging industries, key challenges and needs for the region.

At each roundtable session, an overview of Gippsland's population statistics was provided, by local government area, and a forecast of predicted changes over the next 12 months. In addition, unemployment figures were also provided to participants, by local government area. Feedback on employment demographics differed by region. For example, traditional topics such as the security of energy sector jobs in the Latrobe Valley, retail and agriculture in South Gippsland, and the emergence of new trends such as increased commuter travel from West Gippsland into Melbourne for work on a daily basis were all raised.

	Unemployment as at Sept 2010	Population increase over 12 months
East Gippsland	5.3%	1.4% = + 619
Latrobe City	6.8%	1.1% = + 838
South Gippsland	3%	1% = + 286
Baw Baw	3.7%	3.8% = + 1,570
Bass Coast	5.3%	4.6 = + 1,371
Wellington	4.1%	.9% = + 385

Population figures are forecast over a 12 month period, employment figures are based on September 2010.



4.1 General Feedback

The roundtable discussions covered many of the same issues that were raised in the Executive Committee workshops, including some additional areas that were canvassed. Of most interest, was the consistent feedback at a region wide level – for example, the critical importance of roads and infrastructure to every part of Gippsland, and the region’s industry strengths such as dairy.

This was interspersed with areas of feedback specifically relevant to the local roundtables. For example, issues affecting retail and small businesses, as well as agriculture arose most frequently at the Korumburra and Warragul roundtable sessions. Manufacturing, the energy sector and exporting were raised by a number of participants at the Traralgon roundtable, and Gippsland’s natural assets such as lakes, forestry, fishing, and population were prevalent at the Bairnsdale roundtable.

Some of the issues raised at the roundtable sessions were new, or offered new perspectives on issues already raised by the Executive Committee, or more broadly in the Gippsland business community. Many of the participants offered thoughtful, genuine and innovative contributions to the sessions that provided a high quality of discourse and feedback. Some of the general observations made by participants can be surmised to include:

- It is a good time to be lobbying state government while there is ministerial and parliamentary secretary level representation in Gippsland
- It does not matter where funding opportunities and project investment is located, so long as it is secured for Gippsland in the first instance
- We need to explore how Gippsland can provide an alternative to some capital city challenges – ie, housing costs and quality of life
- Focus on why people choose to live in Gippsland – what are the attractions to living here
- Consider how to better market the Gippsland brand – as a destination and food produce region

5 Strategic Aims for the Committee for Gippsland

Based on the comprehensive groundwork invested in researching Gippsland’s current and future challenges, identifying current issues and opportunities, and consulting widely among all areas of Gippsland with business and community input, the Committee for Gippsland has established the following aims that it will work both independently, and collaboratively with other organisations in the region to achieve.

The aims of this Strategic Plan will be annually reviewed on a rolling 12-month basis to evaluate their progress, success rate and ongoing necessity to the Gippsland region.

AIM

SUPPORTING STATEMENT

Building Gippsland's Infrastructure

Communications

To secure the early rollout of fast speed internet and broadband communications throughout Gippsland. The Committee for Gippsland will advocate for the continued upgrade of Gippsland's communications infrastructure.

The Committee for Gippsland is committed to working with local government organisations to lobby the Federal Government on the delivery of the National Broadband Network in Gippsland. Business development, education, and community wellbeing, for example; better accessibility to medical specialists will be made more accessible through the delivery of this infrastructure. The Committee for Gippsland will support the efforts of Gippsland's six local government organisations to help ensure fast speed broadband to the region. Broadband underpins a number of other key strategies within the region, such as skill development and training, delivery of health services, engagement with a range of service providers, as well as increased marketing potential and business efficiency, leading to greater employment across the region.

Ports

To promote the Barry Beach port development near Port Welshpool as a key driver to advancing Gippsland's bulk export potential and access to market. The Committee for Gippsland will also advocate further developing Gippsland's port gateways, maintaining Lakes Entrance's commercial port capacity (fishing & tourism), developing bulk capacity in South Gippsland (Barry Beach & Port Welshpool), and securing access for Gippsland to the future Port of Hastings container capacity.

The Committee for Gippsland also encourages investment in independent modelling of transport options and costs from Gippsland to Melbourne, Geelong, Hasting and Port Anthony to be undertaken.

Given that road and rail freight to Melbourne are at near capacity, Gippsland's ability to maintain investment in export opportunities will be significantly advanced through port access within the region. In particular, the Barry Beach area is of significant importance to the offshore oil and gas sectors. The Committee for Gippsland also acknowledges the importance of the Port of Hastings as a designated second container port, particularly in relation to Gippsland's import and export capacity. A cost benefit analysis on transport options from other areas of Gippsland to Barry Beach may be of assistance in evaluating the feasibility of this route, along with Gippsland to Melbourne, Geelong and Hastings. Whichever option is most efficient should lend to informed decision making around large-scale planning and infrastructure costs that must be addressed. This would also complement Infrastructure Australia's work brief in respect to the planning of large-scale export of coal derivative products.

Road and Rail

To secure additional road and rail infrastructure for Gippsland, in particular:

- Ensuring the duplication of the Princes Highway from Traralgon to Sale is completed in an efficient timeframe
- Bypasses of Leongatha and Korumburra central business districts are achieved
- Explore potential improvements between Lakes Entrance and Bairnsdale for reasons of safety and efficiency of traffic flow at peak periods
- Increasing the number of passenger trains between Traralgon and Sale, which will be of particular assistance to the RAAF base, oil and gas exports
- Improve and increase the rail service between Bairnsdale to Pakenham (and Melbourne)
- The Warragul-Korumburra Road is provided with necessary upgrades
- Consideration is given to duplication of lanes and bypasses between the Latrobe Valley and East Gippsland, in particular the Sale to Bairnsdale Princes Hwy Duplication
- Ensuring that future greater Melbourne transport projects

The continual upgrading of Gippsland's road infrastructure is critical for both safety and business efficiency. The Committee for Gippsland is committed to supporting the initiatives outlined in the Gippsland Transport Strategy 2008 – 2020 and the SEATS priorities designated for Gippsland. Regional roads are continually over represented in road fatalities, and Gippsland is not immune to this. The Committee for Gippsland is strongly of the view that properly maintained roads are safer roads.

Closing the geographic gap between Gippsland and capital cities like Melbourne and Canberra, as well as attracting people to the region are key priorities, along with a more timely export of goods and services. All of these priorities mean additional bypasses and duplication of lanes are necessary for Gippsland. The Pakenham Bypass, secured in 2004 was an instrumental part of meeting these aims, and the Committee for Gippsland will work to achieve additional measures. With significant population growth forecast in areas such as West Gippsland and Bass Coast, travel in a safe and time efficient manner is even more critical for community and economic development.

Industry projects such as the desalination plant, major coal and energy projects, continued commitment to the Latrobe

address growing congestion which affects the Monash Freeway and Gippsland rail.

- Advocating for rail upgrades to ensure that rapidly growing passenger numbers do not conflict with future rail freight through the region.

In addition, the Committee for Gippsland supports existing SEATS priorities for Gippsland, including:

- Bass Highway Duplication
- Caulfield – Dandenong third rail line
- Gippsland Intermodal
- Gippsland Logistics Precinct (in conjunction with Latrobe City)
- Koo Wee Rup Road – Pakenham Bypass to South Gippsland
- Leongatha Heavy Vehicle Route
- Lang Lang Bypass
- South Gippsland Highway upgrade.

Valley power stations, and mining opportunities in the East Gippsland region place additional pressure on Gippsland's existing transport capabilities, and require additional consideration when addressing the region's infrastructure needs.



Advocating for a business case to examine the feasibility of a bulk goods rail link from the Latrobe Valley to South Gippsland's developing bulk export port at Barry Beach. In addition, advocating for an updated business study on the feasibility of commuter rail through South Gippsland, potentially co-existing with rail freight line installations.

Gippsland's ability to export its resources is an essential component of realising the region's full economic potential. While road and rail freight to Melbourne may be nearing a capacity, the Committee for Gippsland is committed to exploring innovative ways to develop Gippsland's export potential in a sustainable manner.

Support for Business Development & Tourism

To support the sustainability of Small-to-Medium Enterprises in Gippsland by advocating for a Gippsland Business Investment Forum.



The Gippsland Business Investment Forum would be encouraged to consider:

- The impacts, challenges and opportunities of online retailing of goods and services
- Devising a framework for a strategic response for SME's, including the establishment of formal case studies within Gippsland
- Identify other associated business, investment or spatial development impacts which Gippsland may need to address
- Establish a Communications Strategy to brief and advise SME's and other stakeholders in respect to industry issues and Case Study Outcomes.

The Committee for Gippsland recognises there is present interest in this area at a local government and state government level, as well as within the broader SME sector. This objective would also complement the Committee for Gippsland's separate ambition of encouraging a reinvigoration of the Business Enterprise Centres.

In cooperation with existing efforts, promote the concept of a 'Made in Gippsland' brand for food and wine produce, with a register of local producers to be established to help ensure authenticity of origin.

The King Island brand is an iconic and sought after label for produce from Tasmania, and something Gippsland should seek to replicate with its high quality and distinctive food and wine varieties. To ensure consumer confidence in origin of production is maintained, a register of all businesses bearing

	the 'Made in Gippsland' brand should be established, and maintained through cooperation with local government organisations in Gippsland.
Advocate for improved signage on major roads leading to Gippsland, in a way that coincides with current efforts by Destination Gippsland to better promote the region through road signs.	The development of improved Vic Roads signage on major freeways leading into Gippsland from Melbourne and New South Wales, that provides clear details on Gippsland's major towns, attractions and attributes would lend support to Gippsland's tourism sector.
To achieve a reinvigoration of the Business Enterprise Centres, with field officers available to travel to small businesses in Gippsland to provide face-to-face information, facts and support on emerging grants and regulatory obligations.	Small businesses are often under resourced when it comes to accessing information and support from government agencies about regulatory and compliance obligations, tenders and grant opportunities, and emerging legislative changes. A face-to-face service would provide immense assistance to small business operators in Gippsland.
A Healthy and Smart Gippsland	
To secure a new hospital to service the growing West Gippsland area and to continue to advocate for improved health and community services that are adequately equipped to serve all parts of Gippsland.	With a high forecast population increase for the next 12 months of 3.8 per cent, Baw Baw Shire urgently needs to secure a new hospital in order to adequately service this growth from within West Gippsland, and patients who access West Gippsland health services from outside the area.
Encourage initiatives to share the resourcing of education facilities and services in Gippsland to improve access and equality of opportunity for Gippsland students in the attainment of skills, TAFE and certificate qualifications and university degrees. The Committee for Gippsland will also advocate for the training and recruitment of health professionals to meet the needs of an aging population.	While Gippsland has university and TAFE education facilities dedicated to the region, a number of students, particularly from South and East Gippsland still face significant challenges in accessing these facilities due to geographic distance and a lack of public transport, among several issues. In order to promote equality of access and build attainment of tertiary education numbers by young people in Gippsland, the Committee for Gippsland believes that a more concerted effort to share resources and invest in further collaboration between university and TAFE providers would offer a number of tangible benefits to both students and education providers.
Attracting & Retaining Investment in Gippsland	
To secure Victoria's promised new prison to within the Gippsland region, and continue to advocate for the sustainable decentralisation of government services and commercial investments where they can be offered to Gippsland.	At the 2010 Victorian election, the Coalition announced that if elected, it would build a new 500 bed prison to meet the demands of a growing prison population. Given the economic contribution and community acceptance of the Fulham Prison, the Committee for Gippsland believes placing the new prison in an appropriate location within Gippsland would provide a number of economic benefits, particularly as parts of Gippsland experience significant industry transitioning.
That a concerted effort be made to bid for the National Surf Life Saving Championships for the year 2014 to be held in Lakes Entrance.	The National Surf Lifesaving Championships are an iconic event in an iconic Australian sport. This event is re-located around Australia, and Lakes Entrance has already proven its ability to put on a first class surf lifesaving event while hosting the Victorian Championships. The Committee for Gippsland will aim to work with East Gippsland Shire to engage the Major Events Victoria to put together a professional and compelling bid to secure this event for Gippsland.
Strongly support the retention and replacement of base-load energy capacity within the Gippsland region. Encourage the development of new coal-based products	Through the transition to a carbon constrained economy, Australia will still require base-load energy to ensure a maintained standard of living and continued economic

and energy projects that are commercially viable in a carbon constrained economy.

development that is able to support internationally competitive industries. Gippsland has a proven history as a resilient and innovative region that has developed into a major base-load energy hub, supporting jobs and local industry. The continuation of Gippsland's energy sector through the transition to a low carbon economy is an essential element of the region's ongoing economic prosperity. This is also critical to the region continuing to provide cheap and reliable power to the rest of Australia's eastern seaboard. The world-class coal resource in Gippsland needs to be appropriately developed, and new technologies and products are emerging to enable this to occur while meeting community and legislative expectations.

Establishing High-Performance Computational Sciences Centre of Gippsland

There is an opportunity for Gippsland to benefit from the rapidly developing infrastructure of super-computing facilities that are currently being linked via the National Computational Infrastructure (NSI) system. This system is used to study all areas of research in Australia including mathematics, physics, chemistry and biology (in addition to many other areas). High-performance computations (HPC) can be performed from any location, anywhere in the world that has access to the internet, although a high-speed connection is desirable as computer file sizes approaching a terabyte (1000 gigabytes) in size are routinely transferred to the researcher's computer from the NSI. HPCs present a very real opportunity to solve several key scientific problems that are facing Australia, including but not limited to climate change modelling, resource reclamation techniques, catalytic reduction of carbon-based waste from power plants, advanced power distribution network design.

Support efforts to successfully bid for the Australian Defence Force Interim Basic Flight Training (RAAF Flight Training School) AIR 5428 Defence contract to Gippsland.

The Committee for Gippsland strongly supports the efforts of Wellington and East Gippsland shires and Regional Development Victoria to work with tenderers proposing to build the base in Gippsland (East Sale RAAF Base). The Basic Pilot Training is estimated to be worth over \$1 billion dollars to the regional economy over the life of the 25-year contract and on that basis the Committee for Gippsland is committed to supporting a successful bid for Gippsland.

Identifying government and commercial investment in Gippsland.

The Committee for Gippsland is committed to acting as an advocate for commercial and government investment in Gippsland, particularly where opportunities arise in the food processing, manufacturing sectors, timber, agribusiness and energy sectors.





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ATTACHMENT 3

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Dated: 14 December 2010

Committee for Gippsland Incorporated

**Statement of Purpose
And
Rules of Incorporation**

COMMITTEE FOR GIPPSLAND INCORPORATED

STATEMENT OF PURPOSES

The purposes of the Committee for Gippsland Inc are:

- To provide a vision and leadership in Gippsland in the Region's continuing development as a sustainable and prosperous region
- To encourage the people of the Gippsland region, its businesses and community leaders to manage change at the local level, to plan for and lead the region's development so that the Region realises its full potential
- To provide an opportunity for the people of Gippsland, its businesses and community leaders, to invest in and more effectively shape and influence the Gippsland region's destiny
- To act as a catalyst and a co-ordinator for regional development by drawing together the people of Gippsland, its businesses and community leaders to develop and maintain constructive alliances with all levels of government, business and the community
- To be a facilitator of change and development in the region by identifying issues that impact on the region and working in partnership with the people of Gippsland, its businesses, community leaders and the governments at all levels, so that the region can respond to the changes and challenges it will face in the future, to ensure that Gippsland is recognised as a major contributor to Victoria and Australia
- To promote the whole of Gippsland perspective in the development of critical infrastructure and investment in Gippsland from both government and private sectors
- To articulate, influence and co-ordinate the interests of the Gippsland region, to provide a vehicle and voice for Gippsland so as to influence and provide a favourable outcome for Gippsland of decisions made by Federal, State and Local Governments

COMMITTEE FOR GIPPSLAND INCORPORATED

RULES

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**COMMITTEE FOR GIPPSLAND INCORPORATED
ASSOCIATION RULES**

General

1 NAME

The name of the incorporated association is Committee for Gippsland Incorporated ("**the Association**").

2 DEFINITIONS

2.1 In these Rules, unless the contrary intention appears:

<i>the expression:</i>	<i>means:</i>
Act	the <i>Associations Incorporation Act 1981</i> (Vic)
Annual Membership Fee	the amount set out in Appendix 4
Association	the Committee for Gippsland Incorporated (C4G)
Committee of Management	the Chair, the deputy Chair, the Chief Executive Officer and the Committee of Management Members, acting as the Committee of Management of the Association
Committee of Management Meeting	a meeting of the Committee of Management convened under rule 32
Committee of Management Member	a Member appointed to the Committee of Management under rule 29
Chair	the chair of the Committee of Management appointed under rule 25
Chair Selection Criteria	selection criteria and pre-requisite qualifications and experience set by the Committee of Management from time to time
Chairperson	the person presiding at a General Meeting
Chief Executive Officer	the chief executive officer of the Association referred to in rule 27
Financial Year	1 July to 30 June
General Meeting	a meeting of Members convened under rule 11, 12, 13
Member	a person whose name is entered on the Register of Members
Membership Category	the classes of membership set out in rule 4.4
Ordinary Resolution	(a) in respect of a Committee of Management resolution, a resolution either passed by more than one half of the

Committee of Management present at a duly convened
Committee of Management Meeting, or passed in writing
by the Committee of Management

in respect of a Members' resolution, a resolution passed by
more than half of Members present at a duly convened
General Meeting

Register of Members	the register maintained in accordance with rule 7
Regulations	the regulations under the Act
Relevant Documents	as defined in the Act
Rules	these rules of the Association including any amendments lawfully made and a reference to a provision of these Rules is a reference to that provision as lawfully amended from time to time
Statement of Purposes	the statement of purposes of the Association including any amendments lawfully made

3 INTERPRETATION

3.1 In these Rules unless the contrary intention appears:

3.1.1 the word person includes a firm, a body corporate, an incorporated association, an unincorporated association or an authority;

3.1.2 the singular includes the plural and vice versa;

3.1.3 where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have corresponding meanings;

3.1.4 a reference to writing includes typewriting, printing, telegram, facsimile and other modes of representing or reproducing words in a visible form;

3.1.5 a reference to a rule is a reference to one of the Rules;

3.1.6 a reference to a section is a reference to a section of the Act; and

3.1.7 a reference to the Act, or to a provision of the Act, means the Act or that provision as amended from time to time, or any statute, code or provision enacted in its place, whether by Victoria or the Commonwealth of Australia, and includes regulations and other instruments under it.

3.2 Headings are inserted for convenience and do not affect the interpretation of these Rules.

4 MEMBERSHIP

- 4.1 A person who applies and is approved for membership as provided in these Rules is eligible to be a member of the Association on payment of the Annual Membership Fee in accordance with these Rules.
- 4.2 A person who is not a member of the Association at the time of the incorporation of the Association (or who was a member at that time but has ceased to be a member) must not be admitted to membership unless:
- 4.2.1 the person applies for membership in accordance with rule 5; and
 - 4.2.2 the admission as a member is approved by the Committee of Management.
- 4.3 The following persons are ineligible for membership during their term in office:
- 4.3.1 members of either House of the Parliament of Victoria;
 - 4.3.2 members of either House of the Parliament of the Commonwealth; and
 - 4.3.3 councillors of any municipality.
- 4.4 There shall be the following categories of membership:
- 4.4.1 Major Sponsor;
 - 4.4.2 Member Subscriber; and
 - 4.4.3 Community Subscriber
- and members will be admitted under only one category.
- 4.5 The Committee of Management may at its discretion from time to time establish different categories of membership.

5 APPLICATIONS FOR MEMBERSHIP

- 5.1 An application by a person for membership of the Association must:
- 5.1.1 be in writing in the form set out in Appendix 1; and
 - 5.1.2 specify a Membership Category; and
 - 5.1.3 be lodged with the Chief Executive Officer or Public Officer.
- 5.2 As soon as is practicable after the receipt of an application, the Chief Executive Officer shall refer the nomination to the Committee of Management.
- 5.3 The Committee of Management must determine whether to approve or reject the application. The Committee of Management may make its determination taking into consideration the applicant's interest in or connection with the Gippsland region or community as the Committee of Management sees fit.

- 5.4 If the Committee of Management approves an application for membership, the Chief Executive Officer or Public Officer must, as soon as practicable:
- 5.4.1 notify the applicant in writing of the approval for membership; and
 - 5.4.2 request that the applicant pay, within 28 days from receipt of the notification, the Annual Membership Fee applicable to the applicant's Membership Category on a pro-rata basis.
- 5.5 The Chief Executive Officer or Public Officer must, within 28 days after receipt of the amount referred to in rule 5.4.2, enter the applicant's name in the Register of Members pursuant to rule 7.
- 5.6 An applicant for membership becomes a Member and is entitled to exercise the rights of membership when his or her name is entered in the Register of Members.
- 5.7 If the Committee of Management rejects an application, the Chief Executive Officer or Public Officer must, as soon as practicable, notify the applicant in writing that the application has been rejected.
- 5.8 A right, privilege, or obligation of a person by reason of membership of the Association:
- 5.8.1 is not capable of being transferred or transmitted to another person; and
 - 5.8.2 terminates upon the cessation of membership whether by death or resignation or otherwise.

6 ANNUAL MEMBERSHIP FEE

- 6.1 The Annual Membership Fee is payable in advance on or before 1 July in each year.
- 6.2 The Committee of Management may at its discretion from time to time vary or establish different Annual Membership Fees for new categories of membership.
- 6.3 The Committee of Management may, if it thinks fit, in any case accept payment of Annual Membership Fees by instalments.

7 REGISTER OF MEMBERS

- 7.1 The Chief Executive Officer or Public Officer must keep and maintain a Register of Members containing:
- 7.1.1 the name and address of each Member; and
 - 7.1.2 the date on which each Member's name was entered in the Register of Members.
- 7.2 The Register of Members is available for inspection free of charge by any Member upon request.
- 7.3 A Member may make a copy of entries in the Register of Members.

8 CEASING MEMBERSHIP

- 8.1 Without limiting rule 9, a Member ceases to be a Member:
- 8.1.1 on resignation pursuant to rule 8.2;

- 8.1.2 on taking office as a:
 - 8.1.2.1 member of either House of the Parliament of Victoria;
 - 8.1.2.2 member of either House of the Parliament of the Commonwealth; or
 - 8.1.2.3 councillor of any municipality; and
- 8.1.3 on death
- 8.2 A Member may resign from the Association on one month's written notice to the Chief Executive Officer or Public Officer, provided the Member has paid all moneys due and payable by a Member to the Association.
- 8.3 When a Member ceases to be a Member:
 - 8.3.1 the Chief Executive Officer or Public Officer must record in the Register of Members the date on which the Member ceased to be a Member; and
 - 8.3.2 the Member is not entitled to receive any monies from the Association on ceasing to be a Member.

9 DISCIPLINE, SUSPENSION AND EXPULSION

- 9.1 Subject to these Rules, if the Committee of Management is of the opinion that a Member has refused or neglected to comply with these Rules, or has been guilty of conduct unbecoming a Member or prejudicial to the interests of the Association, the Committee of Management may by Ordinary Resolution:
 - 9.1.1 fine that Member an amount not exceeding \$500.00; or
 - 9.1.2 suspend that Member from membership of the Association for a specified period; or
 - 9.1.3 expel that Member from the Association.
- 9.2 A resolution of the Committee of Management under rule 9.1 does not take effect unless:
 - 9.2.1 at a meeting held in accordance with rule 9.3, the Committee of Management confirms the resolution; and
 - 9.2.2 if the Member exercises a right of appeal to the Association, the Association confirms the resolution in accordance with this rule.
- 9.3 A meeting of the Committee of Management to confirm or revoke a resolution passed under rule 9.1 must be held not earlier than 14 days, and not later than 28 days, after notice has been given to the Member in accordance with rule 9.4.
- 9.4 For the purposes of giving notice in accordance with rule 9.3, the Chief Executive Officer or Public Officer must, as soon as practicable, cause to be given to the Member a written notice:
 - 9.4.1 setting out the resolution of the Committee of Management and the grounds on which it is based; and
 - 9.4.2 stating that the Member, or his or her representative, may address the Committee of Management at a meeting; and
 - 9.4.3 stating the date, place and time of that meeting; and

- 9.4.4 informing the Member that he or she may do one or both of the following:
 - 9.4.4.1 attend that meeting;
 - 9.4.4.2 give to the Committee of Management before the date of that meeting a written statement seeking the revocation of the resolution;
- 9.4.5 informing the Member that, if at that meeting, the Committee of Management confirms the resolution, he or she may, not later than 48 hours after that meeting, give the Chief Executive Officer or Public Officer a notice stating that he or she wishes to appeal to the Association in General Meeting against the resolution.
- 9.5 At a meeting of the Committee of Management to confirm or revoke a resolution passed under rule 9.1, the Committee of Management must:
 - 9.5.1 give the Member, or his or her representative, an opportunity to be heard; and
 - 9.5.2 give due consideration to any written statement submitted by the Member; and
 - 9.5.3 determine by resolution whether to confirm or to revoke the resolution.
- 9.6 If at the meeting of the Committee of Management, the Committee of Management confirms the resolution, the Member may, not later than 48 hours after that meeting, give the Chief Executive Officer or Public Officer a notice to the effect that he or she wishes to appeal to the Association in General Meeting against the resolution.
- 9.7 If the Chief Executive Officer or Public Officer receives a notice under rule 9.6, he or she must notify the Committee of Management and the Committee of Management must convene a General Meeting of the Association to be held within 21 days after the date on which the Chief Executive Officer or Public Officer received the notice.
- 9.8 At a General Meeting convened under rule 9.7:
 - 9.8.1 no business other than the question of the appeal may be conducted; and
 - 9.8.2 the Committee of Management may place before the meeting details of the grounds for the resolution and the reasons for the passing of the resolution; and
 - 9.8.3 the Member, or his or her representative, must be given an opportunity to be heard; and
 - 9.8.4 the Members present must vote by secret ballot on the question whether the resolution should be confirmed or revoked.
- 9.9 A resolution is confirmed if, at the General Meeting, not less than two-thirds of the Members vote in person, or by proxy, in favour of the resolution. In any other case, the resolution is revoked.

10 DISPUTES AND MEDIATION

- 10.1 The grievance procedures set out in this rule applies to disputes under these Rules between:
 - 10.1.1 a Member and another Member; or
 - 10.1.2 a Member and the Association.
- 10.2 The parties to the dispute must meet and discuss the matter in dispute, and, if possible,

resolve the dispute within 14 days after the dispute comes to the attention of all the parties.

- 10.3 If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- 10.4 The mediator must be:
- 10.4.1 a person chosen by agreement between the parties; or
 - 10.4.2 in the absence of agreement:
 - 10.4.3 in the case of a dispute between a Member and another Member, a person appointed by the Committee of Management of the Association; or
 - 10.4.4 in the case of a dispute between a Member and the Association, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
- 10.5 A Member can be a mediator.
- 10.6 The mediator cannot be a party to the dispute.
- 10.7 The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- 10.8 The mediator, in conducting the mediation, must:
- 10.8.1 give the parties to the mediation process every opportunity to be heard; and
 - 10.8.2 allow due consideration by all parties of any written statement submitted by a party; and
 - 10.8.3 ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- 10.9 The mediator must not determine the dispute.
- 10.10 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

General Meetings

11 ANNUAL GENERAL MEETINGS

- 11.1 The Association must hold an Annual General Meeting within 3 months of the end of the Financial Year at a date, time and place determined by the Committee of Management.
- 11.2 The notice convening the Annual General Meeting must specify that the meeting is an Annual General Meeting.
- 11.3 The ordinary business of the Annual General meeting shall be:
- 11.3.1 to confirm the minutes of the previous Annual General Meeting and of any General Meeting held since that meeting;
 - 11.3.2 to receive from the Committee of Management reports upon the transactions of the

Association during the last preceding financial year;

11.3.3 to receive from the Committee of Management a written Committee of Management report and audited financial statements;

11.3.4 to elect the Chair, deputy Chair and Committee of Management Members; and

11.3.5 to receive and consider the statement submitted by the Association in accordance with section 30(3) of the Act.

11.4 The Annual General Meeting may conduct any special business of which notice has been given in accordance with these Rules.

12 SPECIAL GENERAL MEETINGS

12.1 In addition to the Annual General Meeting, any other General Meetings may be held in the same year.

12.2 All General Meetings other than the Annual General Meeting are special General Meetings.

12.3 The Committee of Management may, whenever it thinks fit, convene a special General Meeting.

12.4 If, but for this rule 12.4, more than 15 months would elapse between Annual General Meetings, the Committee of Management must convene a special General Meeting before the expiration of that period.

12.5 The Committee of Management must, on the written request of Members representing not less than 5 percent of the total number of Members, convene a special General Meeting of the Association.

12.6 The request for a special General Meeting must:

12.6.1 state the objects of the meeting;

12.6.2 be signed by the Members requesting the meeting; and

12.6.3 be sent to the address of the Chief Executive Officer.

12.7 If the Committee of Management does not cause a special General Meeting to be held within one month after the date on which the request is received at the address of the Chief Executive Officer, the Members making the request, or any of them, may convene a special General Meeting to be held not later than 3 months after that date.

12.8 If a special General Meeting is convened by Members in accordance with this rule 12, it must be convened in the same manner so far as possible as a meeting convened by the Committee of Management and all reasonable expenses incurred in convening the special General Meeting must be refunded by the Association to the persons incurring the expenses.

13 SPECIAL BUSINESS

All business that is conducted:

13.1 at a special General Meeting; and

13.2 at the Annual General Meeting, except for business conducted under the rules as ordinary business of the Annual General Meeting –

is deemed to be special business.

14 NOTICE OF GENERAL MEETINGS

14.1 The Chief Executive Officer or Public must cause to be sent to each Member a notice stating the place, date and time of a General Meeting and the nature of the business to be conducted at the meeting:

14.1.1 if a special resolution has been proposed, at least 28 days; or

14.1.2 otherwise, at least 21 days

before the date fixed for holding the General Meeting.

14.2 The notice may be sent:

14.2.1 by prepaid post to the address appearing in the Register of Members; or

14.2.2 if the Member consents, by fax or email.

14.3 No business other than that set out in the notice convening the meeting may be conducted at the meeting.

14.4 A Member intending to bring any business before a meeting may notify the Chief Executive Officer or Public Officer in writing, or by electronic transmission, of that business, and the Chief Executive Officer or Public Officer must include that business in the notice calling the next General Meeting.

14.5 The accidental omission to give notice of the cancellation or postponement of a meeting to, or non-receipt of any such notice by, any person entitled to notice does not invalidate that cancellation or postponement or any resolution passed at a postponed meeting.

15 QUORUM AT GENERAL MEETINGS

15.1 No item of business may be conducted at a General Meeting unless a quorum of Members entitled under these Rules to vote is present at the time when the meeting is considering that item.

15.2 Five Members personally present (being Members entitled under these Rules to vote at a General Meeting) constitute a quorum for the conduct of the business of a General Meeting.

15.3 If, within half an hour after the appointed time for the commencement of a General Meeting, a quorum is not present:

15.3.1 in the case of a meeting convened upon the request of Members, the meeting must be dissolved; and

15.3.2 in any other case, the meeting shall stand adjourned to the same day in the next week at the same time and (unless another place is specified by the Chairperson at the time of the adjournment or by written notice to Members given before the day to which the meeting is adjourned) at the same place.

15.4 If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the Members personally present (being not less than three) shall be quorum.

16 PRESIDING AT GENERAL MEETINGS

- 16.1 The Chair, or in the Chair's absence, the deputy Chair, shall preside as Chairperson at each General Meeting.
- 16.2 If the Chair and deputy Chair are absent from a General Meeting, or are unable to preside, the Members present must select one of their number to preside as Chairperson.

17 ADJOURNMENT OF GENERAL MEETINGS

- 17.1 The person presiding may, with the consent of a majority of Members present at the meeting, adjourn the meeting from time to time and place to place.
- 17.2 No business may be conducted at the resumption of an adjourned meeting other than the unfinished business from the adjourned meeting.
- 17.3 If a meeting is adjourned for 14 days or more, notice of the adjourned meeting must be given in accordance with rule 14.4.
- 17.4 Except as provided in rule 17.3, it is not necessary to give notice of an adjournment or of the business to be conducted at an adjourned meeting.

18 VOTING AT GENERAL MEETINGS

- 18.1 Upon any question arising at a General Meeting, a Member has one vote only.
- 18.2 All votes must be given personally or by proxy.
- 18.3 In the case of an equality of voting on a question, the Chairperson, of that meeting, is entitled to exercise a second or casting vote.
- 18.4 A Member is not entitled to vote at a General Meeting unless all outstanding moneys due and payable by the Member to the Association have been paid, other than the amount of the annual membership fee in respect of the current financial year.

19 MEMBER REPRESENTATIVES

- 19.1 A Member who is a partnership or an incorporated body may appoint an individual as a representative to exercise all or any of the powers the Member may exercise:
 - 19.1.1 at General Meetings; or
 - 19.1.2 in relation to any resolution to be passed without a General Meeting.
- 19.2 Unless otherwise specified in the appointment, the representative may exercise, on the Member's behalf, all of the powers that the Member could exercise at a General Meeting or in voting on a resolution.

20 POLL AT GENERAL MEETINGS

- 20.1 If at a General Meeting a poll on any question is demanded by at least three Members, it must be taken at that meeting in such manner as the Chairperson may direct and the resolution of the poll shall be deemed to be a resolution of the meeting on that question.
- 20.2 A poll that is demanded on the election of a Chairperson or on a question of adjournment must be taken immediately and a poll that is demanded on any other question must be taken at such time before the close of the meeting as the Chairperson may direct.

21 MANNER OF DETERMINING WHETHER RESOLUTION CARRIED

If a question arising at a General Meeting is determined on a show of hands:

21.1 a declaration by the Chairperson that a resolution has been:

21.1.1 carried;

21.1.2 carried unanimously;

21.1.3 carried by a particular majority; or

21.1.4 lost; and

21.2 an entry to that effect in the minute book of the Association –

is evidence of the fact, without proof of the number or proportion of the votes recorded in favour of, or against that resolution.

22 PROXIES

22.1 Each Member is entitled to appoint another Member as a proxy by notice given to the Chief Executive Officer no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.

22.2 The notice appointing the proxy must be:

22.2.1 for a meeting convened under rule 9.7, in the form set out in Appendix 2; or

22.2.2 in any other case, in the form set out in Appendix 3.

Committee of Management

23 COMMITTEE OF MANAGEMENT

The Committee of Management:

23.1 shall control and manage the business and affairs of the Association;

23.2 may, subject to these Rules, the Act and the Regulations, delegate such of its powers and functions to a sub-committee as the Committee of Management sees fit;

23.3 may, subject to these Rules, the Act and the Regulations, exercise all such powers and functions as may be exercised by the Association other than those powers and functions that are required by these Rules to be exercised by General Meetings of the Members; and

23.4 subject to these Rules, the Act and the Regulations, has power to perform all such acts and things as appear to the Committee of Management to be essential for the proper management of the business and affairs of the Association.

24 COMPOSITION OF COMMITTEE OF MANAGEMENT

24.1 Subject to section 23 of the Act, the Committee of Management shall not exceed 19 members and shall consist of:

- 24.1.1 the Chair;
- 24.1.2 the deputy Chair
- 24.1.3 the Chief Executive Officer (ex-officio);
- 24.1.4 no more than 8 Committee of Management Members elected by Major Sponsors;
- 24.1.5 no more than 8 Committee of Management Members elected by Member Subscribers;
and
- 24.1.6 no more than 3 Committee of Management Members elected by Community Organisation Subscribers.

25 CHAIR AND DEPUTY CHAIR

- 25.1 The election of the Chair and deputy Chair shall be conducted as set out in this rule 25.
- 25.2 Any 2 Committee of Management Members may nominate any other committee Member to serve as Chair and/or deputy Chair. Nominations must:
 - 25.2.1 be in writing;
 - 25.2.2 state the name of the candidate and the candidate's Membership Category;
 - 25.2.3 be signed by the nominating Committee of Management Members and state their respective Membership Categories;
 - 25.2.4 include the written consent of the candidate;
 - 25.2.5 include a statement setting out details of how the candidate meets the Chair Selection Criteria; and
 - 25.2.6 be delivered to the Public Officer not less than 14 days before the date fixed for the holding of the Annual General Meeting at which the Chair is to be elected.
- 25.3 If more than one candidate is nominated, a ballot must be held. The ballot must be conducted by postal ballot in such manner as the Committee of Management may direct. The Committee of Management may make regulations for the conduct of the postal ballot that are not inconsistent with these Rules.
- 25.4 If only one candidate is nominated, that candidate shall be deemed to be elected.
- 25.5 If no nominations are received, there shall be deemed to be a casual vacancy to be filled in accordance with rule 25.7.
- 25.6 The Chairperson and deputy Chair shall declare elected the candidate who has been elected to the office of Chair in accordance with this rule 25 at the Annual General Meeting.
- 25.7 In the event of a casual vacancy in the office of the Chair, the Committee of Management may, by Ordinary Resolution, appoint one of its Committee of Management Members to the vacant office and the Committee of Management Member appointed may continue in office up to the close of the Annual General Meeting next following the date of the appointment.

26 TERM OF CHAIR AND DEPUTY CHAIR

- 26.1 The Chair and deputy Chair shall hold office from the close of the Annual General Meeting in

which he or she is declared elected until the close of the Annual General Meeting 3 years later (“Term”), but is eligible for re-election subject to rule 26.2.

- 26.2 A Member who is elected and re-elected to the office of Chair and deputy Chair for two consecutive Terms is ineligible to be re-elected for a period of 3 years from the end of the Member’s second consecutive Term.

27 CHIEF EXECUTIVE OFFICER

- 27.1 There shall be a Chief Executive Officer appointed by the Committee of Management for such term and on such conditions and remuneration as the Committee of Management determines.
- 27.2 The Chief Executive Officer need not be a Member.
- 27.3 The Chief Executive Officer shall, if the committee so decides, act as Secretary and Public Officer of the Association and perform all duties in relation to the Association as are required to be performed by the Secretary and Public Officer under the Act and these Rules and such other duties as the Committee of Management may require.

28 PUBLIC OFFICER

- 28.1 The person as the Committee shall elect shall be the Public Officer.
- 28.2 Except as otherwise provided by these rules, the Public Officer shall keep custody or control of all books, documents and securities of the Association.

29 COMMITTEE OF MANAGEMENT MEMBERS

- 29.1 The election of Committee of Management Members shall be conducted as set out in this rule 29 subject always to the maximum number of Committee of Management Members from each Membership Category set out in rules 24.1.4 to 24.1.6 (inclusive).
- 29.2 Any 2 Members in the same Membership Category may nominate any other Member who is in that same Membership Category to serve as a Committee of Management Member. Nominations must:
- 29.2.1 be in writing;
 - 29.2.2 state the name of the candidate and the candidate’s Membership Category;
 - 29.2.3 be signed by the nominating Members and state their Membership Category;
 - 29.2.4 include the written consent of the candidate; and
 - 29.2.5 be delivered to the Chief Executive Officer or Public Officer not less than 14 days before the date fixed for the holding of the Annual General Meeting at which Committee of Management Members are to be elected.
- 29.3 If the number of candidates exceeds the number of vacancies to be filled, a ballot must be held. The ballot must be conducted by postal ballot in such manner as the Committee of Management may direct provided a Member may only vote for a candidate who is in the same Membership Category as the Member. The Committee of Management may make regulations for the conduct of the postal ballot that are not inconsistent with these Rules.
- 29.4 If the number of candidates is equal to the number of vacancies to be filled, the candidates

nominated shall be deemed to be elected.

- 29.5 If insufficient nominations are received to fill all the vacancies the candidates nominated shall be deemed elected. The remaining vacancies shall be deemed to be casual vacancies to be filled in accordance with rule 29.7
- 29.6 The Chairperson shall declare elected the candidates who have been elected in accordance with this rule 29 at the Annual General Meeting.
- 29.7 In the event of a casual vacancy in the office of a Committee of Management Member, the Committee of Management may, by Ordinary Resolution, appoint a Member from the same Membership Category as the vacating Committee of Management Member to the vacant office and the Member appointed may continue in office up to the close of the Annual General Meeting next following the date of the appointment.

30 TERM AND ROTATION OF COMMITTEE OF MANAGEMENT MEMBERS

- 30.1 The Chair shall hold office from the close of the Annual General Meeting in which he or she is declared elected until the close of the Annual General Meeting one year later, but is eligible for re-election.
- 30.2 Committee of Management Members elected at the first Annual General Meeting shall be elected for the periods set out in rules 30.2.1 to **Error! Reference source not found.2.2** (inclusive) to be determined by lot:
- 30.2.1 in respect of fifty percent of each category of membership of the Committee of Management Members as determined by ballot, from the close of the first Annual General Meeting until the close of the second Annual General Meeting;
- 30.2.2 in respect of the other fifty percent of each category of membership of the Committee of Management Members, from the close of the first Annual General Meeting until the close of the third Annual General Meeting;
- but are eligible for re-election subject to clause 30.4.
- 30.3 With effect from the second Annual General Meeting, Committee of Management Members shall be elected from the close of the Annual General Meeting in which he or she is declared elected until the close of the Annual General Meeting 2 years later ("**Term**"), but are eligible for re-election subject to rule 30.4.
- 30.4 A Member who is elected and re-elected to the Committee of Management for two consecutive Terms is ineligible to be re-elected for a period of 3 years from the end of the Member's second consecutive Term.

31 VACANCIES

The office of the Chair or of a Committee of Management Member becomes vacant if the Chair or Committee of Management Member (as the case may be):

- 31.1 ceases to be a Member; or
- 31.2 becomes bankrupt, insolvent or under administration within the meaning of the Corporations Act 2001;
- 31.3 resigns from office by giving written notice to the Chief Executive Officer or Public Officer; or

31.4 is removed by Ordinary Resolution of the Association in General Meeting.

32 COMMITTEE OF MANAGEMENT MEETINGS

- 32.1 The Committee of Management must meet quarterly at such place and such times as the Committee of Management may determine.
- 32.2 Special meetings of the Committee of Management may be convened by the Chair or by any four Committee of Management Members.
- 32.3 Written notice of each Committee of Management Meeting must be given to each Committee of Management Member at least 2 business days before the date of the Committee of Management Meeting.
- 32.4 Written notice must be given to Committee of Management Members of any special meeting specifying the general nature of the business to be conducted and no other business may be conducted at such a meeting.
- 32.5 Committee of Management Meetings may be conducted by tele-conference or video-conference or in person.

33 QUORUM FOR COMMITTEE OF MANAGEMENT MEETINGS

- 33.1 Fifty percentile of the Committee of Management Members constitute a quorum for the conduct of the business of a Committee of Management meeting.
- 33.2 No business may be conducted at a Committee of Management Meeting unless a quorum is present.
- 33.3 If within half an hour of the time appointed for the Committee of Management Meeting a quorum is not present:
 - 33.3.1 in the case of a special meeting, the meeting lapses;
 - 33.3.2 in any other case the meeting, the meeting shall stand adjourned to the same place and the same time and day in the following week.
- 33.4 The Committee of Management may act notwithstanding any vacancy on the Committee of Management.

34 PRESIDING AT COMMITTEE OF MANAGEMENT MEETINGS

At Committee of Management Meetings:

- 34.1 the Chair or, in the Chair's absence, the deputy Chair presides;
- 34.2 if the Chair and the deputy Chair are absent from a Committee of Management Meeting, or are unable to preside, the Committee of Management Members present must select one of their number to preside.

35 VOTING AT COMMITTEE OF MANAGEMENT MEETINGS

- 35.1 Questions arising at a meeting of the Committee of Management, or at a meeting of any sub-committee appointed by the Committee of Management, shall be determined on a show of hands or, if a Committee of Management Member requests, by a poll taken in such manner as the person presiding at that meeting may determine.

35.2 Each Committee of Management Member present at a Committee of Management Meeting, or at a meeting of any sub-committee appointed by the Committee of Management (including the person presiding at the meeting), is entitled to one vote and, in the event of an equality of votes on any questions, the person presiding may exercise a second or casting vote.

36 REMOVAL OF COMMITTEE OF MANAGEMENT MEMBER

36.1 The Association in General Meeting may, by Ordinary Resolution, remove any Committee of Management Member before the expiration of the Committee of Management Member's term of office and appoint another Member in his or her place to hold office until the expiration of the term of the first-mentioned Committee of Management Member.

36.2 A Committee of Management Member who is the subject of a proposed resolution referred to in rule 36.1 may make representations in writing to the Chair (not exceeding a reasonable length) and may request that the representations be provided to the Members.

36.3 The Chair may give a copy of the representations to each Member. If they are not given, the Committee of Management Member subject of the proposed resolution may require that the representations be read out at the General Meeting referred to in rule 36.1.

Miscellaneous

37 MINUTES OF MEETINGS

The Chief Executive Officer or the person nominated by the Committee must keep minutes of the resolutions and proceedings of each General Meeting, each Committee of Management Meeting and sub-committee meeting together with a record of the names of persons present at Committee of Management Meetings and Sub-Committee Meetings.

38 ALTERATION OF THE RULES

These Rules and the Statement of Purposes must not be altered except in accordance with the Act.

39 FUNDS

39.1 The Chief Executive Officer or the person nominated by the Committee of Management must:

39.1.1 collect and receive all monies due to the Association and make all payments authorised by the Association; and

39.1.2 keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.

39.2 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two Committee of Management Members or two persons appointed by the Committee of Management for such purpose.

39.3 The funds of the Association shall be derived from Annual Membership Fees, donations and such other sources as the Committee of Management determines.

40 SEAL

- 40.1 The common seal of the Association must be kept in the custody of the Chief Executive Officer or the person nominated by the Committee of Management.
- 40.2 The common seal must not be affixed to any instrument except by the authority of the Committee of Management and the affixing of the common seal must be attested by the signatures of:
- 40.2.1 two Committee of Management Members; or
 - 40.2.2 the Chair and one Committee of Management Member; or
 - 40.2.3 the Chief Executive Officer and one Committee of Management Member.

41 NOTICE TO MEMBERS

Except for the requirement in rule 14, any notice that is required to be given to a Member, by on behalf of the Association, under these Rules may be given by:

- 41.1 delivering the notice to the Member personally;
- 41.2 sending it by prepaid post addressed to the Member at that Member's address shown in the Register of Members;
- 41.3 fax, if the Member has consented to notice being given in this manner; or
- 41.4 email, if the Member has consented to notice being given in this manner.

42 WINDING UP

If the Members with the consent of the Committee of Management determine to wind up or cancel the incorporation of the Association, any property or assets remaining after the satisfaction of all debts and liabilities, the same shall be given or transferred by the Members with the consent of the Committee of Management to a non profit organisation or to a fund which is charitable at law with the requirement that such organisation or fund is eligible for tax deductibility provided in the *Income Tax Assessment Act 1997* or *Income Tax Assessment Act 1936*.

43 CUSTODY AND INSPECTION OF BOOKS AND RECORDS

- 43.1 Except as otherwise provided in these Rules, the Chief Executive Officer or the person nominated by the Committee of Management must keep in his or her custody or under his or her control all books, documents and securities of the Association.
- 43.2 All accounts, books, securities and any other Relevant Documents of the Association must be available for inspection free of charge by any Member upon request.

APPENDIX 1: Application for Membership

I / We _____ (name / organisation) of _____ (address)

desire to become a member of the Committee of Gippsland Incorporated in the following Membership Category (select one):

- Major Sponsor
- Member Subscriber
- Community Subscriber

In the event of my admission as a member:

- I agree to be bound by the Rules of the Association for the time being in force.
- I consent / do not consent to receiving notices from the Association by fax and / or email:

Fax number: _____ Email: _____

Signature of applicant: _____ Date: _____

I / We _____ (name / organisation) a

- Major Sponsor
- Member Subscriber
- Community Subscriber

Nominate the applicant who is known to me / us, for membership of the Associationn

Signature of Proposer: _____ Date: _____

I / We _____ (name / organisation) a

- Major Sponsor
- Member Subscriber
- Community Subscriber

Second the nomination of the applicant who is known to me / us, for membership of the Association

Signature of Seconder: _____ Date: _____

APPENDIX 2: Form of Appointment of Proxy (meeting convened under rule 9.7)

I _____ of _____
Being a member of The Committee of Gippsland Incorporated appoint # of # being a member of that Incorporated Association, as my proxy to vote for me on my behalf at the appeal to the General Meeting of the Association convened under rule 9.7, to be held on _____ and at any adjournment of that meeting.

I authorize my proxy to vote on my behalf at their discretion in respect of the following resolution (insert details of resolution passed under rule 9.1).

.....
Signed
Date

APPENDIX 3: Form of Appointment of Proxy

I _____ of _____

Being a _____ (category of membership)
member of The Committee of Gippsland Incorporated appoint _____ of _____
being a member of that Incorporated Association, as my proxy to vote for me on my behalf at the
annual/special* meeting of the Association to be held on _____ and at any adjournment of
that meeting.

My proxy is authorised to vote in favour of/against* the resolution (insert details of resolution).

.....
Signed
Date

* Delete if not applicable

APPENDIX 4: Schedule of Fees

<i>Membership Category</i>	<i>Annual Membership Fee</i>
Major Sponsor	\$20,000
Member Subscriber >20 Employees	\$3,000
<20 Employees	\$1,000
Community Subscriber	TBA

11.2.2 LATROBE REGIONAL AIRPORT SEPTEMBER 2011 REPORT

AUTHOR: General Manager Economic Sustainability
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to provide Council with information on the operations of the Latrobe Regional Airport for the quarter ended 30 September 2011.

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 Council's Latrobe 2026 vision document and the Council Plan 2011-2015, in that it provides information on the activities of the Latrobe Regional Airport which achieve the following objectives.

Latrobe 2026 and Council Plan 2011 – 2015

Latrobe 2026

Community Vision - Economy

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

Council Plan 2011-2015

This report is consistent with the Council Plan 2011-2015 shaping our future themes "Gippsland Regional City" and "Attract, retain, support".

Economy – Strategic Directions

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

Develop and implement economic development actions to encourage business retention and growth.

Ensure well planned infrastructure that enhances the marketability of the municipality to industries, residents and investors.

Continue implementation of the Latrobe Regional Airport Master Plan.

Strategy/Plans

This report is consistent with Council's adopted Economic Sustainability Strategy 2011 - 2015. This strategy identifies actions to consolidate Latrobe City's position as a major Victorian regional centre and aims to drive economic growth, facilitate sustainable economic development, diversify the economic base, capture opportunities arising from a low carbon economy and deliver growth in employment opportunities for the Latrobe City community.

This report is consistent with the Latrobe Regional Airport Master Plan 2009 which provides a 20 year blueprint and identifies infrastructure upgrades, planning and other changes required to enable continued growth and development of the Latrobe Regional Airport.

Legislative Framework

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

Latrobe Regional Airport also operates under the various regulations issued from time to time by the Civil Aviation Safety Authority.

4. BACKGROUND

The report provides information in relation to the performance of the Latrobe Regional Airport against plans and targets identified in the budget, the business plan and the Latrobe Regional Airport Master Plan 2009.

5. ISSUES

The significant activities undertaken during the quarter are outlined below.

Application from the Regional Development Australia Fund

An application for funding through the Federal Regional Australia Development Fund (RDAF) was submitted in June this year. This funding application was unsuccessful in Round 1 of RDAF funding. An application will be submitted for Round 2.

Ministerial Visit

The Victorian Minister for the Aviation Industry the Hon Gordon Rich-Phillips visited the Latrobe Regional Airport on Wednesday, 24 August 2011. The purpose of the visit was for the Minister to better acquaint himself with the facilities and operations of GippsAero and Latrobe Regional Airport, and to see first hand the development and employment opportunities provided at the Airport.

The day included lunch, a flight over the Latrobe Valley in a GA8 Airvan and a tour of the airport facilities and GippsAero.

GippsAero

During the September quarter the construction of an additional 1400 m² hangar to cater for the increased production of the GA8 Airvan and the introduction of the new GA10 Airvan was commenced. The prototype of the GA10 is currently being built and is due for initial flight testing by the end of 2011. Photo of the construction is shown below.



Staff Training

Staff at the Airport are required to undergo training in various aspects of airport operations on a regular basis. As Latrobe Regional Airport remains a designated Security Controlled Airport, there is a requirement for staff to undergo Drug and Alcohol training as required in the Airport Drug and Alcohol Management Program (DAMP).

Both the General Manager and the Airport Operations Officer have completed this training during the quarter.

Fire Emergency Helicopter Deployment

A meeting with the operators of the Erickson Skycrane regarding their deployment over the next summer period occurred during the September quarter.

6. FINANCIAL AND RESOURCES IMPLICATIONS

The operations of Latrobe Regional are within its 2011/2012 budget allocation as detailed in the finance report attached.

7. INTERNAL / EXTERNAL CONSULTATION

There is no consultation required as this is a Quarterly Report on activities, as required by the Latrobe Regional Airport Deed of Delegation from Council.

8. OPTIONS

Council may choose to:

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

9. CONCLUSION

The 2011/2012 financial year is progressing on track and within budget. The Airport continues to be operated in a secure and safe manner, in accordance with CASA guidelines and regulations.

10. RECOMMENDATION

That Council notes the report on Airport Operations for the quarter ended 30 September 2011.

Moved: Cr Middlemiss

Seconded: Cr Lougheed

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

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Monthly Operating Report

LATROBE REGIONAL AIRPORT Division



Month: September 2011

Comment on Year to Date Result

Minor variance.

Comment of Full Year Forecast

At this stage there is no anticipated variance to the adopted recurrent budget. The capital works project is forecast to spend an additional \$145.7K over the funds carried forward of \$334K, this is to be funded from prepaid rental funds and the Airport's reserve funds.

	Year to Date			Full Year Forecast		
	Actual	Adopted Budget	Variance (Fav)/Unfav	Forecast	Adopted Budget	Variance (Fav)/Unfav
Net Results by Cost Centre						
Latrobe Regional Airport Management	49,011	49,744	(733)	189,400	189,400	0
Latrobe Regional Airport - LANDSIDE	(30,702)	(38,618)	7,916	(295,800)	(295,800)	0
Latrobe Regional Airport - AIRSIDE	1,255	1,207	48	12,500	12,500	0
Latrobe Regional Airport - General Mainte	20,340	20,889	(549)	93,900	93,900	0
Net Result	39,903	33,222	6,681	0	0	0
Net Results by Account Group						
Income:						
Other	(91)	(2,874)	2,783	(61,425)	(61,500)	75
Residence	(3,500)	(3,249)	(251)	(13,251)	(13,000)	(251)
Terminal Building	0	(150)	150	(900)	(900)	0
Commercial	(78,917)	(70,774)	(8,143)	(322,948)	(323,500)	552
Trading / Light Commercial	0	(5,084)	5,084	(30,500)	(30,500)	0
Recreational / Non-Trading	0	(6,550)	6,550	(39,300)	(39,300)	0
Community Group/Service	0	(34)	34	(200)	(200)	0
Farm / Agistment	0	(3,434)	3,434	(20,600)	(20,600)	0
Total Income	(82,508)	(92,149)	9,641	(489,124)	(489,500)	376
Expenditure:						
Salaries Wages & Oncosts	39,881	40,398	(517)	176,017	176,400	(383)
Other Employee Costs	5,902	2,450	3,452	16,802	14,700	2,102
Materials & Contracts	31,254	37,148	(5,894)	114,805	116,900	(2,095)
Internal Charge Costs	45,375	45,375	0	181,500	181,500	0
Total Expenditure	122,411	125,371	(2,960)	489,124	489,500	(376)
Net Result - Recurrent	39,903	33,222	6,681	0	0	0

Capital Works Program	Year to Date			Full Year Forecast		
	Actual	Adopted Budget	Variance (Fav)/Unfav	Forecast	Adopted Budget	Variance (Fav)/Unfav
Construct Production Hangar at Gipps Aero	263,036	260,000	3,036	480,000	334,300	145,700
Total Capital Expenditure	263,036	260,000	3,036	480,000	334,300	145,700

BUILT AND NATURAL ENVIRONMENT

**11.3.1 PLANNING PERMIT APPLICATION 2010/384 - TWO LOT
SUBDIVISION AT 85 FRASERS ROAD, HAZELWOOD**

This item was considered earlier in the meeting.

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**11.3.2 PLANNING PERMIT APPLICATION 2011/204 CONSTRUCTION
OF A (4) BAY HAY STORAGE SHED AT 97 VARNEY CRESCENT,
TRARALGON EAST**

This item was considered earlier in the meeting.

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COMMUNITY LIVEABILITY

11.5.1 QUARTERLY PROGRESS REPORT - PRESCHOOL SERVICES TRANSITION TO 15 HOURS BY 2013

AUTHOR: General Manager Community Liveability
(ATTACHMENT – NO)

1. PURPOSE

The purpose of this report is to provide Council with an update as at the end of term 3 regarding the implementation of 12 hours of preschool per week across Latrobe City Council preschool services in 2011 as a transition to providing 15 hours per week by 2013.

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 2011-2015.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Liveability

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

Latrobe City Council Plan 2011 - 2015

Strategic Direction – Liveability

Work collaboratively with all relevant stakeholders in the provision and support of quality education and care.

Service Provision - Child and Family Services

Deliver Early Learning, Family Day Care, Maternal and Child Health, and Preschool services and programs in accordance with Council's adopted policies.

Government Policy

Council of Australian Governments (COAG) national partnership agreement on early childhood education. (November 2008)

The aim of this national partnership agreement is that by 2013 every Australian child will have access to a preschool program for 15 hours per week in the year prior to school.

State Government Blueprint for Education and early Childhood Development (2008)

The state Government blueprint includes the following goals:

All Victorian children will have the best start in life to achieve optimal health, wellbeing and development.

By the time Victorian children start school they will be ready to learn at school and schools will be ready for them.

Policy – Preschool Policy – DCS – DCS 004

Council will ensure that all children who turn four years of age by 30 April in the year of attending have access to one year of a preschool program regardless of their gender, level of ability, religion or social or ethnic background.

Council will run all preschool services in accordance with relevant legislative requirements and the current funding and service agreement.

4. BACKGROUND

At the ordinary Council meeting on 21 June 2010 Council resolved as follows:

- 1. That Council endorses increasing the preschool program to 12 hours per week in 2011 as a transition to 15 hours per week by 2013.*
- 2. That the community be informed of Council's intention to provide 12 hours of preschool during the 2011 school year as a transition to providing 15 hours per week by 2013.*
- 3. That a report be presented to Council in April 2011 regarding the progress of the transition to 12 hours of preschool per week and further report be provided on a quarterly basis.*

As a result of this recommendation Latrobe City Council opened enrolments during August 2010 advertising a 12 hour early education program for the 2011 preschool year. The 22 preschools managed by Latrobe City Council have successfully transitioned to the full 12 hour early education program prior to the end of Term 1.

During 2011, the Child & Family Services Management team continued to consult with staff to develop a plan for the successful transition of the preschool program to the provision of 15 hours of preschool education by 2013 to all eligible children.

Quarterly reports were presented to Council in May 2011 and August 2011 providing updates on the provision of 12 hours of preschool education per week, as a transition to moving to 15 hours per week by 2013.

5. **ISSUES**

Feedback during the third term indicates that families continue to embrace the additional two hours of early education and consider that it has provided value to their child's early learning program.

Teachers continue to report that children have adjusted well to the 12 hour program. Social bonds were created between children at a much earlier stage of the preschool year and there was evidence of reduced anxiety from children brought to preschool by family members. Another observation reported was the prolonged period of concentration from the children.

Teachers have advised that children have settled into the program, and the children who displayed tiredness, particularly those attending programs of 2 x 6 hour days, have been assisted by the supports and strategies, including assessment of children's individual needs and additional (funded) teaching support where required.

Additional information regarding long term social and educational benefits for the preschool children will be collected at the conclusion of the preschool year (at primary school entry) and over the coming years (through primary school testing).

6. FINANCIAL AND RESOURCES IMPLICATIONS

Pilot funding was provided by the Department of Education and Early Childhood Development. There has been no additional cost to Council as a result of the implementation of 12 hours per week of preschool in 2011.

7. INTERNAL / EXTERNAL CONSULTATION

Consultation has taken place using the following means:

- Verbal feedback from teaching staff
- Ongoing dialogue between teachers and parents.

8. OPTIONS

Council has the following options:

1. Note the report
2. Note the report and request further information

9. CONCLUSION

This report is provided to council as an update in relation to the implementation of 12 hours of preschool in 2011 as a transition to the delivery of 15 hours by 2013.

To date the implementation of the 12 hour preschool program is proving to be successful, with positive feedback from parents and teachers.

Additional information regarding long term social and educational benefits will be collected at the conclusion of the preschool year (at primary school entry) and over the coming years (through primary school testing).

10. RECOMMENDATION

That Council notes the term 3 report on the implementation of 12 hours of preschool per week across Latrobe City Council preschool services in 2011 as a transition to providing 15 hours per week by 2013.

Moved: Cr Gibson

Seconded: Cr Harriman

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

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11.5.2 NATIONAL PARTNERSHIP AGREEMENT ON PREVENTATIVE HEALTH - PREVENTION COMMUNITY MODEL

AUTHOR: General Manager Community Liveability
(ATTACHMENT – (NO))

1. PURPOSE

The purpose of this report is to seek Council's endorsement to participate in a partnership arrangement with the Department of Health and Latrobe Community Health Service to implement a National Partnership on Preventative Health – Prevention Community Model.

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 2011-2015.

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

Latrobe City Council Plan 2011 - 2015

Strategic Direction – Our Community

Provide support, assistance and quality services in partnership with relevant stakeholders to improve the health, well-being and safety of all within Latrobe City.

Facilitate and support initiatives that strengthen the capacity of the community.

Service Provision – Health and Wellbeing

Legislation – Public Health and Wellbeing Act 2008

This Act requires councils to prepare a municipal public health and wellbeing plan that includes, among other things, identification of goals and strategies based on available evidence for creating a local community in which people can achieve maximum health and wellbeing.

Victorian Public Health and Wellbeing Plan 2011 – 2015

The first Victorian Public Health and Wellbeing Plan was released by the state government on 1 September 2011. The goal of the plan is to improve the health and wellbeing of all Victorians by engaging communities in prevention, and by strengthening systems for health protection, health promotion and preventative healthcare across all sectors and levels of government.

One of the key priorities of the plan is to build a preventive health system with a strong focus on partnerships between state and local government, the health sector, non government organisations, researchers, the private sector, individuals and families.

4. BACKGROUND

The National Partnership Agreement on Preventive Health (NPAPH) was established through the Council of Australian Government (COAG) to address the growing prevalence of preventable chronic disease. The NPAPH was announced by COAG on 29 November 2008. The NPAPH will provide \$872.1 million over six years from 2009-10. This has been described as the largest investment ever made by an Australian Government to health promotion.

State Governments across Australia have been responsible for developing an appropriate program to implement preventive health initiatives to achieve the objectives and health improvement targets identified in the NPAPH.

On 24 August 2011 the Victorian Health Minister formally announced the Victorian Preventative Health Program. The Victorian Government has developed a program which will involve a concentrated focus on selected geographic communities over a four year period and which focuses on Local Governments as the key partners to manage this initiative at the local level.

This approach links directly to the Victorian Public Health and Wellbeing Plan and the role Victorian Councils already play in public health planning and promotion through the Municipal Public Health Plans. It will include a community-based health promotion program (currently titled the Prevention Community Model), State-wide health promotion marketing and development initiatives and the establishment of a health research and evaluation centre.

The research and evaluation centre has been established by the Department of Health as an independent not for profit company based in Melbourne. It is known as the Centre of Excellence in Intervention and Prevention Science (CEIPS).

The program would be grouped into three main areas of intervention:

- Healthy living.
- Health promotion settings.
- Social marketing.

The healthy living programs will be focussed on:

- Increased healthy eating, physical activity and healthy weight.
- Decreased smoking and harmful consumption of alcohol.

The health promotion settings will be focussed on early childhood services, schools, workplaces and community settings. Social marketing would be tailored to encourage individuals and groups to engage in preventive health.

5. ISSUES

Latrobe City has been selected as one of 14 local government areas in Victoria to partner with the State Government to implement this local Prevention Community Model over four years. Latrobe is the only local government area selected in the Gippsland Region.

A meeting was convened by the Department of Health (DoH) with Latrobe City Council and Latrobe Community Health Service (LCHS) in August 2011 to explain the proposal, and to initiate discussions on the development of a partnership model between DoH, LCHS and Latrobe City Council.

Further meetings have been held to discuss the proposal in more detail giving consideration to governance, management, financial and workforce matters. The MAV has convened two meetings of the 14 councils invited to participate in the program, which has resulted in valuable information sharing.

It is proposed that a Latrobe Prevention Consortium be established that has Latrobe City Council, LCHS and DoH as members. A consortium agreement will be developed to document the governance, resourcing and funding arrangements. Once all details are agreed a Service Agreement with the Department of Health would be established.

The Minister for Health wishes to have a Statement of Commitment to working together to implement the Prevention Community model, signed by him and mayors of the 14 Victorian Councils involved in the program. The Minister would also like to conduct a launch of each program within the respective municipalities, early in 2012.

6. FINANCIAL AND RESOURCES IMPLICATIONS

The proposed funding to be jointly made available to Latrobe City Council and LCHS for the program would be \$2.92M over four years (2011/12 to 2014/15) comprising:

- Workforce funding \$2.23M
- Healthy living programs operating \$0.69M

LCHS receives annual funding from DoH for integrated health promotion, and would agree to direct this to the Prevention Community Model, resulting in an additional \$2.45M over the four years.

It is proposed that, for the duration of the program, a small team of approximately five staff will be recruited to sit within the Community Liveability Division in Latrobe City, and that additional staff will be recruited by LCHS to join their Healthy Living Team.

The funding from DoH will provide for workforce and program costs. Council's contribution to the program would be in-kind support and minor operating costs, which would be covered within existing budgets.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

This program will involve significant community engagement once it is established. The program will have a key focus on healthy children and health promoting workplaces, resulting in targeted engagement of groups such as early years services, schools, families and workplaces.

Details of Community Consultation / Results of Engagement:

Community engagement has not yet been undertaken in the initial discussion phase of the project. Engagement will commence once the program is established and project timelines are developed.

8. OPTIONS

Council has the following options:

1. Accept the state government offer to partner with DoH to implement the Prevention Community Model in Latrobe, and delegate authority to the CEO to finalise and sign appropriate consortium and service agreements.
2. Not accept the state government offer to partner with DoH to implement the Prevention Community Model in Latrobe

9. CONCLUSION

Latrobe City Council has been invited to partner with the Department of Health in a preventive health program that has the potential to make a significant difference in our community. Funding of \$2.92M is being offered over a four year period plus state support including a research and evaluation centre.

The partnership would include Latrobe Community Health Service which will lead to stronger relationships being developed between our organisations.

The Minister for Health is seeking council's commitment to accept the offer leading to the development of Consortium and Service Agreements.

This is an exciting opportunity for Latrobe City Council to take up an offer that requires minimal financial input, is well resourced and provides a framework for positive community outcomes.

10. RECOMMENDATION

1. That Council accepts the state government offer to partner with the Department of Health to implement the Prevention Community Model in Latrobe City over four financial years from 2011/2012 to 2014/2015, noting that funding beyond 30 June 2015 is not guaranteed, and that the program will cease at that date if further funding is not forthcoming.
2. That council delegates authority to the Chief Executive Officer to finalise and sign appropriate Consortium and Service Agreements with Latrobe Community Health Service and Department of Health for the period up to 30 June 2015.
3. That the Mayor be authorised to sign a Statement of Commitment to working together to implement the Prevention Community Model with the Victorian State Minister for Health.

Cr O'Callaghan left the Chamber at 7.53 PM due to an indirect interest under Section 78B of the *Local Government Act 1989*

Moved: Cr Lougheed

Seconded: Cr Price

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

Cr O'Callaghan returned to the Chamber at 8.00 PM

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GOVERNANCE

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

AUTHOR: General Manager Governance
(ATTACHMENT - NO)

1. DECLARATION OF INTERESTS

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

2. DOCUMENTS

a) The following contracts were awarded at previous Council Meetings.

Contract No.	Description	Contractor	Price Awarded (excluding GST)	Date Awarded
13025	Supply, Delivery and Placement of Asphalt Products	Quality Roads Sealing & Asphalt Pty Ltd	SOR	22/8/11
13026	Supply, Delivery and Placement of Asphalt Products	Boral Resources (Vic) Pty Ltd T/As Boral Asphalt	SOR	22/8/11
13027	Supply, Delivery and Placement of Asphalt Products	Gippsland Asphalt Pty Ltd	SOR	22/8/11
13028	Supply, Delivery and Placement of Asphalt Products	Supersealing Pty Ltd	SOR	22/8/11
13022	Kerb and Channel Replacement Program	O'Meara Concreting	SOR	22/8/11
13023	Kerb and Channel Replacement Program	BJ Concrete Constructions	SOR	22/8/11
13024	Kerb and Channel Replacement Program	ACE Earthmoving Unit Trust	SOR	22/8/11
13021	Extension to the Traralgon East Community Centre	Steve Brinsmead T/As Dascon	\$399,500.00	22/8/11
13020	Traralgon South Community Hall Refurbishment	Kingbuilt Homes Pty Ltd T/As Kingbuilt Commercial	\$500,000.00	22/8/11
13018	Resurfacing of the Traralgon Tennis Courts	WM Loud (Aust) Pty Ltd	\$534,770.16	22/8/11
13043	Maintenance and Application of Pavement Markings and Provision of Surface Retexturing Services	Laser Linemarking (Vic) Pty Ltd	SOR	3/10/11
13044	Supply and Delivery of Quarry Products	K & RJ Matthews Quarries Pty Ltd	SOR	3/10/11
13045	Supply and Delivery of Quarry Products	Prosper Valley Gravel	SOR	3/10/11
13046	Supply and Delivery of Quarry Products	Cowwarr Quarries	SOR	3/10/11
13047	Supply and Delivery of Quarry Products	Kennedy Haulage Pty Ltd	SOR	3/10/11
13048	Supply and Delivery of Quarry Products	L.V Blue Metal Pty Ltd	SOR	3/10/11

Contract No.	Description	Contractor	Price Awarded (excluding GST)	Date Awarded
13050	Demolition and Construction of the Pavilion at Olympic Reserve, Moe	De Gooyer Constructions Pty Ltd	\$531,176.00	3/10/11
13051	Provision of a Kerbside Waste and Recyclables Collection Service	Transpacific Cleanaway Pty Ltd	SOR	3/10/11
13057	Reconstruction of Middle Creek road at Yinnar South	Fulton Hogan Industries Pty Ltd	\$706,773.50	17/10/11
13064	Latrobe City Council Minor Site Communications Review	Aussie Broadband Pty Ltd	SOR	7/11/11

- b) The following contracts were awarded by the Chief Executive Officer under delegation.

NIL

- c) The following is a summary of contract variations approved by the Chief Executive Officer under delegation.

Contract No.	Description	Contractor	Variation Amount (excluding GST)	Date Contract Awarded by CEO	Date Contract Awarded by Council	Date Variation Approved by CEO	Variation Works
12931	Intersection improvements – Old Melbourne Road, Traralgon	Q.R Construction (Gippsland) Pty Ltd	\$72,362.95	N/A	7/2/11	22/8/11	V3-removal of unsuitable material from north east section
12931	Intersection improvement – Old Melbourne Road, Traralgon	Q.R Construction (Gippsland) Pty Ltd	\$26,229.35	N/A	7/2/11	20/10/11	V4-removal of additional unsuitable material
12952	Rehabilitation of Collins Street, Morwell	Q.R Construction (Gippsland) Pty Ltd	\$29,756.03	N/A	21/3/11	20/10/11	V4-removal of unsuitable material & additional works
12931	Intersection improvements – Old Melbourne Road, Traralgon	Q.R Construction (Gippsland) Pty Ltd	\$6,506.29	N/A	7/2/11	10/11/11	V5-additional sealing and linemarking

3. RECOMMENDATION

That Council notes this report on contract decisions made at previous Ordinary Council Meetings and by the Chief Executive Officer under delegation.

Moved: Cr Lougheed

Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

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11.6.2 REVIEW OF COUNCIL POLICIES

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present these 14 policies —

- Citizen Confidentiality and Privacy Policy
- Demolition Works Policy
- Extension of Waste Services Collection Policy
- Infectious Disease Policy
- Provision of Resources and Support to Councillors Policy
- Public Health and Wellbeing Penalty Infringement Notice Policy
- Public Health Environmental Protection Policy
- Public Health Nuisance Policy
- Public Health Promotion Policy
- Public Library Policy
- Public Meeting Facilities Policy
- Public Open Space Policy
- Social Media Policy
- Subdivision of Residential or Rural Residential Properties Policy

to Council for consideration under Stage 4 of the 2011-2012 Council Policy Review Program.

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 2011-2015.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Governance

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

Latrobe City Council Plan 2011 - 2015

Strategic Direction - Governance

- Conduct regular review of Latrobe City Council policies to ensure that they reflect the aspirations of the community.
- Ensure that Council decision-making considers adopted policies.

Service Provision – Risk and Compliance

Administer the policies of Latrobe City Council.

Legislation – Public Health and Wellbeing Act 2008

An Extract of the relevant provisions of the *Public Health and Wellbeing Act 2008* pertaining to the public health policies presented to Council is attached to this Report (Attachment 9).

Policy - Council Policy Development Policy 11 POL-5

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

4. BACKGROUND

Good governance principles suggest that Council should determine its policy position and then ensure that decision making is consistent with adopted policy.

A program has been developed to provide a structured and regulated system for reviewing Council Policies. The current introductory two-year program was designed to enable Council to review all adopted policies in stages leading up to the 2012 General Election. Thereafter, an ongoing four year program rolled out over the full term of each Council will be employed to ensure that all policies are kept relevant and up to date into the future.

At the Ordinary Meeting on 7 February 2011, Council gave consideration to the first seven policies presented in Stage 1 of the 2011-2012 Policy Review Program. Sixteen policies were presented to Council on 23 May 2011 in Stage 2, with the Procurement Policy reconsidered at the Ordinary Council Meeting on 27 June 2011.

Only four revised policies were presented to Council on 22 August 2011 for consideration in Stage 3 and Council subsequently adopted the Project Governance Policy (outside of the Policy Review Program) on 5 September 2011, resulting in the production of *2009 – 2012 Policy Manual* [11 POL-6] on 8 September 2011.

The Policy Review Table set out below lists all policies presented for consideration in Stage 4, identifying the policy number and status assigned to each policy and the revisions made (if any) under the following headings:

Statutory Review	- Policy review is a statutory requirements
No change	- No change to current policy.
Title change	- Amendment to existing policy title.
Minor change(s)	- Minor amendments within policy content to reflect the passage of time; enhance language and/or correct grammatical errors.
Significant change(s)	- Significant amendments within policy content.
Superseded / obsolete	- Existing policy no longer required &/or superseded by another document or policy.
New	- New policy developed.

Except for the 4 new policies being proposed (appearing in bold italics in the table below), each policy identified in the table below refers to the policy version contained in *2009 – 2012 Council Policy Manual* [11 POL-6].

Adopted Policy Title & Document No.	Statutory Review	No Change	Title Change	Minor Change(s)	Significant Change(s)	Superseded / Obsolete	New
Citizen Confidentiality and Privacy Policy [11 POL-4]		✓					
Demolition Works Policy [11 POL-4]		✓					
Extension of Waste Services Collection Policy [11 POL-4]			✓	✓			
<i>Infectious Disease Policy</i>							✓

Adopted Policy Title & Document No.	Statutory Review	No Change	Title Change	Minor Change(s)	Significant Change(s)	Superseded / Obsolete	New
Provision of Resources and Support to Councillors Policy [11 POL-5]					✓		
Public Health and Wellbeing Penalty Infringement Notice Policy							✓
Public Health Environmental Protection Policy [11 POL-4]						✓	
Public Health Nuisance Policy							✓
Public Health Promotion Policy [11 POL-4]						✓	
Public Library Policy [11 POL-4]				✓			
Public Meeting Facilities Policy [11 POL-4]		✓					
Public Open Space Policy [11 POL-4]		✓					
Social Media Policy							✓
Subdivision of Residential or Rural Residential Properties Policy [11 POL-5]		✓					

5. ISSUES

As a result of Stage 4 of the 2011-2012 Council Policy Review Program:

- One of the listed policies has been significantly amended in relation to policy content;
- Two policies have been subjected to minor amendment;
- The title of one policy has changed;
- Five policies have been reported as requiring no change;
- Two policies have been nominated for revocation; and
- Four new policies have been developed in response to legislative requirements.

The following is a summary of revisions made to the only policy denoted *Significant Change(s)* in the Policy Review Table set out above:

- Provision of Resources and Support to Councillors Policy
[11 POL-5]

- *Provision of Office Equipment Section 2.2*

The following sub-clauses have been added to this section to incorporate the IT security guidelines pertaining to the usage of all Latrobe City Council office equipment —

“2.2.1 Information Technology Security

Councillors shall ensure that the security of Latrobe City Council information is maintained when using the above mentioned office equipment. Passwords must be kept confidential to protect Latrobe City Council Information and in the event of any loss of equipment this must be reported immediately to enable information which is held on the equipment to be protected. Any hard copy materials should be kept in a locked drawer, briefcase or filing cabinet at a home location.

Any breach of the security of Latrobe City Council information or known circumvention of security measures must be communicated to the General Manager Organisational Excellence immediately, so that prompt remedial action can be taken.

2.2.2 Control against malicious software

Executable files or software must not be downloaded from the internet or obtained from sources outside of Latrobe City Council and loaded or installed onto office equipment issued by Latrobe City Council, unless authorised by the General Manager Organisational Excellence. Externally supplied storage media must not be connected to any Latrobe City Council system or PC, unless authorised by General Manager Organisational Excellence.

2.2.3 Access

Access to Latrobe City Council equipment and systems is controlled through passwords that are unique to each individual user. Passwords must not be shared or be revealed to others, nor be written down and left in a place where unauthorised persons might discover them. Reasonable means must be taken with media being transported that contains council information to ensure that it is protected from unauthorised access, misuse or corruption.

2.2.4 Unattended user equipment

Office equipment should be logged off or secured by password when unattended. For laptops, holding the Windows Key on the keyboard and pressing “L” will lock the workstation immediately.

2.2.5 Network connection control

Office equipment issued by Latrobe City Council may only be connected to third party computers/networks with the approval of the General Manager Organisational Excellence.”

Accordingly, the amended version (Attachment 1) of this policy document is now presented to Council for adoption namely:

- Provision of Resources and Support to Councillors Policy [11 POL-6].

The revisions made to the one policy denoted both *Minor Change(s)* and *Title Change* in the Policy Review Table set out above can be summarised as follows:

- Extension of Waste Services Collection Policy [11 POL-4]
 - *Policy Goals Section*
Reworded to articulate the collection service and types of waste governed by this policy —
“The purpose of this policy is to describe the process to be used and relative roles of Council staff in dealing with the extension of kerbside garbage and recyclables collection services to non collection areas for household garbage, recyclables and green waste.”
 - Policy content updated to reflect revised terminology.
 - *Title change* to articulate the collection service.

The revisions made to the policy denoted *Minor Change(s)* (only) in the Policy Review Table set out above can be summarised as follows:

- Public Library Policy [11 POL-4]
 - *Relationship to Latrobe 2026 & Council Plan* section
– extensively revised to better align the policy to these corporate documents;
 - *Policy Implementation* section
– Other than updating the titles of related documentation in Clause 5, no change in Policy content.

Accordingly, the amended versions (Attachments 2-3) of the two policies within this group are now presented to Council for adoption namely:

- Extension of Waste Services Kerbside Collection Policy [11 POL-5]; and
- Public Library Policy [11 POL-5].

The following policies were reported as requiring *No change* upon review in Stage 4 namely:

- Citizen Confidentiality and Privacy Policy [11 POL-4];
- Demolition Works Policy [11 POL-4];
- Public Meeting Facilities Policy [11 POL-4];
- Public Open Space Policy [11 POL-4]; and
- Subdivision of Residential or Rural Residential Properties Policy [11 POL-5].

As a result, the five existing policies as nominated above would be retained within the 2009-2012 Council Policy Manual in their present form. Accordingly, a copy of each policy within this group (Attachments 4-8) is provided for information purposes only.

The following is a Summary of the reasons why 2 policies are denoted *Superseded / Obsolete* in the Policy Review Table:

- Public Health Environmental Protection Policy [11 POL-4];
- Public Health Promotion Policy [11 POL-4].

These two policies are no longer relevant following the introduction of the *Public Health and Wellbeing Act 2008* and *Public Health and Wellbeing Regulations 2009*.

The proposal is for Council to replace these policies with the three *New* policies developed in response to the changes in legislation described below.

Notwithstanding, Council should consider formally revoking the existing Public Health Environment Protection and Public Health Promotion policies given they are now irrelevant.

As previously mentioned, Council is asked to consider the 3 *New* policies which have been developed in response to legislative requirements pursuant to the *Public Health and Wellbeing Act 2008*, as follows:

- Infectious Diseases Policy
 - Council must register businesses in accordance with the following sections:
 - Section 67 Registration of Prescribed Accommodation Premises; and
 - Section 69 Registration of Premises.
 - Clause 1.1 of the policy states a registration period is from 1 Jan to 31 December each year.
 - Section 74(d) of the Act states the registration must be determined by Council for a period of no longer than 3 years. We have suggested this remain at a 12 month period as this is currently how Council's registration system is set up, and changing it would involve a great deal of time and funding.
 - Authorised Officers have the power to inspection in accordance with section:
 - Section 73(b); and
 - Section 168; and
 - Section 169.
- Public Health and Wellbeing Penalty Infringement Notice Policy
 - Section 209 Public Health and Wellbeing Act 2008
 - 209(2) A Council may serve an infringement notice on any person that the Council has reason to believe has committed an offence.
 - The list of offences are listed on Section 209(5)(a).
- Public Health Nuisance Policy
 - Council has a duty to investigate nuisance in accordance with Section 60.
 - Council can determine a nuisance in accordance with Section 58 and apply Section 61 in dealing with the resolution of the nuisance.

The full text of the relevant provisions of the *Public Health and Wellbeing Act 2008* referred to above is provided as an Extract (Attachment 9) for further information.

Finally, Council is asked to consider the *New Social Media Policy* in Stage 4 as follows:

- Social Media Policy
 - This policy is an outcome of the Community Engagement Plan 2010-2014, adopted by Council in October 2010. The policy is linked to action 3.2 of the Plan: *'Develop a policy and procedures for the use of social media by Latrobe City Council'*.
 - An adopted policy will allow Latrobe City Council to commence the implementation of a structured, staged approach to enhancing the organisation's social media presence. This represents a valuable opportunity to increase avenues for communication and engagement with our community."

Accordingly, the following *New* policy documents (Attachments 10-13) are now presented to Council for adoption:

- Infectious Diseases Policy [11 POL-1];
- Public Health and Wellbeing Penalty Infringement Notice Policy [11 POL-1];
- Public Health Nuisance Policy [11 POL-1]; and
- Social Media Policy [11 POL-1].

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

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

7. **INTERNAL / EXTERNAL CONSULTATION**

Engagement Method Used:

All policies selected for review and/or presented to Council for consideration in Stage 4 have been the subject of comprehensive internal consultation throughout the review process.

A preliminary report on the review findings from Stage 4 was provided to Councillors at the Issues & Discussion Session on 14 November 2011.

8. OPTIONS

The following options are available to Council:

1. (a) revoke the 2 nominated policies; and
(b) adopt the 3 revised policy documents as presented;
and
(c) adopt the 4 new policies as presented.
2. Amend & adopt policies.
3. Not to adopt or revoke any one policy.
4. Seek further information on any policy.

9. CONCLUSION

The comprehensive review of the 10 existing policies nominated in Stage 4 of the 2011/2012 Policy Review Programme has now been completed.

In addition, 4 new policies have been developed and included in Stage 4 for presentation to Council.

As a result of the review findings, it is recommended that Council:-

- keeps the following five policies within the *2009 – 2012 Council Policy Manual* as they currently exist:
 - Citizen Confidentiality and Privacy Policy 11 POL-4
 - Demolition Works Policy 11 POL-4
 - Public Meeting Facilities Policy 11 POL-4
 - Public Open Space Policy 11 POL-4
 - Subdivision of Residential or Rural Residential Properties Policy [11 POL-5];
- revokes the two existing policies which are no longer required; and
- adopts the seven policy documents as presented.

10. RECOMMENDATION

1. That Council revokes —
 - *Public Health Environmental Protection Policy [11 POL-4]; and*
 - *Public Health Promotion Policy [11 POL-4]; and*that these two (2) policies be removed from the current 2009-2012 Policy Manual.
2. That Council adopts the three (3) amended Policies as presented namely —
 - *Provision of Resources and Support to Councillors Policy [11 POL-6];*
 - *Extension of Waste Services Kerbside Collection Policy [11 POL-5]; and*

- *Public Library Policy [11 POL-5].*
3. That Council adopts the four (4) new Policies as presented namely —
 - *Infectious Diseases Policy [11 POL-1];*
 - *Public Health and Wellbeing Penalty Infringement Notice Policy [11 POL-1];*
 - *Public Health Nuisance Policy [11 POL-1]; and*
 - *Social Media Policy [11 POL-1].*
 4. That revised *2009 - 2012 Council Policy Manual [11 POL-7]* be produced and made available to the public.

ALTERNATE MOTION

Moved: Cr Kam

Seconded: Cr Gibson

That the Motion be adopted.

1. That Council revokes —
 - *Public Health Environmental Protection Policy [11 POL-4]; and*
 - *Public Health Promotion Policy [11 POL-4]; and that these two (2) policies be removed from the current 2009-2012 Policy Manual.*
2. That Council adopts the two (2) amended Policies as presented namely —
 - *Extension of Waste Services Kerbside Collection Policy [11 POL-5]; and*
 - *Public Library Policy [11 POL-5].*
3. That Council adopts the four (4) new Policies as presented namely —
 - *Infectious Disease Policy [11 POL-1];*
 - *Public Health and Wellbeing Penalty Infringement Notice Policy [11 POL-1];*
 - *Public Health Nuisance Policy [11 POL-1]; and*
 - *Social Media Policy [11 POL-1].*
4. That revised *2009 - 2012 Council Policy Manual [11 POL-7]* be produced and made available to the public.
5. That Council defer consideration of the *Provision of Resources and Support to Councillors Policy* until the Ordinary Council meeting to be held on 6 February 2012.

CARRIED UNANIMOUSLY

ATTACHMENTS

No.	Policy / Document Title	Policy Document ID Number
1.	Provision of Resources and Support to Councillors Policy	11 POL-6
2.	Extension of Waste Services Kerbside Collection Policy	11 POL-5
3.	Public Library Policy	11 POL-5
4.	Citizen Confidentiality and Privacy Policy	11 POL-4
5.	Demolition Works Policy	11 POL-4
6.	Public Meeting Facilities Policy	11 POL-4
7.	Public Open Space Policy	11 POL-4
8.	Subdivision of Residential or Rural Residential Properties Policy	11 POL-5
9.	Legislative Extract: <i>Public Health and Wellbeing Act 2008</i>	--
10.	Infectious Diseases Policy	11 POL-1
11.	Public Health and Wellbeing Penalty Infringement Notice Policy	11 POL-1
12.	Public Health Nuisance Policy	11 POL-1
13.	Social Media Policy	11 POL-1

Document Name: **Provision of Resources and Support to Councillors Policy**

11 POL-6

Adopted by Council: **<date of Council resolution>**

Policy Goals

The Provision of Resources and Support to Councillors Policy is designed to:-

- clearly set out the level of resources council will provide to any person who is elected to Council;
- assist in the provision of clear audit guidelines;
- provide mutual accountability between elected councillors.

Latrobe City Council will provide elected councillors with a range of resources and support to enable them to effectively carry out their complex role. The resources provided to councillors are outlined in this policy.

Relationship to Latrobe 2026 & Council Plan

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

Regulation and Accountability

Latrobe 2026:

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

Council Plan:

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

Governance

Latrobe 2026:

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

Council Plan:

- Conduct all Council and committee meetings in strict accordance with the law and in an open and transparent manner.

Policy Implementation

S75(1) of the Local Government Act states:

A council must reimburse a councillor for expenses if the councillor –

-
- applies in writing to the council for reimbursement of expenses; and
 - establishes in the application to council that the expenses were reasonable bona fide councillor out-of-pocket expenses incurred while performing duties of a councillor.

Duties of a councillor means 'duties performed by a councillor that are necessary or appropriate for purposes of achieving the objectives of a Council'.

1. Councillor Reimbursement

1.1 Councillors' Allowance

Councillors' allowance is made available pursuant to sections 74 and 74B of the Local Government Act 1989. The level of the allowance will be determined within the statutory limits each year by Council. This allowance is paid to meet the general out-of-pocket expenses of councillors, incurred while carrying out their responsibilities.

1.2 Travelling

Travelling expenses will be reimbursed to councillors at the rate specified in the Local Government Award under the following circumstances:

- To attend Ordinary and Special Council Meetings and Information and Discussion sessions of council.
- To attend civic or ceremonial functions convened by the Council or Mayor.
- To attend meetings scheduled by Council or the Mayor.
- To attend meetings, or to participate in delegations or deputations to which the councillor has been appointed as a representative by Council.
- To attend a meeting, function or other official role attended as a representative of, and under delegation by, the Council or Mayor.
- To attend meetings of community groups, organisations and statutory authorities to which the councillor has been appointed as the council delegate or is authorised by Council.
- To attend inspections of a street, property or areas within Latrobe City (or to discuss with any persons) any matter affecting or affected by the Council, and/or to attend to carrying out activities in the capacity of a councillor

When councillors are required to travel interstate, the mode of transport is to be determined on the advice of the Chief Executive Officer based on the most cost effective form of transport.

In addition to providing the required information to the Governance unit for inclusion in Council's Public Registers, councillors shall provide an additional report to the Mayor in writing that details the original purpose of any overseas or interstate travel and the resulting outcomes and benefits to Council.

Claims are to be submitted at a frequency convenient to the councillor, but not less than quarterly.

1.3 Reimbursement of Child Care Expenses

Councillors incurring bona fide child care expenses paid to a recognised child care provider; or to a person who does not: -

- have a familial or like relationship with the councillor; or;
- reside either permanently or temporarily with the councillor; or
- have a relationship with the councillor or his or her partner such that it would be inappropriate for council to reimburse monies paid to the care provider.

Councillors will be reimbursed such child care expenses when the child care is necessary in order to allow the councillor to attend:-

- Council meetings and council business related to council meetings;
- Council functions;
- Meetings arising as a result of a councillor being appointed by the Council to an external body.

1.4 Reimbursement of expenses of member of Council Committees

Each year Council resolves which councillors will provide representation on a number of specific organisations or committees with the delegated authority of Council on appropriate matters. For these organisations and committees the nominated councillors or their substitute are considered council representatives at regular meetings or any special events. Under S75A of the Local Government Act Council will meet any necessary reasonable expenditure required for such attendances by the delegated or substitute councillor.

1.5 Other Expenses

Councillors will be reimbursed for necessary out-of-pocket expenses incurred while performing duties as a councillor in accordance with S75 of the Local Government Act 1989 and where the expenditure is necessary for and consistent with the achievement of the current Council Plan goals and objectives.

2. Resources for Councillors

2.1 Administrative Support for Councillors

Administrative support will be made available for councillors to assist them with diary management and in responding to correspondence, enquiries and requests for service as part of their official duties as a councillor.

Council business papers, personal mail and other council information will be couriered to councillors' places of residence, placed in councillors'

communication boxes or forwarded by electronic mail, as may be arranged with individual councillors, weekly or as required.

2.2 Provision of Office Equipment

Councillors will be provided with the following office equipment to assist in performing their official council duties:

- A laptop computer, appropriate software and accessories.
- A multi-function device (combined printer, scanner and fax machine) connected to a second (dedicated) telephone connection at their place of residence.
- Mobile telephone with the capacity to receive and send emails.

The council will meet the line and call costs of the dedicated telephone connection used for official council duties. The council will also meet the fixed charge and call costs of the mobile telephone and an internet connection used by a councillor for official council duties. The direct costs of any private use of these facilities should be reimbursed to council.

The council shall, upon request, provide councillors with standard stationery held or obtained generally for the organisation's requirements. The stationery may include, but not necessarily be limited to, paper, business cards, writing implements, diaries, writing pad/books, computer discs and paper, envelopes and the like.

All equipment remains the property of the council and must be returned at the end of a councillor's term of office or upon retirement or resignation of the councillor.

2.2.1 Information Technology Security

Councillors shall ensure that the security of Latrobe City Council information is maintained when using the above mentioned office equipment. Passwords must be kept confidential to protect Latrobe City Council Information and in the event of any loss of equipment this must be reported immediately to enable information which is held on the equipment to be protected. Any hard copy materials should be kept in a locked drawer, briefcase or filing cabinet at a home location.

Any breach of the security of Latrobe City Council information or known circumvention of security measures must be communicated to the General Manager Organisational Excellence immediately, so that prompt remedial action can be taken.

2.2.2 Control against malicious software

Executable files or software must not be downloaded from the internet or obtained from sources outside of Latrobe City Council and loaded or installed onto office equipment issued by Latrobe City Council, unless authorised by the General Manager Organisational Excellence. Externally

supplied storage media must not be connected to any Latrobe City Council system or PC, unless authorised by General Manager Organisational Excellence.

2.2.3 Access

Access to Latrobe City Council equipment and systems is controlled through passwords that are unique to each individual user. Passwords must not be shared or be revealed to others, nor be written down and left in a place where unauthorised persons might discover them. Reasonable means must be taken with media being transported that contains council information to ensure that it is protected from unauthorised access, misuse or corruption.

2.2.4 Unattended user equipment

Office equipment should be logged off or secured by password when unattended. For laptops, holding the Windows Key on the keyboard and pressing "L" will lock the workstation immediately.

2.2.5 Network connection control

Office equipment issued by Latrobe City Council may only be connected to third party computers/networks with the approval of the General Manager Organisational Excellence.

2.3 Office for Mayor

A councillor elected to the position of Mayor will be provided with an office within the Latrobe City Council offices.

2.4 Vehicle for Mayor

Where the Council provides a vehicle, the following specification will apply:

Position	Vehicle
Mayor	Ford G6E, Holden Statesman (or equivalent standard/value, whilst considering Council's commitment to reduce overall vehicle emission)

By approval of Council the provision of an upgraded alternate vehicle may occur in certain circumstances.

The Council may alter the vehicle specifications to meet the requirements of the position to the equivalent standard/value of a Ford G6E or Holden Statesman as relevant.

Preference will be given to Australian manufactured vehicles and alternative fuelled vehicles.

Fuel cards will be made available for all Council-owned vehicles, enabling the purchase of fuels and oils only. The current odometer reading must be provided at point of sale.

The mayoral vehicle changeover will occur annually.

2.4.1 Conditions of Use

It will be the responsibility of the Mayor to maintain the vehicle in a clean and tidy condition and to the satisfaction of the council.

Council owned vehicles are made available on the following conditions:

- (a) Vehicle to be accommodated off street;
- (b) Driver to maintain vehicle in clean and tidy condition at all times;
- (c) The councillor who has approved use of the vehicle pursuant to this policy will be responsible to check oil, water, tyre pressure, temperature of engine, etc. to ensure such are maintained in accordance with manufacturer's stated specification range;
- (d) To assist in providing a safe working environment, cigarette smoking or smoking of tobacco products is strictly prohibited at all times in any Council owned vehicle by any driver or occupant of such vehicle. A No Smoking Policy has been adopted by the Council;
- (e) The Mayor must ensure that the vehicle is presented to the council's vehicle maintenance provider for the manufacturer's stated maintenance when required, and that any fault or warranty issue is drawn to the attention of the appropriate person or organisation;
- (f) The Mayor must ensure that any damage to the vehicle is reported to the Risk Officer for assessment, regardless of how minor the damage is.

2.4.2 Traffic Offences

Any person to whom this policy relates, who is found guilty of an offence resulting in loss of licence, will no longer be entitled to drive the allocated council owned vehicle.

Any fines or charges imposed for breach of traffic legislation or Regulation including contravention of Council's Local Laws or Parking Infringements MUST be paid in full by the driver of the vehicle at the time the incident occurred.

2.4.3 Motor Vehicle Insurance Claims

A person to whom the policy relates in charge or using a Council-owned vehicle that is involved in an accident or incident giving rise to a possible claim must:

- (a) Immediately or as soon as is reasonably practical, notify Council's Risk Officer so that Council's Insurer receives adequate and appropriate advice of a claim or possible claim;

-
- (b) Refrain from admitting liability in any matter as this will enable Council's Insurer to assess and consider an appropriate non-prejudiced response;

Driver Under 25 Years of Age (Non-Employee)

Where a Council-owned vehicle is being used outside of normal working hours, but legally in terms of right-of-use, by any person under the age of twenty-five (25) years and the vehicle is involved in an accident causing damage to the Council-owned vehicle, an excess amount of \$1,000 must be paid to the Council where the driver at the time of the incident is determined by due process to be legally liable and the Council's insurer, subsequent to proper inquiry and process, admits liability in respect to such incident.

Where any person to whom this policy relates to is involved in an offence or incident where damage occurs to Council property (ie. the vehicle) and Council's insurer is not prepared to pay costs, will reimburse the Council to a maximum amount of \$1,000 to cover insurance excess, and must enter into a formal agreement with Council's Insurer or approved repairer to meet the cost of repair when the cost of repair is greater than the insurance claim excess.

3. Professional Development

3.1 Councillor Development and Training

Latrobe City is committed to ensuring that all councillors are provided with access to development and training opportunities necessary to enable them to perform their duties and responsibilities as councillors. Each year, council will develop a program of activities designed to meet the overall corporate training and development needs of councillors. These activities may include conferences, seminars and workshops to which all councillors will be invited to attend. The expenses involved in attending these activities will be paid by council and will not involve any claimable expenses.

3.2 Individual Professional and Personal Development

In addition to the corporate training and development needs of councillors, individual councillors may have specific requirements to enable them to maximise their potential in serving the Latrobe City community. Many courses, conferences seminars and workshops are available and can provide benefit to individual councillors. Many specific opportunities cannot be identified in advance and each councillor may have different developmental needs.

Each councillor is allocated up to \$2500 (inclusive of travel, meals and accommodation if required) on an annual financial year basis for personal development where such development is considered to be in the interest of the Latrobe City community. This allocation is not transferable to another councillor nor can it be carried forward into the next budget cycle. Should a councillor identify or wish to pursue a personal development program or course that

exceeds the annual allocation of \$2500 the matter must be referred to Council for a decision. In considering this matter, Council will take into consideration the merits of the program or activity and the councillor's personal development plan in accordance with the overall parameters set by this policy. Regardless of the overall cost, councillors must seek formal approval from council for any course that involves interstate or overseas travel.

Individual councillor developmental plans are to be submitted to, and approved by the Mayor and the Chief Executive Officer prior to incurring any expenditure. Developmental programs that qualify for this expenditure, provided that these relate to the areas of local government activity, leadership, governance in the context of the role of councillor, or enhance the personal skills of the individual to undertake the role, include but are not limited to:

- Specific workshops, seminars and conferences;
- Undergraduate and post graduate studies;
- Short courses, and study tours that relate to the areas of local government activity, leadership, governance in the context of the role of councillor, or enhance the personal skills of the individual to contribute to the good governance of Latrobe City.
- Where practical the course will be held in Victoria.

After undertaking any individual professional or personal development course, councillors must provide a brief written summary to fellow councillors. The summary should outline the benefits of the training to themselves and to council operations.

There is to be quarterly reporting to Council of expenditure incurred under this policy by each councillor identifying the cost, type of course undertaken and the benefit achieved by attending such course. The Governance Team will prepare this report from the information sheet provided by councillors who have undertaken any course, which has incurred a cost against the councillor's allocated personal development budget.

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

Signed : _____
Chief Executive Officer

Date : <insert date>.

Document Name: **Extension of Waste Services Kerbside Collection Policy**

11 POL-5

Adopted by Council: **<date of Council resolution>**

Policy Goals

The purpose of this policy is to describe the process to be used and relative roles of Council staff in dealing with the extension of kerbside garbage and recyclables collection services to non collection areas for household garbage, recyclables and green waste.

Relationship to Latrobe 2026 & Council Plan

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

Natural Environment

Latrobe 2026:

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

Council Plan:

- Provide and promote environmentally sustainable waste management practices to attain best practice 'final storage quality'.
- Promote and implement waste management practices which attract investment and deliver economic development to Latrobe City.

Policy Implementation

When an area is not serviced by the Latrobe City's kerbside garbage and Recyclables collection Service, the following actions shall occur:

- If the Latrobe City has received a letter requesting a new service the council officer shall:
 - Check Pathway and customer request systems and verify the residents property address;
 - Verify the number of residents that reside in the area of the new service;
 - Consult with the contractor to determine if extending the requested service is financially viable and at what cost;
 - Consult with the contractor to determine if there are any physical constraints within the proposed extension area that will limit the safe operation of the collection service,

-
- Print out names and addresses, and send a standard letter and survey form to all potential service users on the route;
 - Collate responses and report the results of all surveys to the next available Council meeting for a resolution regarding the inclusion into the City's kerbside garbage and recyclables collection area; and
 - Residents will be advised in writing of the outcome, and if a service is to be provided the letter will include advice on the commencement date, a Recycling & Green Waste Collection Calendar for the collection area, bin placement requirements and the cost (pro-rata for remainder of year).
- If the consultation with the collection service contractor results in the deeming of the area to not be financially viable to provide a collection service then the survey process will not be undertaken. This will be communicated back to any person expressing an interest in the matter, such as the person or persons who made the initial request.
 - If the collection service contractor deems the proposed extensions area to be a safety concern, remedies will be sought to reduce the risks of providing a service in the area. If remedies are not available, are too costly or obviate applicable legislation (e.g. Occupational Health and Safety Act 2004), then the survey process will not be undertaken. This will be communicated back to any person expressing an interest in the matter, such as the person or persons who made the initial request.
 - If the participation rate is less than 50%, a service will not be implemented in the area.
 - If the participation rate will be greater than 70% and when the Service provider has confirmed collection can be undertaken in a financially viable and safe manner, a suitable location for presentation of bins has been identified, and the participation rate will be greater than 70%, the General Manager Built and Natural Environment Sustainability is delegated the authority to implement a collection service in a new area and will be authorised to implement the service without referring the application to Council (the survey results will still be presented to Council).

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

Signed : _____

Date : <insert date>

Chief Executive Officer

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.

Relationship to Latrobe 2026 & Council Plan

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

Our Community

Latrobe 2026:

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.

Council Plan:

- Work collaboratively with all relevant stakeholders in the provision and support of quality education and care.
- Develop and foster relationships with service providers to enhance the learning and employment outcomes of the community.
- Facilitate and support initiatives that strengthen the capacity of the community.
- Provide access to information, knowledge, technology and activities that strengthens and increases participation in community life.
- Support initiatives that promote diversity and social inclusion.
- Promote community participation and volunteerism to support improved health and wellbeing through all stages of life.

Culture

Latrobe 2026:

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.

Council Plan:

- Increase the accessibility of Latrobe City Council's cultural facilities, programs and events.
- 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.

Recreation

Latrobe 2026:

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.

Council Plan:

- Assess and evaluate recreational trends and opportunities to address community aspirations for passive and active recreational activities.
- Provide diverse and accessible recreational, leisure and sporting facilities that are financially sustainable.
- Promote and maximise the utilisation of recreational, aquatic, leisure facilities and services to ensure they meet the needs of the community.
- Support and develop partnerships and collaboration with user groups, friends of and committees of management for recreational, aquatic, public open spaces, parks and gardens.

Policy Implementation

1. The Council will provide a library service with free membership to:
 - all residents of the Latrobe City municipality.
 - persons eligible to join another subsidised public library.
2. The Council will provide the following core library services without direct charge to the individual:
 - access to the collection via an Online Public Access Catalogue (OPAC) and training in the use of the OPAC;
 - assistance with basic reference enquiries;
 - items from the collection for lending to members for specific periods of time;
 - special activities identified by the Council such as Storytime;
 - public internet access.

-
3. The Council will charge fees/fines for the following:
- selected reservations;
 - loans from collections outside the public/State library network such as academic, government or specialist libraries;
 - late returns;
 - replacement costs for lost or damaged items;
 - business services such as photocopying and facsimile;
 - lost or damaged membership cards;
 - meeting room hire;
 - specialist research and high level support;
 - any service which attracts an external service charge such as online database searching, speakers, theatre performances;
 - other programs as determined by Council.
4. The Council will determine appropriate branch libraries sites and facilities for public access and will determine public opening hours for each branch library.
5. The Council will provide the library collection and associated resources in accordance with the following documents:
- Public Internet Access Guidelines;
 - Collection Development Guidelines;
 - Public Libraries Funding Agreement;
 - Ministerial Advisory Council (MAC) on Public Libraries vision.

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

Signed : _____
Chief Executive Officer

Date : <insert date>.

Definitions

<i>Citizen / Client</i>	Includes a person receiving a service provided by the Mayor, any Councillor or staff member performing their duty as an employee or contractor of the Latrobe City Council. This definition also includes prospective and past clients.
<i>Confidentiality</i>	Respect for personal or sensitive information gained in a professional capacity or relationship with a client who no one outside of the helping or assisting relationship has a right to know.
<i>Personal Information</i>	Information about an individual whose identity can be determined from that information, such as name, physical address, age, credit card details, email address, financial status (eligibility for concessions or benefits) or family information (who lives with individual).
<i>Sensitive Information</i>	Information or opinion about an individual's religious beliefs, membership of a political association, Trade Union membership, sexual preferences, criminal record, racial or ethnic origin.

Relationship to Latrobe 2026 & Council Plan

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

Regulation and Accountability

Latrobe 2026:

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

Council Plan:

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

Governance

Latrobe 2026:

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

Council Plan:

- Delegate appropriately and make sound decisions having regard to legislative requirements, policies, professional advice, sound and thorough research and the views of the community.

Policy Goals

Council is committed to providing quality, effective and efficient services to citizens in a manner which values and respects the individual. Due to the nature of providing personal services to citizens, staff will have access to a range of sensitive personal information and in-depth knowledge about those citizens.

Council recognises that upholding a citizen's right to privacy and confidentiality is an integral component to providing a quality service. The aim of this policy is to outline the client's right to confidentiality, and the measures that are to be undertaken by staff to uphold this right.

Citizens have the right to challenge how the organisation deals with their information.

Citizens usually are more willing to provide correct information if satisfied the organisation will protect their privacy.

This policy is not intended to prevent legitimate use of personal information or prohibit the collection of such information.

The *Information Privacy Act* came into effect on 1 September 2002 and sets new standards for the way government organisations, statutory bodies and local Councils collect and handle personal information. The Act is to:

- (a) balance the public interest in the free flow of information in respecting privacy and protecting information in the public sector;
- (b) promote responsible handling of personal information in the public sector and awareness of these practices.

The *Information Privacy Act* consists of 10 Information Privacy Principles. These principles regulate the handling of personal information and compliance is required in order to meet the requirements of the Act. The Principles are as follows:

1. Collection

Council will only collect personal information:-

- that is necessary for the performance of functions or activities.
- for a pre-determined purpose.

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- by lawful, fair and not unreasonably intrusive means.
 - direct from the person themselves, where reasonable and practicable.

Once information collected from citizens inform citizens as to why information is required and how it will be retained.

2. Use and Disclosure

Council will only use and disclose personal information:-

- for the primary purpose for which it was collected.
- for a related purpose a person would reasonably expect.
- to lessen or prevent a serious and imminent threat to an individual's life, health, safety or welfare.
- to lessen or prevent a serious threat to public health, public safety and public welfare.
- with consent.

3. Data Quality

Council will take reasonable steps to ensure:-

- Personal information is accurate, complete and up to date.

4. Data Security

Council will take reasonable steps:-

- to protect personal information from misuse, loss, unauthorised access, modification or disclosure.
- to destroy or permanently de-identify if no longer required. Destruction should be in accordance with disposal schedules of the Public Records Act 1973.

5. Openness

Council will:-

- have a clear expressed policy on management of personal information which is readily available on the Internet, www.latrobe.vic.gov.au. By request the policy will be made available at Service Centres at Headquarters, Moe and Traralgon.
- inform generally what sort of personal information it holds on behalf of a citizen, for what purposes and how it collects, holds, uses and discloses that information when requested by a citizen.
- review its policy to reflect current practice.

Council's Privacy Officer is positioned with the Governance Division.

6. Access and Correction

Council will provide access to personal information on request by a citizen except in specified circumstances. Council will make the information available within 45 days of receiving the request.

Council will take reasonable steps to correct information so that it is accurate, complete and current.

7. Unique Identifiers

A “unique identifier” is a reference assigned by the organisation to an individual to identify that individual for the purposes of the operations of the Council (but does not consist only of the individual’s name).

Council will not:-

- Assign unique identifiers unless necessary to carry out the Council’s functions efficiently.
- Adopt a unique identifier that has been assigned by another organisation unless necessary to carry out the Council’s functions efficiently, or with the consent of the individual or it is under an outsourcing arrangement.
- Use or disclose a unique identifier by another organisation unless necessary to fulfil the Council’s obligations to that other organisation or with the consent of the individual.
- Require an individual to provide a unique identifier in order to obtain a service unless required or authorised by law or in connection with the purpose for which the unique identifier was assigned.

Council will attempt to limit the assignment, adoption and sharing of unique identifiers.

8. Anonymity

Wherever lawful and practicable citizens must have the option of not identifying themselves in transactions with Council.

9. Transborder Data Flows

Personal information can only be transferred outside Victoria or overseas if consent is provided or the following Special Conditions are met:-

- The recipient of the information is subject to a law, binding scheme or contract which effectively upholds principles for fair handling of the information that are substantially similar to the Information Privacy Principles.
- The transfer is necessary for the performance of a Contract between the citizen and Council for the implementation of pre-contractual measures taken in response to the citizen’s requests.

-
- The transfer is necessary for the conclusion or performance of a Contract concluded in the interest of the citizen between Council and a third party.
 - The transfer is for the benefit of the citizen.
 - It is impracticable to obtain the consent of the citizen to the transfer.
 - Council will take reasonable steps to ensure that the information which will be transferred will not be held, used or disclosed by the recipient of the information inconsistently with the Information Privacy Principles.

10. Sensitive Information

Council will not collect sensitive information about a citizen unless:-

- the citizen has consented.
- collection is required under law.
- collection is necessary to prevent or lessen a serious and imminent threat to the life or health of any citizen when the citizen whom the information concerns is physically or legally incapable of giving consent to the collection or physically cannot communicate consent to the collection.
- collection is necessary for research relevant to government funded targeted welfare or education services in accordance with other specified circumstances.
- the collection is necessary for the establishment exercise or defence of a legal or equitable claim.
- there is no reasonably practicable alternative to collecting the information for that purpose.
- it is impracticable for Council to seek citizen's consent to the collection.

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

Signed : _____
Chief Executive Officer

Date : 08/02/2011.

Policy Goals

Latrobe City has developed the Demolition Works Policy as an overarching strategy to ensure that full consideration is given to the heritage value of an identified building within the municipality prior to the issuing of any building or demolition permit. The aim of this policy is to protect the cultural and historical heritage of the municipality as presented either visually or through association in respect to buildings. The policy will apply to all buildings or parts thereof throughout Latrobe City.

Relationship to Latrobe 2026 & Council Plan

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

Built Environment

Latrobe 2026:

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.

Council Plan:

- Protect and respect the historical character of Latrobe City.
- Protect public and private infrastructure against disaster, deterioration and pests through the application of appropriate building and planning controls.

Policy Implementation - Building Permits

All applications for building permits will be scrutinised to determine if a building is to be substantially demolished or its façade will be significantly altered within the confines of section 29A of the Building Act 1993. Where the demolition or alteration of a façade is identified the building will be cross referenced against any relevant heritage study and planning scheme, heritage overlay.

All applications for report and consent to demolish or to alter a buildings façade pursuant to section 29A of the Building Act 1993 will be cross referenced against any relevant heritage study and planning scheme heritage overlay.

Should the building not be identified within a relevant heritage study or planning scheme, heritage overlay, consent shall be granted to carry out the works.

Should the building be identified in the planning scheme, heritage overlay consent shall be refused and the applicant required to make application for a planning permit to undertake the works.

Should the building be identified in the current heritage study only, a referral shall be made to the Strategic Planning Co-ordinator to assess the heritage value of the building and the resultant proposed works. The Strategic Planning Co-ordinator may determine the proposed demolition of the building or alterations to the façade are inconsequential and authorise that consent be granted or that the building in its current status has significant heritage value and determine that the application be suspended.

If an application is suspended, the Manager City Planning must recommend to the CEO to immediately make application to the Minister of Planning under section 20 of the Planning and Environment Act 1987 for an interim heritage overlay amendment or a permanent heritage overlay amendment where the building is considered to be of state or regional significance.

Policy Implementation - Planning Permits

In any areas of the municipality where there are heritage studies being undertaken or where they have been completed, any planning application that has a part of the proposed development, any proposed demolition, are to be checked against the heritage study to establish whether the building is included. This arrangement will apply until the relevant heritage overlay to the Planning Scheme is in place. In addition all such planning applications must be reported to Council for a decision and are not to be decided under delegation.

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

Signed : _____
Chief Executive Officer

Date : 08/02/2011.

Policy Goals

Latrobe City has a long association with the provision of public meeting places. These facilities include public halls and rooms located in a range of other facilities owned or managed by the Council. Meeting facilities are provided in each community to ensure that residents have access to inexpensive venues for the conduct of public meetings, other meetings, entertainment, social gatherings or for the pursuit of educational interests. The Council will attain the greatest possible utilisation of its public meeting facilities through a high standard of building presentation and affordable pricing. This policy does not relate to internal meeting rooms located within Council Service Centres, which are governed by the Internal Meeting Room Operational Framework.

Relationship to Latrobe 2026 & Council Plan

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

Built Environment

Latrobe 2026:

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

Council Plan:

- Develop high quality community facilities that encourage access and use by the community.
- Ensure public infrastructure is maintained in accordance with community aspirations.

Culture

Latrobe 2026:

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.

Council Plan:

- Foster community connections by building partnerships in the community for the delivery of programs, events and facilities.
- Strengthen community pride and well-being through the provision of high quality and well presented programs, events and facilities.

Policy Implementation

1. All users of public halls or rooms used for meetings that are managed by the Council will be subject to the conditions of use issued at the time the facility is booked. These conditions of use are binding on all hirers and form the basis of the contract of use between the hirer and the Council.
2. Council will institute differential pricing for those users of the public hall facilities that are deemed to be professional in nature and concessional pricing will apply for those organisations deemed to be community based.
3. Council will only permit the sale of goods/merchandise in or on Council properties at events including markets, expositions/exhibitions, special events and the like, subject to the guidelines and conditions as listed in the Sale of Goods Policy.

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

Signed : _____
Chief Executive Officer

Date : 08/02/2011.

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.

Relationship to Latrobe 2026 & Council Plan

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

Recreation

Latrobe 2026:

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.

Council Plan:

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

Natural Environment

Latrobe 2026:

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

Council Plan:

- Protect and enhance bushland parks and reserves for the benefit of native flora and fauna.

Built Environment

Latrobe 2026:

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

Council Plan:

- Develop high quality community facilities that encourage access and use by the community.
- Promote the integration of roads, cycling paths and footpaths with public transport options and public open space networks to facilitate passive recreation and enhance the liveability and connection of Latrobe City.

-
- Ensure proposed developments and open space areas are complementary to their surrounds.
 - Enhance the quality and sustainability of streetscapes and parks across the municipality through the provision and maintenance of trees that are appropriate to their surroundings.

Policy Implementation

Latrobe City will ensure that in the planning and development of public open space full account will be taken of the various State Government policies relevant to public open space in Victoria.

The Council is committed to providing a wide range of public open space options designed to meet the needs of residents and visitors to the municipality. These options include passive and active recreation facilities, flora and fauna reserves, high amenity sites, undeveloped public land, waterways and their adjacent environments. Public open space will be provided at three levels, regional, to service the entire municipality and beyond, district, to service the surrounding communities and local to service the immediate local community.

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

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

-
- Promote an appreciation of outdoor recreation and the value of parklands.
 - Involve the community in planning, management and the usage of public open space.

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

Signed : _____
Chief Executive Officer

Date : 08/02/2011.

Document Name: **Subdivision of Residential or Rural Residential Properties Policy**

11 POL-5

Adopted by Council: **7 February 2011**

Policy Goals

The purpose of the Subdivision of Residential or Rural Residential Properties Policy is to ensure that the amenity of residential developments are enhanced by ensuring that roads, pavements, footpaths and other essential infrastructure are constructed to an appropriate standard.

Relationship Latrobe 2026 & to Council Plan

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

Built Environment

Latrobe 2026:

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.

Council Plan:

- Promote and support private and public sector investment in the development of key infrastructure within the municipality.
- Promote the integration of roads, cycling paths and footpaths with public transport options and public open space networks to facilitate passive recreation and enhance the liveability and connection of Latrobe City.
- Support and advocate for integrated transport solutions that improve accessibility to and within Latrobe City.
- Ensure proposed developments enhance the liveability of Latrobe City, and provide for a more sustainable community.
- Ensure proposed developments and open space areas are complimentary to their surrounds.
- Encourage environmentally sustainable design principles, including water sensitive urban design, in proposed public and private developments.
- Enhance the quality and sustainability of streetscapes and parks across the municipality, through the provision and maintenance of trees that are appropriate to their surroundings.

Policy Implementation

1. All approvals for residential and rural residential subdivisions contain conditions requiring that roads created by the subdivision be constructed to standards, which among other things, include a sealed surface.
2. All standards be applied to road construction within residential subdivisions and to include among other things, footpaths in courts as well as through roads using the Victorian Residential Code as a guide.
3. All approvals for residential and rural residential subdivisions should contain conditions requiring the main connecting road to be upgraded to an appropriate standard, if not already at that standard. Regard should be had to the planning scheme provisions, however unless exceptional circumstances apply, a sealed road shall be required in the following circumstances:
 - (a) For any subdivision of land zoned Residential 1 Zone or Township Zone.
 - (b) Where a subdivision of land zoned Rural Living or Low Density Residential involves an internal road, or increases the number of lots served by the connecting road by more than three lots.

Exceptional circumstances could include:

The subdivision of the “last lot” in an otherwise fully subdivided precinct where no previous subdivision has been required to provide a sealed road.

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

Signed : _____
Chief Executive Officer

Date : 08/02/2011.

Public Health and Wellbeing Act 2008

No. 46 of 2008

Version incorporating amendments as at 1 July 2011

PART 6—REGULATORY PROVISIONS ADMINISTERED BY COUNCILS

Division 1—Nuisances

58 Application of Division

- (1) This Division applies to nuisances which are, or are liable to be, dangerous to health or offensive.
- (2) Without limiting the generality of subsection (1), this Division applies in particular to nuisances arising from or constituted by any—
 - (a) premises; or
 - (b) water; or
 - (c) animal, including a bird or insect, capable of carrying a disease transmissible to human beings; or
 - (d) refuse; or
 - (e) noise or emission; or
 - (f) state, condition or activity; or
 - (g) other matter or thing—
which is, or is liable to be, dangerous to health or offensive.
- (3) For the purpose of determining whether a nuisance arising from or constituted by any matter or thing referred to in subsection (2) is, or is liable to be, dangerous to health or offensive—
 - (a) regard must not be had to the number of persons affected or that may be affected; and
 - (b) regard may be had to the degree of offensiveness.
- (4) In this section, **offensive** means noxious or injurious to personal comfort.

59 Effect of Division

- (1) This Division does not render lawful any act, matter or thing which but for this Act would be a nuisance.
- (2) This Division is in addition to, and does not prejudice, abridge or otherwise affect any right, remedy or proceeding under any other provision of this Act, or under any other Act, or at common law.

60 Duty of Council

A Council has a duty to remedy as far as is reasonably possible all nuisances existing in its municipal district.

61 Offence of causing a nuisance

- (1) A person must not—
 - (a) cause a nuisance; or
 - (b) knowingly allow or suffer a nuisance to exist on, or emanate from, any land owned or occupied by that person.

Penalty: In the case of a natural person, 120 penalty units;
In the case of a body corporate, 600 penalty units.

- (2) A person is not guilty of an offence under subsection (1)(b) if the person had a lawful excuse for knowingly allowing or suffering a nuisance to exist on, or emanate from, any land owned or occupied by that person.

Division 2—Registration of prescribed accommodation

67 Registration of prescribed accommodation

The proprietor of prescribed accommodation must, in accordance with Division 4, register that accommodation with the Council in whose municipal district the prescribed accommodation is located.

Penalty: In the case of a natural person, 60 penalty units;
In the case of a body corporate, 300 penalty units.

Division 3—Registration of certain businesses

69 Registration of premises

- (1) Unless subsection (2) applies, a person conducting a business referred to in section 68 must, in accordance with Division 4, register any premises upon which that person conducts that business with the Council in whose municipal district the premises are located.

Penalty: In the case of a natural person, 60 penalty units;
In the case of a body corporate, 300 penalty units.

- (2) Subsection (1) does not apply if the person is conducting a business specified in section 68 in the course of a business which is prescribed as an exempt business or which is a business of a class of business prescribed to be exempt for the purposes of this section.

73 Powers of the Council

- (1) Before considering an application under section 71, the Council may—
 - (a) give the applicant a notice requiring the applicant to provide the information specified in the notice;
 - (b) inspect the prescribed accommodation or the premises;

- (c) require that alterations or improvements be made to the prescribed accommodation or the premises so the prescribed accommodation or the premises comply with this Act or the regulations.
- (2) The Council may issue, transfer or renew a registration subject to the condition that a requirement under subsection (1)(c) is complied with within the period specified by the Council.

74 Provisions applying in respect of registration

A registration must be issued, transferred or renewed by the Council—

- (a) in accordance with this Act and the regulations;
- (b) in the form of a certificate of registration approved by the Council;
- (c) only in respect of the prescribed accommodation or the premises specified in the registration;
- (d) for such period as is determined by the Council being a period not greater than 3 years and which period must be specified in the registration;
- (e) unless sooner cancelled or suspended, to remain in force until the day specified in the registration for the expiration of that registration.

PART 9—AUTHORISED OFFICERS

Division 2—Powers of entry

168 Power to enter—risk to public health

- (1) An authorised officer may for the purpose of investigating whether there is a risk to public health or to manage or control a risk to public health—
 - (a) enter a public place; or
 - (b) with the consent of the occupier, enter any other premises including any residential premises.
- (2) For the purposes of subsection (1)(b), an authorised officer may in seeking to obtain the consent of the occupier—
 - (a) enter land around the premises to the extent that it is reasonable to do so for the purpose of contacting the occupier; or
 - (b) enter a part of the premises which the authorised officer considers can be entered by a member of the public for the purpose of contacting the occupier.
- (3) An authorised officer who enters a public place or any other premises in accordance with subsection (1) may exercise any of the powers specified in section 175.

- (4) For the purposes of this section, **public place** means a place, or part of a place, that—
- (a) the public is entitled to use; or
 - (b) is open to members of the public; or
 - (c) is used by the public—
- whether or not on the payment of any money.

169 Power to enter—monitoring compliance or investigating

- (1) For the purposes of monitoring compliance with this Act or the regulations and investigating a possible contravention of this Act or the regulations, an authorised officer may enter without a warrant, at any reasonable hour in the daytime or any time that the premises are open to the public, any premises that an authorised officer believes is—
- (a) used for the provision of prescribed accommodation; or
 - (b) used for conducting a business specified in section 68; or
 - (c) land on which there is a cooling tower system; or
 - (d) used for the business of a pest control operator; or
 - (e) used for conducting a brothel or escort agency; or
 - (f) used for the provision of services by a health service provider.
- (2) In relation to any possible contravention of the Act or the regulations, an authorised officer may, without a warrant, enter any premises at any time if—
- (a) the authorised officer believes on reasonable grounds that there may be an immediate risk to public health; and
 - (b) the entry is necessary to enable the authorised officer to investigate, eliminate or reduce the risk.
- (3) An authorised officer may enter any premises at any time—
- (a) for the purposes of monitoring compliance with this Act or the regulations, or investigating a possible contravention of this Act or the regulations, with the consent of the occupier; or
 - (b) with a warrant issued under this Act.
- (4) For the purposes of subsection (3)(a), an authorised officer may in seeking to obtain the consent of the occupier—
- (a) enter land around the premises to the extent that it is reasonable to do so for the purpose of contacting the occupier; or
 - (b) enter a part of the premises which the authorised officer considers can be entered by a member of the public for the purpose of contacting the occupier.

PART 11—GENERAL PROVISIONS

Division 2—Infringements

209 Infringements

- (1) The Secretary may serve an infringement notice on any person that the Secretary has reason to believe has committed a prescribed offence.
- (2) A Council may serve an infringement notice on any person that the Council has reason to believe has committed a prescribed offence.
- (3) An offence referred to in subsection (1) or (2) for which an infringement notice may be issued is an infringement offence within the meaning of the **Infringements Act 2006**.
- (4) The infringement penalty for an offence against a prescribed offence is the prescribed penalty.
- (5) In this section, **prescribed offence** means—
 - (a) in relation to a Council, an offence against Part 6, 9 or 10 (or any regulations made under Part 6, 9 or 10) which is prescribed for the purposes of this section and is committed wholly or partly in the Council's municipal district; and
 - (b) in relation to the Secretary, an offence against this Act (other than section 61) or the regulations which is prescribed for the purposes of this section, wherever committed.

Note

See the **Infringements Act 2006** for provisions relating to infringement notices.

Policy Goals

1. To prevent the transmission of infectious disease within hair, beauty, body piercing tattooing colonic irrigation premises and prescribed accommodation premises.
2. To ensure that water at public swimming pools and spas is free from disease causing organisms and bacteria.

The *Public Health and Wellbeing Regulations 2009* provide Council with the discretion to perform the following activities:

- Inspect hairdressing, beauty therapy, body piercing , tattooing, colonic irrigation premises and prescribed accommodation; and
- Inspect and monitor water quality within public swimming pool and spas.

Relationship to Latrobe 2026 & Council Plan

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

Our Community

Latrobe 2026:

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.

Council Plan:

- Provide support, assistance and quality services in partnership with relevant stakeholders to improve the health, wellbeing and safety of all within Latrobe City.
- Facilitate and support initiative that strengthen the capacity of the community.

Regulation and Accountability

Latrobe 2026:

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

Community

Council Plan:

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

Policy Implementation

1. **Hair, Beauty, Body Piercing Tattooing, Colonic Irrigation Premises and Prescribed Accommodation premises**

- 1.1 Council will register all hair, beauty, body piercing, tattooing, colonic irrigation and prescribed accommodation premises for a period of twelve months. The registration period is from 1 January to 31 December each year.
- 1.2 Council will conduct at least three inspections each year of all high risk businesses to ensure that the business is safe, hygienic and does not aid the spread of infectious disease. High risk businesses are those that provide tattooing.
- 1.3 Council will also conduct at least one inspection each year of all low risk businesses to ensure the premises are kept in a clean and sanitary condition, and that all equipment is adequately sterilised. Low risk businesses are those that provide hairdressing and beauty therapy, electrolysis, body piercing and colonic irrigation.
- 1.4 Council will investigate all complaints concerning the operation of hair, beauty, body piercing tattooing and colonic irrigation premises and if Council is satisfied that the matter is substantiated Council may issue the proprietor with an improvement or prohibition notice requiring action to eliminate the public health risk

2. **Swimming Pool and Spa Water Quality**

Latrobe City Council will inspect each Council owned public swimming pool and spa¹ located within the municipality at least four times each year to ensure the water is disinfected appropriately and that the water is free from disease causing organisms.

Council will investigate all public complaints concerning the water quality of public swimming pools and spas located within the municipality. If Council is satisfied that the matter is substantiated Council will serve a notice requiring action to be taken to ensure the water quality of the swimming pool and/or spa complies with the Public Health & Wellbeing Regulations 2009.

1. Public swimming pool means an artificially constructed pool to which the public has access and is used for swimming, diving, recreational or therapeutic bathing, exercise, paddling or wading. Public spa means an artificially constructed pool to which the public has access that circulates heated turbulent water above 32°C and is used for passive recreational or therapeutic bathing.

* Relevant Legislation: Public Health & Wellbeing Act 2008

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

Signed : _____ Date : / / 2011.
Chief Executive Officer

Policy Goals

1. To ensure consistent and equitable exercise of the application of issuing penalty infringement notices under the provisions of the Public Health and Wellbeing Regulations Act 2008 and Public Health and Wellbeing Regulations 2009.
2. To ensure that penalty infringement notices are issued in accordance with the Infringements Act 2006.
3. To encourage compliance with the Public Health and Wellbeing Act 2008 and Public Health and Wellbeing Regulations 2009.

Local Government Authorities are provided with extensive legislative responsibilities and powers under the Public Health and Wellbeing Act 2008 and Public Health and Wellbeing Regulations 2009. These powers and responsibilities include:

- Registration of all hair, beauty, body piercing, tattooing, colonic irrigation and prescribed accommodation premises on an annual basis; and
- Inspection of each registered premises on an annual basis to ensure that proprietors are complying with the Public Health and Wellbeing Act 2008 and Public Health and Wellbeing Regulations 2009.

Section 209 of the Public Health and Wellbeing Act 2008 also provides authorised officers with the power to issue penalty infringement notices for offences listed in the Public Health and Wellbeing Act 2008 and Public Health and Wellbeing Regulations 2009.

Relationship to Latrobe 2026 & Council Plan

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

Our Community

Latrobe 2026:

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.

Council Plan:

- Provide support, assistance and quality services in partnership with relevant stakeholders to improve the health, wellbeing and safety of all within Latrobe City.
- Facilitate and support initiative that strengthen the capacity of the community.

Regulation and Accountability

Latrobe 2026:

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

Community

Council Plan:

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

Policy Implementation

1. Penalty Infringement Notices

- 1.1 Council will issue penalty infringement notices in accordance with the Infringements Act 2006 for offences under the Public Health and Wellbeing Regulations 2009
- 1.2 A penalty infringement notice may be issued to a proprietor of a premises when an authorised officer observes a breach of the Public Health and Wellbeing Act 2008 or Public Health and Wellbeing Regulations 2009
- 1.3 Where a penalty infringement notice has not been paid, Council will pursue the matter through the PERIN court or the Magistrate's Court.
- 1.4 The method for the issuing, appeals and reviews of such penalty infringement notices will be completed in accordance with the Infringements Act 2006 and Infringements (Reporting and Prescribed Details and Forms) Regulations 2006.

Relevant Legislation:

- Public Health and Wellbeing Act 2008
- Public Health and Wellbeing Regulations 2009
- Infringements Act 2006
- Infringements (General) Regulations 2006
- Infringements (Reporting, Prescribed Details and Forms) 2006
- Relevant Legislation: Public Health & Wellbeing Act 2008

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

Signed : _____
Chief Executive Officer

Date : / / 2011.

Policy Goals

To investigate and remedy all complaints concerning public nuisances that can be substantiated and which are, or are likely to be, dangerous to health or offensive.

The nuisance provisions of the Public Health and Wellbeing Act 2008 are very broad in application and provide a number of options to Council to remedy nuisances within the municipal district. This policy provides guidance in relation to how Council shall substantiate public complaints of health nuisance and the methods by which Council shall resolve such complaints.

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

Relationship to Latrobe 2026 & Council Plan

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

Our Community

Latrobe 2026:

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.

Council Plan:

- Provide support, assistance and quality services in partnership with relevant stakeholders to improve the health, wellbeing and safety of all within Latrobe City.
- Facilitate and support initiative that strengthen the capacity of the community.

Regulation and Accountability

Latrobe 2026:

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

Community

Council Plan:

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

Policy Implementation

Determination of a public nuisance

Council shall determine the existence of a public health nuisance by reference to the particular circumstances in a given case. Relevant factors include:-

- The nature and cause of the alleged nuisance;
- The regularity, intensity, frequency, persistency and duration of the alleged nuisance;
- The precise manner in which complainants are affected by the alleged nuisance;
- The time at which the alleged nuisance occurs;
- The local environment in which the alleged nuisance occurs.

To amount to a public health nuisance, the circumstances of the complaint must demonstrate that the resultant injury to personal comfort is real and substantial.

In determining whether a state, condition or activity is a nuisance that is, or liable to be, dangerous to health or offensive, regard shall not be had to the number of persons affected or that may be affected by the state, condition or activity.

Council action

If Council is of the opinion that the matter is substantiated and the matter constitutes a nuisance within the definition of the Public Health and Wellbeing Act 2008, Council may serve either an improvement or prohibition notice on the person whom is causing the nuisance.

If Council is of the opinion that the matter does not constitute a nuisance or that the matter is better settled privately, Council will advise the complainant of any available methods for settling the matter privately.

If the person causing the nuisance cannot be found Council may serve in improvement or prohibition notice upon the occupier or the owner of the land from which the nuisance emanates.

An improvement notice requires the person to remedy the contravention or likely contravention or the matters or activities causing the contravention or likely contravention.

A prohibition notice prohibits the carrying on of the activity, or the carrying on of the activity in a specified way, until the Council has certified in writing that the contravention has ceased or that the likelihood of the contravention occurring has passed.

If a person on whom an improvement or prohibition notice is served fails to comply with the notice, Council will cause a complaint to be made to a Magistrates' Court which may summon the person to appear before a Magistrates' Court.

* Relevant Legislation: Public Health & Wellbeing Act 2008

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

Signed :

Chief Executive Officer

Date : / / 2011.

Document Name: **Social Media Policy**

11 POL-1

Adopted by Council: **<date of Council resolution>**

Relationship to Latrobe 2026 and Council Plan

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

Governance

Latrobe 2026:

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

Council Plan:

- Support effective community engagement to increase community participation in Council decision making.

Related Documents

This policy endeavours to be consistent with:

Government regulations

- Human Rights and Equal Opportunity Commission Act 1986 (Commonwealth)
- Fair Work Act 2009 (Commonwealth)
- Local Government Act 1989 (Victoria)
- The Victorian Charter of Human Rights and Responsibilities Act 2006 (Victoria)
- Equal Opportunity Act 1995 (Victoria)
- Information Privacy Act 2000 (Victoria)
- Public Records Act (Victoria)
- Freedom of Information Act 1982 (Victoria)
- Occupational Health and Safety Act 2004 (Victoria)

Latrobe City Council policies

- Public Relations and Communications Policy 11 POL-4
- Citizen Confidentiality and Privacy Policy 11 POL-4
- Provision of Resources and Support to Councillors Policy 11 POL-5

Definitions

Social Media:

Social media is an Internet-based communications tool used by family, friends, work colleagues and the wider community to share, inform and consume information. Also known as social networking, social media allows anyone the ability to easily create and publish content that can potentially reach a global audience.

Social Media includes but is not limited to sites such as Facebook, Twitter, YouTube, Tumblr, LinkedIn, Wikipedia, Yahoo Answers, Yammer, Foursquare and Blog sites.

Policy Implementation

Social media is used to share, inform and consume information online. Also known as social networking, social media allows anyone the ability to easily create and publish content that can potentially reach a global audience.

Latrobe City Council can harness social media to enhance opportunities for engagement, disseminate information in a timely manner and improve two-way communication with residents.

User responsibility

Social media is considered an alternative communication channel to radio, television and print media. The use of social media will be carried out in accordance with the Public Relations and Communications Policy 11 POL-4.

Users of social media for Latrobe City Council are required to act in the following way:

- Ensure any information about Latrobe City Council is accurate and factual.
- Ensure any information about Latrobe City Council is not disparaging of the organisation, its councillors, employees, agents and their respective assignees and insurers.
- Reference only publicly available information such as information that is already found on Latrobe City Council's website or publications.
- Ensure material that is obscene, defamatory, threatening, harassing, discriminatory or hateful to another person or entity is not posted, or is removed if posted by a user.
- Ensure the identity of another Latrobe City Council employee is not used or shared, or is removed if posted by a user.

For reasons of transparency, it must be clear to the reader who users are representing. This is to protect both the user and Latrobe City Council.

Users must not:

- Represent themselves as another Latrobe City Council employee or councillor.
- Damage the reputation of Latrobe City Council, its councillors or fellow employees.

-
- Disclose any confidential information. If unsure whether the information is confidential or publicly available they should contact the Manager Community Relations or Manager Council Operations – Legal Services for advice and assistance.

All active Latrobe City Council social media environments will be managed by certified (authorised) employees. Social media environments may only be created in line with the approved social media processes.

Councillor use of social media

The use of social media by Councillors will be carried out in accordance with the Councillor Code of Conduct and the Provision of Resources and Support to Councillors Policy. No council officers will assist with the implementation or management of personal social media sites of or for Councillors, and all councillor communications via social media will be carried out in accordance to *clause 8. Communication and Media*:

We will endeavour to ensure that the messages communicated through the media are clear and consistent, and positively portray the Council as a decisive and responsible governing body.

- 8.1 *The Mayor will provide official comment to the media on behalf of Council where the matter is of a political, controversial or sensitive nature. This includes:*
 - 8.1.1 *State-wide political issues affecting Local Government;*
 - 8.1.2 *Contentious local issues that impact the community that do not relate directly to the business of Council but to the representation of the community;*
 - 8.1.3 *Issues pertaining to policy and Council decisions;*
 - 8.1.4 *Issues relating to the strategic direction of the Council; and*
 - 8.1.5 *The Mayor may nominate another Councillor to make official comment on behalf of the Council, where appropriate.*
- 8.2 *The Chief Executive Officer is the official spokesperson for all operational matters pertaining to the Latrobe City Council as an organisation including:*
 - 8.2.1 *Staffing and structure of the organisation;*
 - 8.2.2 *Corporate issues relating to service provision or the day-to-day business of Council;*
 - 8.2.3 *The Chief Executive Officer may nominate a Council officer spokesperson if appropriate.*
- 8.3 *As individual Councillors we are entitled to express independent views through the media, however we will make it clear that any unofficial comment is a personal view, and does not represent the position of the Council as a whole.*

Privacy and confidentiality

Social media users should respect the privacy of residents and not publish their details on social media websites. Users should not publish or report on conversations or information that is deemed confidential or classified or deals with matters that are internal in nature. Users should also monitor social media platforms for the publication of potentially private or confidential information by visitors. Further information, including required actions in the event of a disclosure, can be found in the Social Media Procedure.

Defamation

Social media users should refrain from publishing material that may cause injury to another person's, organisation's, association's or company's reputation, and should seek further guidance if unsure if the material could be viewed as defamatory.

Copyright

Respect copyright, privacy and other applicable laws when publishing on social media platforms. Social media users should attribute work to the original author/source wherever possible.

Breach of policy

To fulfil the intent of this Policy all Council employees are required to conduct themselves professionally in accordance with the established Social Media Procedures. Any breach of this policy by Staff will be dealt with in accordance with the Counselling & Discipline Operational Framework.

Any breach of this policy by a Councillor will be directed to the Mayor for investigation.

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

Signed : _____
Chief Executive Officer

Date : / / 2011

11.6.3 **PROPOSED SALE OF LAND - MOE EARLY LEARNING CENTRE,
38 FOWLER STREET, MOE**

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is for Council to consider the potential sale of the former Moe Early Learning Centre at 38 Fowler Street, Moe.

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 2011-2015.

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.

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 2011 - 2015

Strategic Direction

- *Support effective community engagement to increase community participation in 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.*

Service Provision – Property and Statutory

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

Legislation

Local Government Act 1989

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

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

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

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

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

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

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

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

4. **BACKGROUND**

The Moe Early Learning Centre is currently located at 38 Fowler Street, Moe, being Lot 1 on Title Plan 398160 and the land contained in Certificate of Title Volume 8654 Folio 639.

As shown on the attached aerial photograph this parcel of land has a frontage to Fowler Street of 16 meters, a length of 57 meters and a total area of 912 square meters.

Council acquired the property from the Magda Karwath Children's Centre Inc. in 2003 after it went into liquidation to ensure the ongoing provision of child care services.

The land is zoned Residential 1 with each of the adjoining properties being privately owned residences. The land at the rear is owned by Latrobe Community Health Service Inc.

Part of the land owned by Latrobe Community Health Service Inc., measuring approximately 400 square meters, has been used by the Moe Early Learning Centre as a playground area under agreement.

Following the recent relocation of the Moe Early Learning Centre to its new site at the Ted Summerton Reserve, which is approximately 600 meters away, the property at 38 Fowler Street is now vacant.

The new site will allow the provision of integrated early years service in a 125 place centre compared to the 30 places available in the Fowler Street location.

5. **ISSUES**

Councils adopted Sale of Council Owned Property Policy requires that, prior to selling land, it must be determined whether the land is, firstly, surplus to Council requirements and, secondly, whether it is surplus to community requirements.

Given that the Moe Early Learning Centre has recently relocated to the new building at the Ted Summerton Reserve and no alternative use for the property by Council has been identified it is considered surplus to Council requirements.

In order to determine whether the property is surplus to community requirements it will now be necessary to seek public comment. This can be done concurrently with the notice of the proposed sale of land.

6. FINANCIAL AND RESOURCES IMPLICATIONS

Costs associated with this statutory process are minimal, being the cost of public notices in the Latrobe Valley Express inviting submissions.

There is currently an annual allocation of \$2,000.00 for maintenance of the existing Moe Early Learning Centre however this is sometimes exceeded depending on the works required to keep the building up to standard.

Should Council resolve to sell the property an independent valuation will be obtained as required by the *Local Government Act 1989*.

Any funds realised from the sale of the property will be placed into consolidated revenue with their utilisation to be considered in future budgets.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Community Engagement Plan 2010-2014

Engagement Objective

No.2 Community Role in Policy Development, Planning and Project Delivery.

We will:

- In accordance with the engagement plan, ensure that all policies, strategies, plans and projects that will impact the community are made available for public viewing and comment for a minimum of a four week period.

- Ensure consultation opportunities are advertised in the Council Noticeboard section of The Express newspaper and on the website.
- Ensure that reports provided to Council include advice as to how community consultation has informed the recommendation.

It is proposed that public notices will be placed in the Latrobe Valley Express and letters sent to each of the adjoining property owners including Latrobe Community Health Service Inc. inviting comment on the proposal.

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 and invite public submissions concerning Council's intention to consider the sale of the former Moe Early Learning Centre at 38 Fowler Street, Moe; or
2. Determine that the former Moe Early Learning Centre at 38 Fowler Street, Moe, is not surplus to Council and community requirements and retain the land.

9. **CONCLUSION**

The relocation of the Moe Early Learning Centre to the Ted Summerton Reserve has resulted in the property located at 38 Fowler Street, Moe, being vacant and surplus to Council requirements.

It is therefore appropriate for Council to give public notice of its intention to consider the proposed sale of the property and invite public comment on whether it is considered surplus to community requirements in accordance with the *Sale of Council Owned Property Policy*.

10. RECOMMENDATION

1. That Council, in accordance Section 189 of the *Local Government Act 1989* and *Sale of Council Owned Property Policy*, gives public notice of its intention to consider the sale of the former Moe Early Learning Centre at 38 Fowler Street, Moe.
2. That Council, in accordance with the *Sale of Council Owned Property Policy*, invites public comment on whether the former Moe Early Learning Centre at 38 Fowler Street, Moe, is surplus to community requirements.
3. That pursuant to section 223 of the *Local Government Act 1989* Council considers any submissions received in relation to the potential sale of the former Moe Early Learning Centre at 38 Fowler Street, Moe, at the Ordinary Council Meeting to be held on Monday 6 February 2012.

Moved: Cr Price

Seconded: Cr White

That the Recommendation be adopted.

For the Motion

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

Against the Motion

Councillor/s Kam, Gibson and Harriman

The Mayor confirmed that the Recommendation had been CARRIED

ATTACHMENT



11.6.4 PROPOSED ROAD DISCONTINUANCE AND SALE OF LAND - ROYS ROAD, BUDGEREE

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to consider two requests for the discontinuance of an unconstructed road reserve adjoining Roys Road, Budgerie, and seek Council's approval to commence the statutory process to discontinue the road and sell the land by private treaty.

2. DECLARATION OF INTERESTS

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

3. STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2011-2015.

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 2011 - 2015

Strategic Direction

- *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.*

Service Provision – Property and Statutory

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

Legislation

Local Government Act 1989

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

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

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

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

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

Policy – Council has not adopted a policy relating to the discontinuance of roads.

4. BACKGROUND

Council has received two separate applications from the respective owners of 134 and 185 Roys Road, Budgeree, seeking to acquire the unconstructed road reserve that separates their properties as shown on the attached plan.

This road reserve is contained in Certificate of Title Volume 5998 Folio 506 and is shown as Lot 1 on Title Plan 396174P, formerly part of Crown Allotment 24, Section A in the Parish of Budgeree, acquired by the former Shire of Morwell in 1935.

As shown on the attached plan, the section of the road reserve to be discontinued measures approximately 4800 square meters and would have formed part of the original alignment of Roys Road.

The owners of 134 Roys Road have suggested that their grandfather, William Allan Roy, acquired the road reserve from the former Shire of Morwell in 1956 however they believe that any documentation of this sale was lost in a house fire in 1963.

A thorough search of Council records, including the minutes of the former Shire of Morwell, has not located any information to support this assertion.

It is considered that the road reserve is surplus to requirements as it no longer forms part of the road network as a result of the realignment undertaken by the former Shire of Morwell and the nature of the terrain would not readily allow its construction in the future.

The owners of 185 Roys Road currently occupy an adjoining parcel of Council owned land, measuring approximately 1500 square meters, under a licence agreement to provide access to their land north of Roys Road.

This parcel of land, being part of Lot 1 on Title Plan 899968U and the land contained in Certificate of Title Volume 8377 Folio 001, was acquired by the former Shire of Morwell in 1962 as part of the road realignment.

5. ISSUES

The owners of 134 Roys Road have requested that, if the road reserve is discontinued, it is transferred for a nominal consideration given their belief that the land was previously acquired from the former Shire of Morwell in 1956.

Given that it is possible that their grandfather paid £80 to the former Shire of Morwell for this land and it could only be sold to either of the adjoining property owners this does not appear to be an unreasonable request.

The owners of 185 Roys Road wish to acquire the unconstructed road reserve together with the land they currently licence from Council to enable better access to their land north of Roys Road.

Their licence agreement for the land expired in October 2011 and it has not yet been renewed pending the outcome of their application to acquire the land.

Occupancy of the unconstructed road reserve has been a source of contention between both parties in the past and they are unlikely to be prepared to compromise on any future acquisition of the land should the road reserve be discontinued.

As both parties have expressed an interest in acquiring the road reserve it has been identified that a potential compromise that may satisfy both parties is for the unconstructed road reserve to be discontinued and transferred to the owners of 134 Roys Road whilst the owners of 185 Roys Road could acquire the parcel of Council land that they currently occupy.

This would provide the improved access sought by the owners of 185 Roys Road to their land north of Roys Road whilst the discontinued road reserve would provide a clearly defined boundary between the two properties thereby removing any future confusion.

Given their size, location and present occupation these parcels of land could not be transferred to a third party, particularly the road reserve to be discontinued, and this would have an effect on the value of the land.

6. FINANCIAL AND RESOURCES IMPLICATIONS

Costs associated with this statutory process are minimal being the cost of public notices in the Latrobe Valley Express inviting submissions and an order published in the Victoria Government Gazette.

Should Council resolve to discontinue the road reserve and/or transfer the land all survey and legal costs associated with the transfer of the land would be borne by the applicants.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Community Engagement Plan 2010-2014

Engagement Objective

No.2 Community Role in Policy Development, Planning and Project Delivery.

We will:

- In accordance with the engagement plan, ensure that all policies, strategies, plans and projects that will impact the community are made available for public viewing and comment for a minimum of a four week period.
- Ensure consultation opportunities are advertised in the Council Noticeboard section of The Express newspaper and on the website.
- Ensure that reports provided to Council include advice as to how community consultation has informed the recommendation.

It is proposed that public notices will be placed in the Latrobe Valley Express and letters sent to each of the adjoining property owners inviting comment on the proposal.

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 may give public notice of its intention to consider:

1. Discontinuing the unconstructed road reserve adjoining Roys Road and transferring all or part of the land to the owners of 134 Roys Road, Budgerie, by private treaty.
2. Discontinuing the unconstructed road reserve adjoining Roys Road and transferring all or part of the land to the owners of 185 Roys Road, Budgerie, by private treaty.
3. Transferring part of Lot 1 on TP 899968U to the owners of 185 Roys Road, Budgerie, by private treaty.

Alternatively, Council may resolve not to proceed with the discontinuance of the unconstructed road reserve adjoining Roys Road and/or the transfer of part of Lot 1 on TP 899968U and retain the land.

9. CONCLUSION

Council has received two separate applications from the owners of 134 and 185 Roys Road, Budgerie, to acquire the unconstructed road reserve separating their properties.

It is considered that a solution beneficial to both parties would be for the road reserve to be discontinued and transferred to the owners of 134 Roys Road whilst part of the Council land identified as Lot 1 on TP 899968U, that is currently licensed, could be transferred to the owners of 185 Roys Road.

It is therefore appropriate for Council to give public notice of its intention to consider the proposed discontinuance of the road reserve and transfer of land by private treaty and seek public comment.

10. RECOMMENDATION

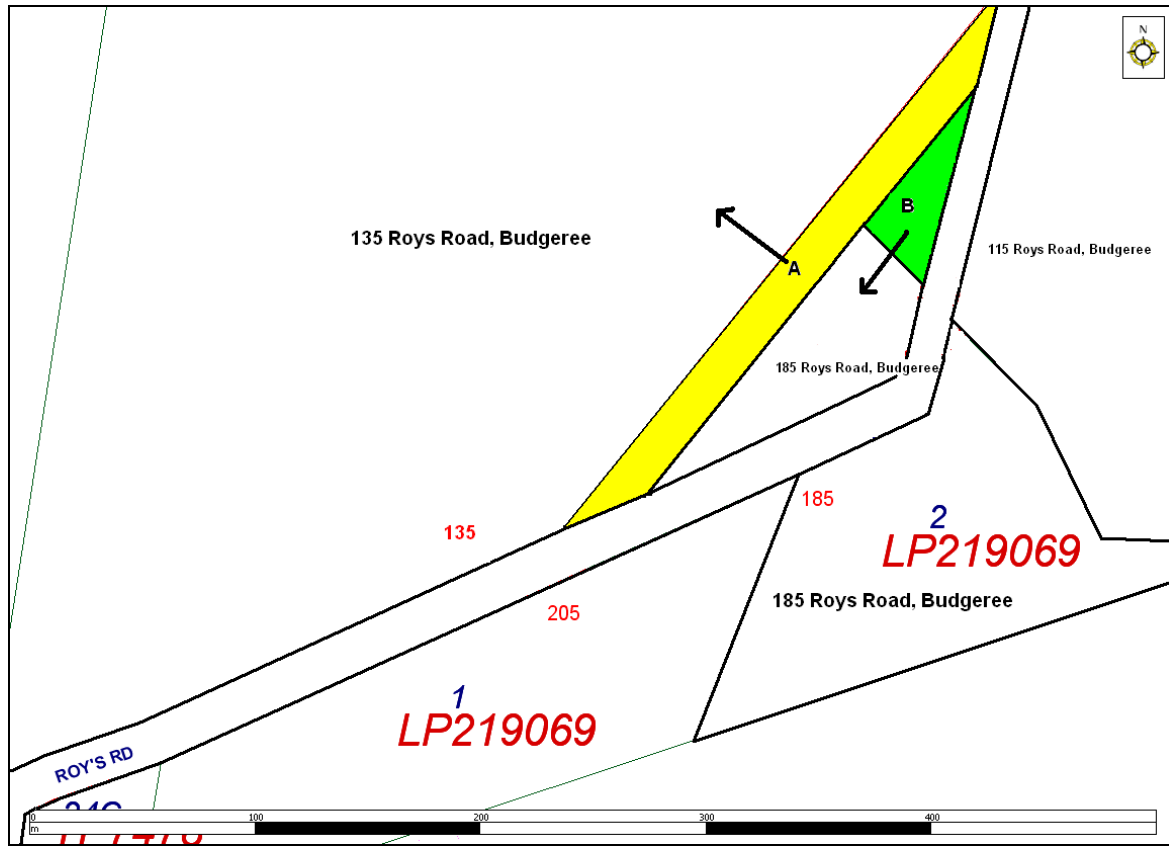
- 1. That Council gives public notice of its intention to consider the proposed discontinuance and sale by private treaty of the unconstructed road reserve adjoining Roys Road, Budgeree, to the owners of 134 Roys Road, Budgeree, pursuant to Section 206 and Schedule 10 Clause 3 of the *Local Government Act 1989*.**
- 2. That Council gives public notice of its intention to consider the proposed sale by private treaty of part of Lot 1 on TP 899968U in Roys Road, Budgeree, to the owners of 185 Roys Road, Budgeree.**
- 3. That Council considers any submissions received in relation to the proposed discontinuance of the unconstructed road reserve adjoining Roys Road, Budgeree, and the proposed transfer of part of Lot 1 on TP 899968U at the Ordinary Council Meeting to be held on Monday 6 February 2012.**

Moved: Cr Lougheed

Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

A: Road reserve proposed to be discontinued and transferred to the owners of 135 Roys Road, Budgeree. (Part of Lot 1 on TP 396174P)

B: Council land proposed to be transferred to the owners of 185 Roys Road, Budgeree. (Part of Lot 1 on TP 899968U)

11.6.5 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

2011/177	Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Christopher David Davey as the Owner of the land described in Certificate of Title Volume 10277 Folio 417 being Lot 4 on PS 342187 situated at 285 Church Road, Hazelwood North pursuant to Condition 3 of Planning Permit No.2011/177 for 2-lot Plan of Subdivision PS 702638K issued on 3/8/11 providing that the land will not be further subdivided so as to create a smaller lot for an existing dwelling.
2010/223	Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Daryl John Cuddy and Judith Joy Cuddy as the Owner of the land described in Certificate of Title Volume 8801 Folio 715 being Lot 4 on LP 86033 situated at 55 Regan Road, Traralgon pursuant to Condition 4 of Planning Permit No.2010/223 for Subdivision of the Land into 5 Lots issued on 15/9/11 providing: (a) Before occupation of the development starts or by such later date as is approved by the Responsible Authority in writing, all drainage systems and works required to (be) undertaken and constructed in accordance with the approved Stormwater Report must be carried out and completed on the land to the satisfaction of the Responsible Authority; and (b) The drainage systems as shown on the approved Stormwater Report must be maintained to the satisfaction of the Responsible Authority.

2009/311	<p>Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Georgia Anne Chuck as the Owner of the land described in Certificate of Title Volume 11099 Folio 910 being Lot 228 on PS614947L situated at 9 Highfield Court, Traralgon pursuant to Condition 7 of Planning Permit No.2009/311 for a 2-Lot Subdivision issued on 16/11/09 providing that prior to the issue of a statement of compliance, the following work must be completed to the satisfaction of the Responsible Authority:</p> <ul style="list-style-type: none"> a) Construction of the drainage detailed in the approved drainage discharge plan; b) Construction of the driveway for Lots 1 and 2; c) Realignment of the shared footpath as detailed in the approved construction plans; and d) Fencing of the reserve <p>and undertaken at the cost of the operator of the permit.</p>
2010/303	<p>Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Daryl Edwin Speechley and David Matson Cranwell as the Owner of the land described in Certificates of Title Volume 9149 Folio 599 and Volume 7888 Folio 044 being Lot 1 on LP117903 & Lots 1, 2 & 3 on TP 875574 situated at Tramway Road, Hazelwood North, 600 Tramway Road, Churchill and Bonds Lane, Hazelwood North pursuant to Condition 2 of Planning Permit No.2010/303 for a 2-Lot Re-Subdivision issued on 29/03/11 providing:</p> <ul style="list-style-type: none"> a) That the land must not be further subdivided so as to increase the number of lots; and b) That the land is in the vicinity of Mining Licence 5004 (granted under the Mineral Resources (Sustainable Development) Act 1990.
2010/142	<p>Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Alan Charles Gibson & Rosemary Gibson and Rural Outlook Limited as the Owner of the land described in Certificates of Title Volume 8946 Folios 166 and 167 being Lots 25 and 26 on LP 94411 situated at 30 Airfield Road and Princes Highway, Traralgon pursuant to Condition 4 (pertaining to the 2-lot Re-Subdivision of the land) of Planning Permit No.2010/142 issued on 8/8/11 providing that the land will not be further subdivided so as to increase the number of lots.</p>

2008/208	<p>Transfer of Land under s.45 of the Transfer of Land Act 1958 between: Latrobe City Council and LYP Partner 2 Pty Ltd (formerly CMS Generation Horizon Energy Holdings Ltd); LYP Partner 3 Pty Ltd (formerly Horizon Energy Holdings Ltd); LYP Partner 4 BV (formerly Nrgenerating Holdings (No.4) BV); & LYP Partner 1 Pty Ltd (formerly Horizon Energy Investment (No 2) Pty Ltd) as Transferors; AND LYP Partner 2 Pty Ltd; LYP Partner 3 Pty Ltd; LYP Partner 4 BV; and LYP Partner 1 Pty Ltd as Transferees of Land being Lot 1 on PS 601792M being part of the land (4.290ha) contained in Certificate of Title Volume 11063 Folio 904 situated at Callignee South Road, Loy Yang for the consideration of \$10,445.20 to rectify the original Hyland Highway Landfill Site Land Acquisition Survey creating Reserve No.1 on Plan of Subdivision PS 601784L.</p>
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3. RECOMMENDATION

1. 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 Christopher David Davey as the Owner of the land described in Certificate of Title Volume 10277 Folio 417 being Lot 4 on PS 342187 situated at 285 Church Road, Hazelwood North pursuant to Condition 3 of Planning Permit No.2011/177 for 2-lot Plan of Subdivision PS 702638K issued on 3/8/11.
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 Daryl John Cuddy and Judith Joy Cuddy as the Owner of the land described in Certificate of Title Volume 8801 Folio 715 being Lot 4 on LP 86033 situated at 55 Regan Road, Traralgon pursuant to Condition 4 of Planning Permit No.2010/223 for Subdivision of the Land into 5 Lots issued on 15/9/11.

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 Georgia Anne Chuck as the Owner of the land described in Certificate of Title Volume 11099 Folio 910 being Lot 228 on PS614947L situated at 9 Highfield Court, Traralgon pursuant to Condition 7 of Planning Permit No.2009/311 for a 2-Lot Subdivision issued on 16/11/09.
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 Daryl Edwin Speechley and David Matson Cranwell as the Owner of the land described in Certificates of Title Volume 9149 Folio 599 and Volume 7888 Folio 044 being Lot 1 on LP117903 & Lots 1, 2 & 3 on TP 875574 situated at Tramway Road, Hazelwood North, 600 Tramway Road, Churchill and Bonds Lane, Hazelwood North pursuant to Condition 2 of Planning Permit No.2010/303 for a 2-Lot Re-Subdivision issued on 29/03/11.
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 Alan Charles Gibson & Rosemary Gibson and Rural Outlook Limited as the Owner of the land described in Certificates of Title Volume 8946 Folios 166 and 167 being Lots 25 and 26 on LP 94411 situated at 30 Airfield Road and Princes Highway, Traralgon pursuant to Condition 4 of Planning Permit No.2010/142 issued on 8/8/11.
6. That Council authorises the Chief Executive Officer to sign and seal the Transfer of Land under s.45 of the Transfer of Land Act 1958 between Latrobe City Council and LYP Partner 2 Pty Ltd (formerly CMS Generation Horizon Energy Holdings Ltd); LYP Partner 3 Pty Ltd (formerly Horizon Energy Holdings Ltd); LYP Partner 4 BV (formerly Nrgenerating Holdings (No.4) BV); & LYP Partner 1 Pty Ltd (formerly Horizon Energy Investment (No 2) Pty Ltd) as Transferors AND LYP Partner 2 Pty Ltd; LYP Partner 3 Pty Ltd; LYP Partner 4 BV; and LYP Partner 1 Pty Ltd as Transferees of the Land being Lot 1 on PS 601792M being part of the land contained in Certificate of Title Volume 11063 Folio 904 situated at Callignee South Road, Loy Yang for the consideration of \$10,445.20.

Moved: Cr Lougheed

Seconded: Cr Harriman

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

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11.6.6 ASSEMBLY OF COUNCILLORS

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 Ordinary Council Meeting held 21 November 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 18 November 2011 and 21 November 2011:

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
18 November 2011	Councillor Meeting with Minister Martin Ferguson Latrobe City Council transitional challenges and opportunities.	Cr White, Cr Kam, Cr Harriman, Cr Middlemiss, Cr Vermeulen, Cr Gibson, Cr O'Callaghan Paul Buckley	NIL
18 November 2011	Meeting with Minister Martin Ferguson and Low Carbon Transition Committee Latrobe Valley transition to a low carbon economy	Cr White, Cr Vermeulen, Cr Harriman and Cr O'Callaghan Paul Buckley, Allison Jones and Julia Agostino	NIL
28 November 2011	Issues and Discussion Session 4.1 Tonight's Presentation: UGLII (SISS Business Systems Limited) 4.2 Presentations from the previous Issues and Discussion Session: Marketing & Communication Strategy Review Project 4.3 Future Presentations: Events Plan – KSA 7.1 New Issues 8.8.1 Latrobe City Council Local Government Community Satisfaction Survey 2011 Results	Cr White, Cr Harriman, Cr Kam, Cr Lougheed, Cr Middlemiss, Cr Price Cr Vermeulen Paul Buckley, Michael Edgar, Carol Jeffs, Allison Jones, Tom McQualter, Peter Quigley, Zemeel Saba, Grantley Switzer	NIL

4. RECOMMENDATION

That Council note this report.

Moved: Cr Lougheed
Seconded: Cr Middlemiss

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. {see over for *Explanation/Guide Notes*}.

Assembly details: Councillor Meeting with Minister Martin Ferguson

Date: Friday 18 November 2011

Time: 12.30 pm – 1.15 pm

Assembly Location: Latrobe City Council Offices, Morwell

In Attendance:

Councillors: Cr White, Cr Kam, Cr Harriman, Cr Middlemiss, Cr Vermeulen, Cr Gibson, Cr O'Callaghan

Officer/s: Paul Buckley

Matter/s Discussed: Latrobe City Council transitional challenges and opportunities.

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

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

Councillors: NIL

Officer/s: NIL

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

Completed by: Paul Buckley

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 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. {see over for *Explanation/Guide Notes*}.

Assembly details: Meeting with Minister Martin Ferguson and Low Carbon Transition Committee

Date: Friday, 18 November 2011

Time: 11.30 am - 12.30 pm

Assembly Location: Latrobe City Council Corporate Headquarters

In Attendance:

Councillors: Cr White, Cr Vermeulen, Cr Harriman and Cr O'Callaghan,

Officer/s: Paul Buckley, Allison Jones and Julia Agostino

Matter/s Discussed: Latrobe Valley transition to a low carbon economy

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

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

Councillors: NIL

Officer/s: NIL

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

Completed by: Julia Agostino

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*):

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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. {see over for Explanation/Guide Notes}.

Assembly details: Issues and Discussions Session

Date: Monday 28 November 2011

Time: 6:00 PM

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

In Attendance:

Councillors: Cr White, Cr Harriman, Cr Kam, Cr Lougheed, Cr Middlemiss, Cr Vermeulen, Cr Price

Officer/s: Paul Buckley, Michael Edgar, Carol Jeffs, Allison Jones, Tom McQualter, Peter Quigley, Zemeel Saba, Grantley Switzer

Matter/s Discussed:

- 4.1 Tonight's Presentation: UGLII (SISS Business Systems Limited)
- 4.2 Presentations from the previous Issues and Discussion Session: Marketing & Communication Strategy Review Project
- 4.3 Future Presentations: Events Plan – KSA
- 7.1 New Issues
- 8.8.1 Latrobe City Council Local Government Community Satisfaction Survey 2011 Results

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

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

Councillors: NIL

Officer/s: NIL

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

Completed by: Meagan Bennetts

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*):

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- incorporated in the minutes of that Ordinary meeting.

2. Section 76AA definition:

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Brief Explanation:

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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)

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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 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:

ITEMS		NATURE OF ITEM
15.1	ADOPTION OF MINUTES	(h) other
15.2	CONFIDENTIAL ITEMS	(h) other
15.3	ASSEMBLY OF COUNCILLORS	(h) other
15.4	ECONOMIC IMPACT OF HAZELWOOD POWER STATION	(h) other
15.5	NOMINATIONS FOR THE 2012 AUSTRALIA DAY AWARDS	(h) other
15.6	ITT 13032 - PROVISION OF DEBT COLLECTION SERVICES	(d) contractual matters

ITEMS		NATURE OF ITEM
15.7	ITT 13034 - SUPPLY AND DELIVERY OF A SINGLE CAB TRUCK WITH EDUCTOR SUCTION UNIT	(d) contractual matters
15.8	ITT 13041 - TYERS FOOTBALL NETBALL CLUB PAVILION EXTENSION	(d) contractual matters
15.9	ITT 13049 - PROVISION OF ARBORICULTURE MAINTENANCE SERVICES	(d) contractual matters
15.10	PROPOSED SALE OF LAND - FRANKLIN STREET, TRARALGON	(e) proposed developments

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 8.21 PM.

14. TEA BREAK**Adjournment of Meeting**

The Mayor adjourned the Meeting at 8.21 PM for a tea break.

Resumption of Meeting

The Mayor resumed the Meeting at 8.35 PM.

**THERE BEING NO FURTHER BUSINESS THE MEETING WAS DECLARED
CLOSED AT 8.53 PM.**

**I CERTIFY THAT THESE MINUTES COMPRISE OF 337 PAGES IN TOTAL
AND THAT THEY HAVE BEEN CONFIRMED.**

MAYOR: _____

DATE: _____



LATROBE CITY COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING

HELD IN THE
NAMBUR WARIGA MEETING ROOM,
CORPORATE HEADQUARTERS, MORWELL
AT 7:00 PM ON 05 DECEMBER 2011

PRESENT:

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

ITEMS CLOSED TO THE PUBLIC

15.1 ADOPTION OF MINUTES

CONFIDENTIAL – OTHER – s.89(2)(h) LOCAL GOVERNMENT ACT 1989

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. RECOMMENDATION

That Council adopts the Minutes of the Ordinary Council Meeting held on 21 November 2011 (CM 362), relating to those items closed to the public.

Moved: Cr Gibson

Seconded: Cr Lougheed

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

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15.2 CONFIDENTIAL ITEMS**CONFIDENTIAL – OTHER – s.89(2)(h) LOCAL GOVERNMENT ACT 1989**

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. RECOMMENDATION

1. That all presentations, discussions, presentation excerpts and reports listed on the Issues and Discussion Session Agenda held 28 November 2011 be considered confidential until so determined otherwise by resolution of Council for the reason that the items were discussed at a meeting closed to the public, the Council has not passed a resolution that the information is not confidential and the items are confidential for the following reason/s pursuant to section 89(2) of the *Local Government Act* 1989:

Items	Reasons under s.89(2) of the LGA:
4.1 Tonight's Presentations: Planning for Traralgon, Council Plan 2012-2016 Workshop	(h) other
4.3 Future Presentations	(h) other
5. Draft Ordinary Council Meeting Agenda – December 2011 (CM 364)	(h) other
8.5.1 Traralgon Greyhound Racing Club Re-development – Glenview Park	(e) proposed developments
9.1 Monthly Performance Report – October 2011	(h) other

2. That all presentations, discussions, presentation excerpts and reports listed on the Issues and Discussion Session Agenda held on 28 November 2011 and marked 'Not Confidential' be considered items that are not confidential to the public until so determined otherwise by resolution of Council.
3. That all information, documents, reports, memorandums, correspondence and like provided to Councillors between the dates of 22 November 2011 to 5 December 2011 (inclusive) and designated by the Chief Executive Officer as confidential, remain confidential pursuant to section 89(2) of the *Local Government Act* 1989.

Moved: Cr Middlemiss

Seconded: Cr Lougheed

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

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15.3 ASSEMBLY OF COUNCILLORS**CONFIDENTIAL – OTHER – s.89(2)(h) LOCAL GOVERNMENT ACT 1989**

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 Ordinary Council Meeting held 21 November 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 Assembly of Councillors took place on the 28 November 2011:

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflict of Interest Declared:
28 November 2011	Issues and Discussion Session 4.1 Tonight's Presentations: Planning for Traralgon, Council Plan 2012 – 2016 Workshop 4.2 Presentations from the Previous Issues and Discussion Session: Council Plan 2012 – 2016 Workshop 2 4.3 Future Presentations: Long Term Financial Plan and Council Plan, Draft Traralgon South Recreation Master Plan 5. Draft Ordinary Council Meeting Agenda – 5 December 2011 (CM 364) 8.5.1 Traralgon Greyhound Racing Club Re-development – Glenview Park 9.1 Monthly Performance Report – October 2011	Cr White, Cr Harriman, Cr Kam, Cr Lougheed, Cr Middlemiss, Cr Price, Cr Vermeulen Paul Buckley, Michael Edgar, Carol Jeffs, Allison Jones, Tom McQualter, Peter Quigley, Zemeel Saba, Grantley Switzer	Cr White declared an indirect interest under section 78E of the Local Government Act 1989 in relation to Item 11.3.1 Planning Permit Application 2010/384 – Two Lot Subdivision at 85 Frasers Road, Hazelwood of the Draft Ordinary Council Meeting Agenda – 5 December 2011

4. RECOMMENDATION

That Council note this report.

Moved: Cr Lougheed

Seconded: Cr White

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. {see over for Explanation/Guide Notes}.

Assembly details: Issues & Discussion Session

Date: Monday 28 November 2011

Time: 6.00 PM

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

In Attendance:

Councillors: Cr White, Cr Harriman, Cr Kam, Cr Lougheed, Cr Middlemiss, Cr Price, Cr Vermeulen

Officer/s: Paul Buckley, Michael Edgar, Carol Jeffs, Allison Jones, Tom McQualter, Peter Quigley, Zemeel Saba, Grantley Switzer

Matter/s Discussed:

- 4.1 Tonight's Presentations: Planning for Traralgon, Council Plan 2012 – 2016 Workshop
- 4.2 Presentations from the Previous Issues and Discussion Session: Council Plan 2012 – 2016 Workshop 2
- 4.3 Future Presentations: Long Term Financial Plan and Council Plan, Draft Traralgon South Recreation Master Plan
- 5. Draft Ordinary Council Meeting Agenda – 5 December 2011 (CM 364)
- 8.5.1 Traralgon Greyhound Racing Club Re-development – Glenview Park
- 9.1 Monthly Performance Report – October 2011

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

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

Councillors: Cr White declared an indirect interest under section 78E of the Local Government Act 1989 in relation to Item 11.3.1 Planning Permit Application 2010/384 – Two Lot Subdivision at 85 Frasers Road, Hazelwood of the Draft Ordinary Council Meeting Agenda – 5 December 2011

Officer/s: NIL

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

Completed by: Meagan Bennetts

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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15.4

ECONOMIC IMPACT OF HAZELWOOD POWER STATION**CONFIDENTIAL – OTHER – s.89(2)(h) LOCAL GOVERNMENT ACT 1989****AUTHOR:** General Manager Economic Sustainability
(ATTACHMENT – YES)**1. PURPOSE**

The purpose of this report is to present to Council, information relating to the economic impact if Hazelwood Power Station was to close.

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 2011-2015.

Latrobe 2026: The Community Vision for Latrobe Valley

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

Latrobe City Council Plan 2011 - 2015

This Report is consistent with the Council Plan 2011 – 2015 *Shaping Our Future* theme “*Positioned for a Low Carbon Future*”.

Strategic Direction – Economy

Utilise economic modelling to demonstrate the possible impact of economic development strategies.

Service Provision – Regional Partnerships

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

Strategy – Latrobe City Council Economic Sustainability Strategy

This report is consistent with Council's adopted Economic Sustainability Strategy (2011-2015). This strategy outlines the key economic development actions that will be undertaken to underpin economic development, build business and community relationships, increase public and private sector investment, increase employment levels and transition to a low carbon economy.

4. BACKGROUND

At the Ordinary Council meeting held on Monday, 19 September 2011, Council resolved the following:

That the CEO prepare a report on the number of jobs, direct and indirect, that would be lost and the dollar value of those losses if the Hazelwood Power Station was to close.

On 4 October, 2011 the Chief Executive Officer wrote to International Power GDF-SUEZ Hazelwood. The letter (Attachment 1) provided an overview of the Council resolution and requested information relating to job numbers and skills at the Hazelwood site.

A response from International Power GDF-SUEZ Hazelwood was received (Attachment 2) with key points including:

- As at 18 October 2011, the firm had not expressed an interest in participating in the Australian Government Contact for Closure scheme, and as such the loss of any one of the three local generators eligible for the scheme should be modelled.
- 524 people are employed directly by International Power GDF-SUEZ at the Hazelwood site. In addition 340 contractors are employed on site.

The letter also requests Latrobe City Council not to reference Hazelwood Power station specifically as the facility is only one of a number locally to be potentially targeted for closure. Following receipt of the response, officers contacted company representatives on two separate occasions where company representatives confirmed verbally that the letter could be included. On the second occasion on 16 November 2011, officers requested the company to provide a new letter without the request not to reference the company directly. However, this request was declined.

Further to the letter received on 18 October 2011, the expression of interest process for the Australian Government Contract for Closure program has closed. Three local generators including Hazelwood Power have expressed interest in the process. Negotiations between these generators and the Australian Government are continuing.

Based on the information provided a report was commissioned from external economic modelling consultants.

5. ISSUES

The attached Hazelwood Impact Analysis report (Attachment 3) provides an overview of the direct and indirect impacts of the closure of Hazelwood Power Station on the economy.

The report identifies that a loss of 864 jobs at Hazelwood would correspond to a direct decrease in output of \$1.246 Billion, of which \$113.2 Million would directly relate to a wages and salaries paid to local workers.

Total output, including all direct, industrial and consumption effects, would decrease by up to \$1.774 Billion should Hazelwood close, which would correspond to a loss of 2,395 jobs.

It is important to note that this analysis represents a worst-case scenario where all the jobs and their associated economic output and consumption benefits are lost and are not offset by the reallocation of a proportion of the displaced workforce to other industry sectors in the area. In the event that Hazelwood were to close it is expected that industry and government would implement initiatives to retain skills and economic capacity in the region.

Given the currency of Contract for Closure negotiations, legal advice was obtained as to Council's position if this report was made public at this time. The advice indicates that:

"...publication of the final version of the draft Report may have implications for the operator's negotiations or discussions with the Australian Government." However this was qualified by the statement: "We expect the Australian Government will place more reliance upon the operator's own material than information prepared merely on the basis of employment numbers."

Given the advice received, the Report is provided to Council confidentially.

6. FINANCIAL AND RESOURCES IMPLICATIONS

Financial and resources implications associated with the development of this report have been met within the 2011/12 Economic Sustainability budget.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

In order to complete this report, information was requested from International Power GDF-SUEZ Hazelwood.

8. OPTIONS

Council has the following options in relation to this report:

1. Note the contents of the attached report on the impact of the potential closure of Hazelwood.
2. Take no action.
3. Request further information.

9. CONCLUSION

The Hazelwood Impact Analysis report demonstrates the considerable contribution that Hazelwood makes to the local, state and national economies from both an employment and output perspective.

10. RECOMMENDATION

That Council note the information provided within the Hazelwood Impact Analysis report.

Moved: Cr White

Seconded: Cr Harriman

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT 1

Our ref: 704743

PB:JB

4 October 2011

Mr Luc Dietvorst
CEO
International Power
PO Box 195
MORWELL VIC 3844

Dear Mr Dietvorst

**ECONOMIC IMPORTANCE OF INTERNATIONAL POWER GDZ – SUEZ
HAZELWOOD**

At the Ordinary Council meeting held on Monday, 19 September, Council resolved the following:

That the CEO prepare a report on the number of jobs, direct and indirect, that would be lost and the dollar value of those losses if the Hazelwood Power Station was to close.

Whilst Council has no formal position in relation to the current Australian Government "Contract for Closure" program, there is a willingness to understand the potential impacts on the local community as a result of the process. The intent of the report produced will be to provide Council with an indication of the likely economic impact as the result of the closure of Hazelwood.

Latrobe City Council has engaged Compelling Economics to assist in the preparation of a report outlining total job losses that would result from the closure of Hazelwood, and the total dollar value of these jobs. Your assistance in ensuring that data provided to Compelling Economics is correct would be appreciated.

We understand Hazelwood has a total workforce of 840, of which 300 are contractors. In order to ensure the information presented to Council is as accurate as possible, a breakdown of the skills of this workforce would be of great assistance. All sensitive information supplied to Council by International Power GDF SUEZ would be treated as commercial-in-confidence.

I would welcome the opportunity to meet with you to discuss this matter further.

For further information, or to arrange a meeting the contact officer at Latrobe City Council is Donna Starkey, Coordinator Business Development. Donna can be contacted on (03) 5128 5460 or via email donna.starkey@latrobe.vic.gov.au

Yours sincerely

PAUL BUCKLEY
Chief Executive Officer

ATTACHMENT 2

Mr Paul Buckley
Chief Executive Officer
Latrobe City Council
PO Box 264
Morwell VIC 3840

18 October 2011

Dear Mr Buckley,

RE: ECONOMIC IMPORTANCE OF A COMMERCIAL VIABLE LATROBE VALLEY POWER GENERATION SECTOR

I write in response to your letter dated 4 October 2011, regarding the economic importance of IPR-GDF SUEZ Hazelwood. More specifically, we respond in relation to a Motion passed at your Ordinary Council meeting requesting information on the 'number of jobs potentially lost under a closure of Hazelwood Power Station'.

As we have outlined in all our public statements to date regarding closure speculation of Hazelwood, at this point in time our business has not agreed to participate in any Contract for Closure scheme under proposal by the Federal Government. We have simply agreed to listen to what the government has to say and then consider the details of the scheme at this point.

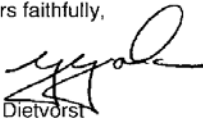
We therefore respectfully ask that your report not specifically reference the Hazelwood Power Station at all, but simply model the impact of the loss of any of the three major LV energy businesses that have been targeted by the Federal Government's proposed legislation. You should also consider the broader impacts of the Clean Energy Future package, which may result in a more significant impact to the Latrobe Valley over the next decade than the Contract for Closure Program.

In relation to some basic facts about Hazelwood, it currently employs 512 direct employees (210 mine, 258 power station and 56 corporate). These employees are skilled in business management, engineering, technical, operations, financial, administrative and corporate support services.

Hazelwood also has 340 full-time contractors on site across a number of companies mainly involved in electrical, mechanical and civil maintenance or trade-based skill areas. These numbers expand further during periods of planned major outages.

As an important stakeholder to our business and the local government authority, we would encourage you to consider carefully the potential economic impact of the loss of one or more major businesses in the region, and join with us in advocating strongly in support of local jobs and our power industry.

Yours faithfully,


Luc Dietvorst
CHIEF EXECUTIVE OFFICER

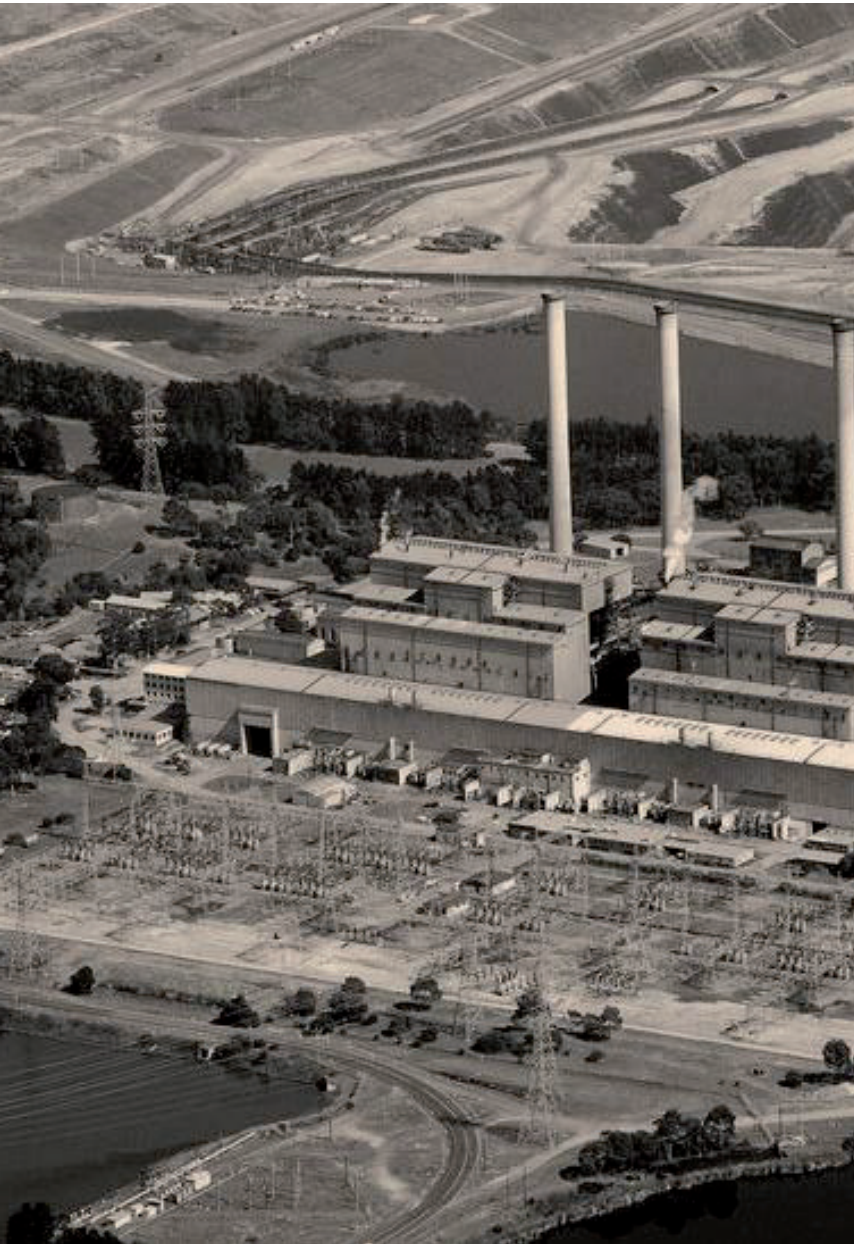
Hazelwood
IPR - GDF SUEZ Australia
Brodrigg Road, Hazelwood, Victoria
PO Box 195, Morwell, Victoria 3840, Australia
Tel. +61 3 5135 5000 Fax +61 3 5135 5044
www.iprplc-gdfsuez-au.com

HAZELWOOD POWER ABN 40 924 799 887, a partnership comprising National Power Australia Investments Limited ABN 51 075 297 537 (incorporated in England & Wales), Australian Power Partners BV ABN 075 477 208 (incorporated in the Netherlands), Hazelwood Pacific Pty Ltd ABN 19 074 351 376, CISL (Hazelwood) Pty Limited ABN 37 074 747 185 and Hazelwood Investment Company Pty Limited ABN 92 075 041 360



HAZELWOOD

ATTACHMENT 3



HAZELWOOD IMPACT ANALYSIS LATROBE CITY



PROJECT UNDERTAKEN FOR
LATROBE CITY COUNCIL

November 2011

Latrobe City: Hazelwood Impact Analysis

This project has been conducted by **Compelling Economics Pty Ltd**

Project Team

Matthew Nichol
Principal Economist

November 2011

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DISCLAIMER

All figures and data presented in this document are based on data sourced from the Australia Bureau of Statistics (ABS), and other government agencies. Using ABS datasets, the regional economic modelling software REMPLAN, developed by Compelling Economics Pty Ltd has been applied to generate industrial economic data estimates. This document is provided in good faith with every effort made to provide accurate data and apply comprehensive knowledge. However, Compelling Economics does not guarantee the accuracy of data nor the conclusions drawn from this information. A decision to pursue any suggestions mentioned in the report is wholly the responsibility of the party concerned. Compelling Economics advises any party to conduct detailed feasibility studies and seek professional advice before proceeding with any action and accept no responsibility for the consequences of pursuing any of the findings or actions discussed in the document.

RESOURCES

All modelling has been undertaken using REMPLAN™ software that has been authored by Principal Research Fellow (ret.), Ian Pinge, at La Trobe University Bendigo.



Contact us:

Compelling Economics Pty Ltd
PO BOX 5006
SANDHURST EAST,
BENDIGO, VIC 3550
TEL: 1300 737 443
Email: info@compellingeconomics.com.au

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1 Executive Summary

Figure 1-1 Summary of Results

Impact Summary	Direct Effect	Industrial Flow On Effect	Consumption Flow On Effect	Total	Type 1 Multiplier	Type 2 Multiplier
Output (\$M)	-\$1,245.7	-\$366.1	-\$162.1	-\$1,773.9	1.294	1.424
Employment (Jobs)	-864	-840	-691	-2,395	1.972	2.772
Wages and Salaries (\$M)	-\$113.2	-\$72.3	-\$39.5	-\$225.0	1.639	1.987
Value-Added (\$M)	-\$503.3	-\$158.0	-\$91.9	-\$753.2	1.314	1.496

A loss of 864 jobs from the Hazelwood Power Sector would correspond to a direct decrease in output of an estimated \$1.246 Billion. From this direct change it is expected that the demand for intermediate goods and services would fall by \$366.1 Million. These ‘industrial effects’ include multiple rounds of flow-on effects, as servicing sectors decrease their own output and demand for local goods and services in response to the direct change to the economy.

The decreases in direct and indirect output would typically correspond to the loss of jobs in the economy. Corresponding to this change in employment would be a decrease in the total of wages and salaries paid to employees. A proportion of these wages and salaries are typically spent on consumption and a proportion of this expenditure is captured in the local economy. The consumption effects under this scenario are estimated at \$162.1 Million.

Total output, including all direct, industrial and consumption effects is estimated to decrease by up to \$1.774 Billion which would correspond to the loss of 2,395 jobs and \$225.0 Million in wages & salaries. Gross Regional Product (value added) would contract by an estimated \$753.2 Million.

Important: This analysis represents a worst-case scenario where all the jobs and their associated economic output and consumption benefits are lost and are not offset by the reallocation of a proportion of the displaced workforce to other industry sectors in the area. In the event that Hazelwood were to close it is likely that industry and government would implement initiatives to retain skills and economic capacity in the region.

2 Introduction

2.1 Background

2.2 Purpose & Aim

This report has been undertaken in response to a request from the Latrobe City Council to identify the potential economic impacts in relation to the closure of the Hazelwood Power Station. The aim of the report to provide insights into the contribution of the Hazelwood Power Station to the broader Latrobe City economy in terms of output, employment, wages and salaries and value-added.

3 Region

The Latrobe City region is defined by the Local Government Area of Latrobe (C):

Map 3-1 Latrobe (C) Local Government Area



4 Hypothetical Impact Scenario

4.1 Closure of Hazelwood Power Station

There are currently 512 direct employees at Hazelwood:

- 210 mine employees
- 258 power station employees
- 56 corporate

The direct employees are skilled in business management, engineering, technical, operations, financial, administration and corporate support.

In addition to the direct employees there are 340 full time contractors across a number of different skilled labour fields: electrical, mechanical, civil maintenance and other trades.

In total 864 people work at the Hazelwood Power Station. The analysis below considers the likely direct and flow-on on implications for the Latrobe (C) economy if Hazelwood were to close.

It is important to note that the analysis below represents a worst-case scenario where all the jobs and their associated economic output and consumption benefits are lost and are not offset by the reallocation of a proportion of the displaced workforce to other industry sectors in the area. In the event that Hazelwood were to close it is likely that industry and government would implement initiatives to retain skills and economic capacity in the region.

4.2 Scenario: Loss of 864 in the Power Sector¹

4.2.1 Output²

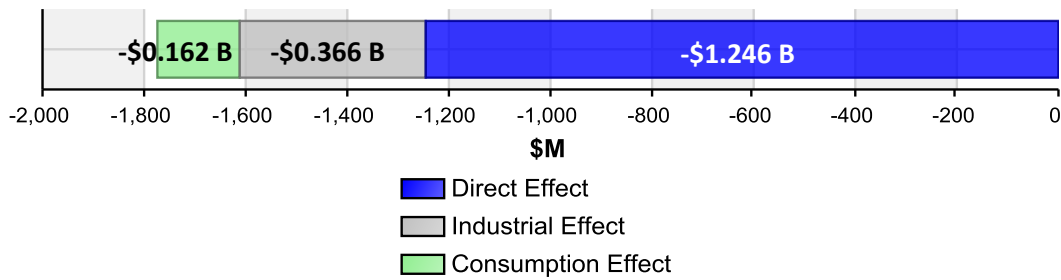
A loss of 864 jobs from the Power Sector would correspond to a direct decrease in output of an estimated \$1.246 Billion. From this direct change it is estimated that the demand for intermediate goods and services would fall by \$366.1 Million. These industrial effects include multiple rounds of flow-on effects, as servicing sectors decrease their own output and demand for local goods and services in response to the direct change to the economy.

The decreases in direct and indirect output would typically correspond to the loss of jobs in the economy. Corresponding to this change in employment would be a decrease in the total of wages and salaries paid to employees. A proportion of these wages and salaries are typically spent on consumption and a proportion of this expenditure is captured in the local economy. The consumption effects under this scenario are estimated at \$162.1 Million.

¹ 2611 Fossil Fuel Electricity Generation, 0600 Coal Mining

² Output data represents the gross revenue generated by businesses/organisations in each of the industry sectors in a defined region. Gross revenue is also referred to as total sales or total income.

Figure 4-1 Output Impacts



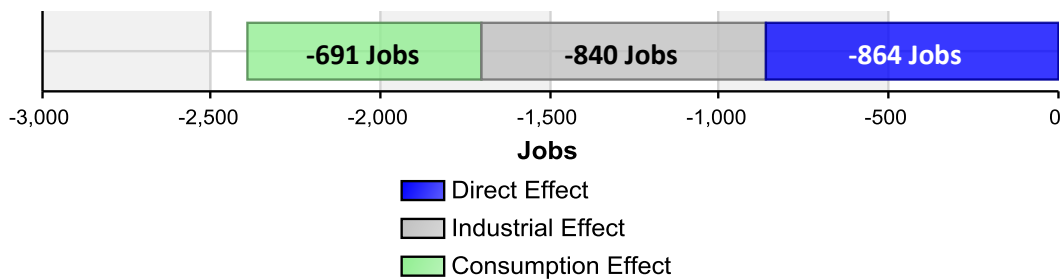
Total output, including all direct, industrial and consumption effects is estimated to decrease by up to \$1.774 Billion. This represents a Type 2 Output multiplier of 1.424. That is, for every dollar of output lost under the closure of Hazelwood, the broader Latrobe (C) economy is estimated to contract by a further \$0.42 for flow-on industrial and consumption effects are taken into consideration.

4.2.2 Employment³

From a direct loss of 864 jobs in the economy, flow-on industrial effects in terms of local purchases of goods and services are anticipated, and it is estimated that these indirect impacts would result in the loss of a further 840 jobs.

The decrease in direct and indirect output and the corresponding loss of jobs in the economy are expected to result in a decrease in the wages and salaries paid to local employees. A proportion of these wages and salaries are typically spent on consumption and a proportion of this expenditure is captured in the local economy. The consumption effects under this scenario are estimated to further reduce employment by 691 jobs.

Figure 4-2 Employment Impacts



Total employment, including all direct, industrial and consumption effects is estimated to decrease by up to 2,395 jobs. This represents a Type 2 Employment multiplier of 2.772. That is, for every 10 jobs lost at Hazelwood it is estimated that up to 18 jobs would be lost in the broader Latrobe (C) economy once flow-on industrial and consumption effects are taken into consideration.

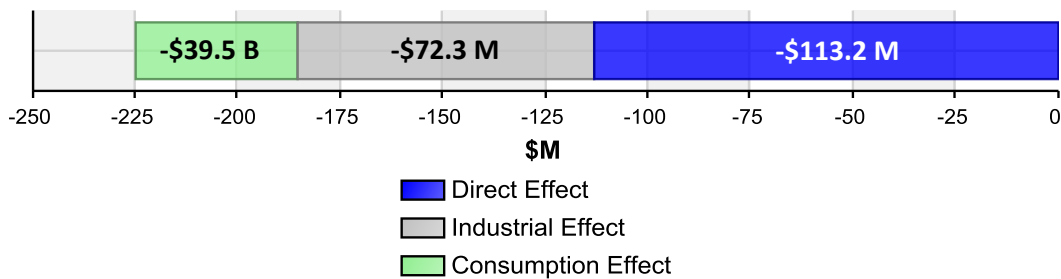
³ Employment data represents the number of people employed by businesses / organisations in each of the industry sectors in a defined region. Employment data presented by REMPLAN is destination of work data. That is, no inference is made as to where people in a defined region reside. This employment represents total numbers of employees without any conversions to full-time equivalence.

4.2.3 Wages & Salaries⁴

From a direct decrease in output of \$1.246 Billion it is estimated that direct wages and salaries would decrease by \$113.2 Million. From this direct contraction in the economy, flow-on industrial effects in terms of local purchases of goods and services are anticipated, and it is estimated that these indirect impacts would result in the loss of a further 840 jobs and a further decrease in wages and salaries of \$72.3 Million.

The decrease in direct and indirect output and the corresponding loss of jobs in the economy are expected to result in a decrease in the wages and salaries paid to local employees. A proportion of these wages and salaries are typically spent on consumption in the local economy. The consumption effects under this scenario are expected to further reduce employment in sectors such as retail, thereby further decreasing wages and salaries by \$39.5 Million.

Figure 4-3 wages & Salaries Impacts



Total wages and salaries, including all direct, industrial and consumption effects is estimated to decrease by up to \$225.0 Million.

4.2.4 Value Added⁵

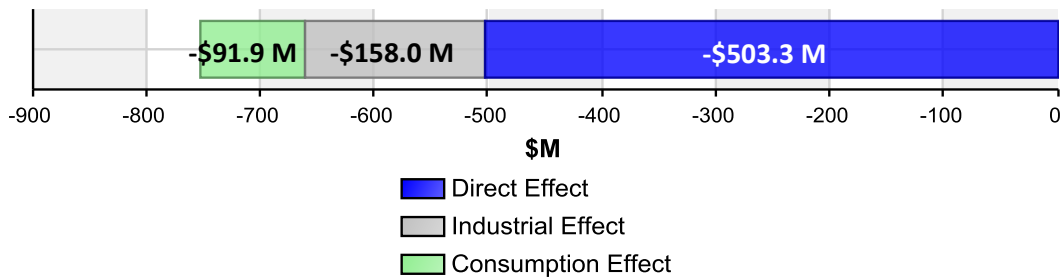
From a direct decrease in output of \$1.246 Billion the corresponding decrease in direct value-added is estimated at \$503.3 Million. From this direct contraction in the economy, flow-on industrial effects in terms of local purchases of goods and services are anticipated, and it is estimated that these indirect impacts would result in a further decrease to value-added of \$158.0 Million.

The decrease in direct and indirect output and the corresponding reduction of jobs in the economy are expected to result in a decrease in the wages and salaries paid to local employees. A proportion of these wages and salaries are typically spent on consumption and a proportion of this expenditure is captured in the local economy. The consumption effects under this scenario are expected to further reduce value-added by \$91.9 Million.

⁴ Total remuneration including superannuation and other benefits

⁵ Value-Added data represents the marginal economic value that is added by each industry sector in a defined region. Value-Added can be calculated by subtracting local expenditure and expenditure on regional imports from the output generated by an industry sector, or alternatively, by adding the Wages & Salaries paid to local employees, the gross operating surplus and taxes on products and production. Value-Added by industry sector is the major element in the calculation of Gross Regional Product.

Figure 4-4 Employment Impacts



Total value-added, including all direct, industrial and consumption effects is estimated to decrease by up to \$753.2 Million. This represents a Type 2 Value-added multiplier of 1.496.

4.3 Summary of Results

Figure 4-5 Summary

Impact Summary	Direct Effect	Industrial Flow On Effect	Consumption Flow On Effect	Total	Type 1 Multiplier	Type 2 Multiplier
Output (\$M)	-\$1,245.7	-\$366.1	-\$162.1	-\$1,773.9	1.294	1.424
Employment (Jobs)	-864	-840	-691	-2,395	1.972	2.772
Wages and Salaries (\$M)	-\$113.2	-\$72.3	-\$39.5	-\$225.0	1.639	1.987
Value-Added (\$M)	-\$503.3	-\$158.0	-\$91.9	-\$753.2	1.314	1.496

15.5 **NOMINATIONS FOR THE 2012 AUSTRALIA DAY AWARDS**
CONFIDENTIAL – OTHER – s.89(2)(h) LOCAL GOVERNMENT ACT 1989

AUTHOR: General Manager Recreation, Culture & Community Infrastructure

(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present Council with the outcomes of the voting process for the 2012 Australia Day Awards and for Council to endorse the recipients of these awards.

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 2011-2015.

Latrobe 2026: the Community Vision for Latrobe Valley

Strategic Objective – 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 2011-2015

Strategic Direction – Culture

Facilitate and support events, community festivals and art programs that reflect and celebrate cultural diversity and heritage.

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

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

Service Provision – Culture

Deliver Latrobe City Council's annual Australia Day program.

4. BACKGROUND

On 5 November 2007, Latrobe City Council adopted a recommendation to establish an Australia Day Advisory Committee to advise and work with the Latrobe City Events Team in planning future Australia Day celebrations. The committee consists of Councillors, Latrobe City Events Team staff and community representatives.

The aim of this Committee is to further engage the community in both contributing to, and sharing in the success that Australia Day generates throughout our municipality each year. The Committee also provides guidance, recommendations and strategic direction to ensure that community needs and expectations are considered in respect to Australia Day.

Awards are presented annually to local citizens and/or groups who have made outstanding contributions to the community in the following categories:

- Citizen of the Year
- Young Citizen of the Year
- Community Event of the Year
- Community Service Award

The awards will be presented at a ceremony to be held on Thursday, 26 January 2012. Award winners receive a framed certificate, an award trophy, flowers and a letter of congratulations from Latrobe City Council.

Nominations for 2012 Australia Day Awards were opened to the community on 7 July 2011, and closed on 10 October 2011.

A total of fourteen nominations were received across the four award categories as follows:

- Citizen of the Year – four nominations
- Young Citizen of the Year – two nomination
- Community Event of the Year – three nominations
- Community Service of the Year – five nominations

Candidates for Australia Day Awards should clearly demonstrate attributes that may include: having strong community values, giving everyone a fair go, caring for the environment, high level participation in sport or committing themselves to community projects.

Packages containing a full list and précis of nominations in each category; all completed nomination forms and the appropriate voting slips have been distributed to Councillors. Councillors were required to submit their completed voting slips by 7 November 2011. All voting slips were completed.

5. **ISSUES**

At its meeting on 27 October 2011 the Latrobe City Australia Day Advisory Committee met to consider all Australia Day nominations, in line with its objective to "... provide high level guidance, recommendations and strategic direction to ensure that community needs and expectations are represented and met."

Upon review, the Committee agreed that although all nominations were worthy of consideration in their nominated categories, it was determined by the Committee that the nomination of Graham Goulding for Citizen of the Year was ineligible as he resided outside of the Latrobe City boundaries. His nomination was withdrawn and the nominator and seconder to the application were advised of this.

All remaining nominations were then considered and committee members asked to rank the nominees in order of merit. These rankings are listed below, with one (1) being the nominee with the highest ranking.

The below rankings are provided as a guide only and Council is not obligated to endorse these recommendations.

Results Australia Day Advisory Committee Voting:

Citizen of the Year

1. Lorrel Samson (equal points)
1. Barry Whitehead (equal points)
3. Dr Graham Dettrick

Young Citizen of the Year

1. Tim Olorenshaw
2. Ellen McDonald

Community Event of the Year

1. Good Friday Community Family Day
2. Gippsland Immigration Wall of Recognition Multicultural Festival
3. Austral-Asia Quest – Filipino Fiesta Festival

Community Service of the Year

1. Geoff Bell
2. Strzelecki Stingbusters
3. 1st Traralgon Scout Group
4. Jerry Baladjoy
5. Dianne Rayner

Results Latrobe City Youth Council Voting:

The Latrobe City Youth Council at their meeting on 18 October 2011 also evaluated the two nominations for Young Citizen of the Year using the same voting process as the Councillors.

The below ranking is provided as a guide only and Council is not obligated to endorse these recommendations.

Young Citizen of the Year

1. Ellen McDonald
2. Tim Olorenshaw

Results Councillor Voting:

Listed below are the outcomes of the Councillor voting process:

Citizen of the Year

1. Lorrel Samson (equal points)
1. Barry Whitehead (equal points)
3. Dr Graham Dettrick

Young Citizen of the Year

3. Ellen McDonald
4. Tim Olorenshaw

Community Event of the Year

1. Good Friday Community Family Day (equal points)
1. Gippsland Immigration Wall of Recognition Multicultural Festival (equal points)
3. Austral-Asia Quest – Filipino Fiesta Festival

Community Service of the Year

1. Geoff Bell
2. Strzelecki Stingbusters
3. 1st Traralgon Scout Group
4. Dianne Rayner
5. Jerry Baladjoy

Councillor voting has resulted in a tie in two categories; Citizen of the Year and Community Event of the Year. There is no policy within the Australia Day Terms of Reference and no precedent upon which Council can review to guide decision making in this situation. It is therefore at Council's discretion to determine whether to issue joint winners in both of these categories, defer to the recommendation of the Australia Day Advisory Committee (though they too had a tie for votes in the Citizen of the Year category), or to undertake a further voting process.

6. FINANCIAL AND RESOURCES IMPLICATIONS

Australia Day activities and awards are accounted for in the annual allocation for Events and International Relations within the Cultural Liveability budget.

The projected financial and resources cost of implementing the 2012 Australia Day celebrations are in line with budget forecasts.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

- Advertisements in local print media
- Media release in local newspapers
- Letter and nomination forms correspondence sent to Community Organisations
- Personal briefings with Latrobe City officers and residents
- Email correspondence between Latrobe City officers and residents
- Telephone conversations between Latrobe City officers and residents

Additionally the Latrobe City Australia Day Advisory Committee meets four times per year to consider all nominations and plan for Australia Day celebrations.

8. OPTIONS

Council has the following options:

1. Choose to adopt the above nominees as the award recipients in their respective categories.
2. Choose not to adopt the above nominees as the award recipients in their respective categories.
3. Choose not to bestow Australia Day Awards in some or all of the categories.

9. CONCLUSION

The Australia Day awards are an important part of Latrobe City's Australia Day celebrations. They recognise the outstanding contribution of Latrobe City residents and community groups who, through their dedication and hard work and leadership have contributed significantly to the community.

Any individual or community group within the municipality can make a nomination and all eligible nominees are acknowledged.

The awards will be presented at a ceremony to be held at Kernot Hall, Morwell on Thursday, 26 January 2012.

10. RECOMMENDATION

That Council bestows Australia Day Awards as follows on Thursday, 26 January 2012:

- a) ***Lorrel Samson and Barry Whitehead*** for Latrobe City's 'Citizen of the Year';
- b) ***Ellen McDonald*** for Latrobe City's 'Young Citizen of the Year';
- c) ***Good Friday Community Family Day and Gippsland Immigration Wall of Recognition Multicultural Festival*** for Latrobe City's 'Community Event of the Year'; and
- d) ***Geoff Bell*** for Latrobe City's 'Community Service of the Year'.

Moved: Cr Price

Seconded: Cr Lougheed

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT 1CONFIDENTIAL

Embargoed until 26 January 2012

AUSTRALIA DAY 2012**CITIZEN OF THE YEAR****4 Nominations received – 3 Accepted:**

NAME	Cr.1	Cr.2	Cr.3	Cr.4	Cr.5	Cr.6	Cr.7	Cr.8	Cr.9	TOTAL
Graham Dettrick	1	2	1	1	1	2	2	3	1	14
Lorrel Samson	2	3	3	3	3	1	1	2	2	20
Barry Whitehead	3	1	2	2	2	3	3	1	3	20
TOTAL	6	6	6	6	6	6	6	6	6	54

1st Preference = 3 Points2nd Preference = 2 Points

3rd Preference = 1 Points

TOTAL: = 6 Points

CONFIDENTIAL

Embargoed until 26 January 2012

AUSTRALIA DAY 2012**YOUNG CITIZEN OF THE YEAR****2 Nominations received:**

NAME	Cr.1	Cr.2	Cr.3	Cr.4	Cr.5	Cr.6	Cr.7	Cr.8	Cr.9	TOTAL
Ellen McDonald	1	2	1	1	2	1	2	2	2	14
Tim Olorenshaw	2	1	2	2	1	2	1	1	1	13
TOTAL	3	3	3	3	3	3	3	3	3	27

1st Preference = 2 Points2nd Preference = 1 Points

TOTAL: = 3 Points

CONFIDENTIAL

Embargoed until 26 January 2012

AUSTRALIA DAY 2012**EVENT OF THE YEAR****3 Nominations received:**

NAME	Cr.1	Cr.2	Cr.3	Cr.4	Cr.5	Cr.6	Cr.7	Cr.8	Cr.9	TOTAL
Austral-Asia Quest – Filipino Fiesta Festival	1	1	2	2	2	1	2	2	1	14
Good Friday Community Family Day	3	2	3	3	3	2	1	1	2	20
Gippsland Immigration Wall of Recognition Multicultural Festival	2	3	1	1	1	3	3	3	3	20
TOTAL	6	6	6	6	6	6	6	6	6	54

1st Preference = 3 Points
 2nd Preference = 2 Points
 3rd Preference = 1 Point

TOTAL: = 6 Points

CONFIDENTIAL

Embargoed until 26 January 2012

AUSTRALIA DAY 2012**COMMUNITY SERVICE OF THE YEAR****5 Nominations received:**

NAME	Cr.1	Cr.2	Cr.3	Cr.4	Cr.5	Cr.6	Cr.7	Cr.8	Cr.9	TOTAL
Jerry Baladjoy	1	2	2	1	1	2	2	4	2	17
Geoff Bell	5	4	5	3	4	3	5	2	4	35
Dianne Rayner	2	1	4	2	2	1	4	3	3	22
Strzelecki Stringbusters	3	5	3	4	3	5	3	5	1	32
1 st Traralgon Scouts	4	3	1	5	5	4	1	1	5	29
TOTAL	15	15	15	15	15	15	15	15	15	135

1st Preference = 5 Points
 2nd Preference = 4 Points
 3rd Preference = 3 Points
 4th Preference = 2 Points
 5th Preference = 1 Point

TOTAL: = 15 Points

15.6 **ITT 13032 - PROVISION OF DEBT COLLECTION SERVICES**

**CONFIDENTIAL – CONTRACTUAL MATTERS – s.89(2)(d)
LOCAL GOVERNMENT ACT 1989**

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to seek Council's acceptance of a tender response for the provision of debt collection services.

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 2011-2015.

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 2011-2015

Strategic Direction – Governance

Ensure that Latrobe City Council continues to meet the highest standards of financial probity.

Service Provision – Financial Management

Administer procurement processes for goods and services within Latrobe City Council.

Legislation

Section 186 of the *Local Government Act 1989*.

Policy – Procurement Policy 11 POL-3

The principle aim of this policy is to ensure best practice contracting and procurement for all goods, services and works by Council.

4. BACKGROUND

The current contract for the Provision of Debt Collection Services, being contract no: 12646, was awarded to Mark G Answerth & Associates Pty Ltd T/As Credit Collect and is due to expire on 31 January 2012.

Invitation to tender no: 13032 – Provision of Debt Collection Services was advertised in the Latrobe Valley Express on Thursday, 15 September 2011 and The Age on Saturday, 17 September 2011.

This tender is for a three year period with an option for an extension for a further two by two year periods.

Council received tenders from the following contractors:

1. Target Collections Pty Ltd
2. Mark G Answerth & Associates Pty Ltd T/As Credit Collect
3. The Arms Global Group Pty Ltd
4. Austral Mercantile Collections Pty Ltd
5. Australian Receivables Ltd
6. Dun & Bradstreet (Australia) Pty Ltd

5. ISSUES

The tenders were assessed against the evaluation criteria of fee structure, capacity, track record, service proposal, relevant experience, benefit to the regional economy and occupational health and safety. The attached evaluation report details the scores given to the tenders. The following comments should be read in conjunction with this report.

Fee Structure

Tenders were scored against the following fee structure and as per Attachment 2:

- Listing Fees
- Solicitor Fees
- Field Calls
- Certified Letters

- Rental Demands
- Mortgagee Letters
- Title Searches
- Company Searches
- Solicitor Costs
- Court Fees / Service Fee
- Skip Location

Target Collections scored the highest in this criteria as their fee structure was lower than the other tenderers due to being a new company and trying to enter the market. They have not included any fees for solicitor letters.

Dunn and Bradstreet scored high as their fees are slightly higher than Target Collections, however their schedule of rates included commission on all amounts collected.

Credit Collect and Australian Receivables scored slightly lower as their fees are higher than Target Collections. Credit Collect also included additional charges for solicitor letters.

The Arms Global Group scored low as their fee structure included commission on sundry accounts and have not included fees for field calls.

Austral Mercantile Collections scored the lowest in this criteria due their fees being more expensive than the other tenderers.

Capacity

Dunn and Bradstreet, Austral Mercantile Collections, The Arms Global Group, Credit Collect and Australian Receivables all scored high in this criteria as they have the staff and systems in place to undertake this contract.

Target Collections scored slight lower in this criteria due to being a smaller business with limited clients.

Track Record

Credit Collect scored the highest in this criteria due to being the incumbent contractor and having prior experience with Council.

Australian Receivables scored high in this criteria as they have many years of experience with Local Government although not with Latrobe City Council.

Dunn and Bradstreet, Austral Mercantile Collections and The Arms Global Group scored slightly lower in this criteria due to their limited experience in Local Government.

Target Collections scored low in this criteria due to being a new company and having limited experience with Local Government.

Service Proposal

Credit Collect scored the highest in this criteria as they have extensive knowledge of Council's systems and provided a tender that fully met the requirements.

Dunn and Bradstreet, Austral Mercantile Collections, The Arms Global Group, Target Collections and Australian Receivables scored high in this criteria as they all provided a tender that met Council's requirements.

Relevant Experience

Credit Collect and Australian Receivables scored high in this criteria as they have many years of experience in debt collection within Local Government.

Dunn and Bradstreet, Austral Mercantile Collections and The Arms Global Group scored high in this criteria due to having many years of experience in debt collection, however only limited experience in Local Government.

Target Collections scored slightly lower in this criteria due to only having debt collection experience with one other council.

Benefit to the regional economy

The tenderers were scored on the basis of the location of the business head office, the percentage of the business that is locally owned, the percentage of goods and services that will be sourced from within the Latrobe City region and other information such as local sponsorship of community or sporting groups.

Credit Collect scored highest in this criteria as they are located within the Latrobe City region, are locally owned, would source a very high percentage of goods and services from within the Latrobe City region and sponsor a number of organisations including the Gippsland Sports Academy Junior Golf Program, Traralgon Racing Club Derby Day and Churchill Football and Netball Club.

Target Collections and Australian Receivables scored low in this criteria as they are both located in Melbourne although would source a medium percentage of goods and services from within the Latrobe City region.

The Arms Global Group, Austral Mercantile and Dun & Bradstreet scored lowest in this criteria as they are all located in Melbourne and would not source any goods and services from within the Latrobe City region.

Occupational health and safety

Dunn and Bradstreet, Austral Mercantile Collections, The Arms Global Group, Target Collections, Credit Collect and Australian Receivables all scored high in this criteria due having OH&S management systems, however they are not certified. They all submitted tenders with adequate OH&S management systems to successfully undertake this contract.

6. FINANCIAL AND RESOURCES IMPLICATIONS

The tenders have been evaluated on the 'Schedule of Rates' as per Attachment 2. Refer to Fee Structure under Issues for further information relating to the evaluation of this criteria.

The cost of the Provision of Debt Collection Services will be recovered from the debtor, which leaves no cost to Council.

7. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Print media by way of advertising locally and nationally was utilised during the Invitation to Tender process, thus meeting the requirements of section 186 of the *Local Government Act* 1989.

Details of Community Consultation / Results of Engagement:

Not Applicable.

Evaluation Panel

The evaluation panel consisted of the Coordinator Procurement, Coordinator Information Management and Coordinator Accounting Services.

8. OPTIONS

Council has the following options:

1. Accept the Mark G Answerth & Associates Pty Ltd T/As Credit Collect tender for the Provision of Debt Collection Services.
2. Not award a contract at this time and re-tender for the Provision of Debt Collection Services. It is unclear though that Council would receive any benefit in doing this and it would delay the start of the service for at least 6 - 8 weeks.
3. Award the contract to an alternative tenderer. However, as Mark G Answerth & Associates Pty Ltd T/As Credit Collect scored the highest in the evaluation process such a decision may not be consistent with the advertised evaluation criteria.

9. CONCLUSION

Mark G Answerth & Associates Pty Ltd T/As Credit Collect scored the highest in the evaluation process and the evaluation panel is satisfied that they have both the expertise and capacity to undertake the service.

10. RECOMMENDATION

1. **That Council accepts the tender submitted by Mark G Answerth & Associates Pty Ltd T/As Credit Collect for invitation to tender no: 13032 – Provision of Debt Collection Services, and awards a contract for the rates as tendered, excluding GST, for a three year period with an option for an extension for a further two by two year periods, as this tender provides the best value for money outcome for the community when assessed against the evaluation criteria.**
2. **That Council delegates the authority to the Chief Executive Officer to sign and seal contracts with Mark G Answerth & Associates Pty Ltd T/As Credit Collect resulting from invitation to tender no: 13032 – Provision of Debt Collection Services.**

Cr Harriman left the Chamber at 8.39 PM with the consent of the Council due to a conflicting personal interest.

Moved: Cr White

Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

Cr Harriman returned to the Chamber at 8.40 PM

ATTACHMENT 1

13032 – Provision of Debt Collection Services																
Evaluated by: Coordinator Procurement, Coordinator Accounting Services and Coordinator Information Management.	TOTALS		Fee Structure		Capacity		Track Record		Service Proposal		Relevant Experience		Benefit to Regional Economy		Occupational Health and Safety	
	WEIGHTING (%)		100	30	20	15	10	10	10	10	10	10	10	10	5	5
TENDERERS	POINT SCORE (PS) / WEIGHTED SCORE (WS)															
	WS	PS	WS	PS	WS	PS	WS	PS	WS	PS	WS	PS	WS	PS	WS	
Mark G Answerth & Associates Pty Ltd T/As Credit Collect	785	6.0	180	8	160	9	135	8	80	10	100	10	100	7	35	
Australian Receivables Ltd	705	6.0	180	8	160	8	120	7	70	10	100	4	40	7	35	
Dun & Bradstreet (Australia) Pty Ltd	690	7.0	210	8	160	7	105	7	70	8	80	3	30	7	35	
Target Collections	665	8.0	240	6	120	6	90	7	70	7	70	4	40	7	35	
The Arms Global Group Pty Ltd	630	5.0	150	8	160	7	105	7	70	8	80	3	30	7	35	
Austral Mercantile Collections Pty Ltd	600	4.0	120	8	160	7	105	7	70	8	80	3	30	7	35	

EVALUATION CRITERIA	WEIGHTING %
Fee Structure	30.0
Capacity	20.0
Track Record	15.0
Service Proposal	10.0
Relevant Experience	10.0
Benefit to Regional Economy	10.0
Occupational Health and Safety	5.0
TOTAL	100.0

ATTACHMENT 2

		Target Collection	Austral Mercantile Collections	Dun & Bradstreet	Australian Receivables	The Arm Global	Credit Collect
ITEM (as per Tender submission)	DESCRIPTION	RATE	RATE	RATE	RATE	RATE	RATE
1b	Sundry Accounts	N/A	N/A	N/A	N/A	10%	\$ 15.00
2c	Debts \$501 - \$1,000	N/A	N/A	N/A	N/A	N/A	\$ 50.00
3	FIELD CALLS	\$ 50.00	\$ 400.00	\$ 45.00	\$ 55.00	POA	\$ 60.00
4	CERTIFIED LETTERS	\$ 10.00	N/A	N/A	\$ 15.00	\$ 15.00	\$ 8.50
6	MORTGAGEE LETTERS	\$ 50.00	\$ 35.00	N/A	\$ 25.00	\$ 50.00	N/A
11a	Skip Location - Successful	\$ 25.00	\$ 200.00	N/A	\$ 240.00	\$ 180.00	\$ 200.00
	Commission	N/A	N/A	4%	N/A	As per item 1b	N/A
	Total	\$ 135.00	\$ 635.00	\$ 85.00	\$ 335.00	\$ 345.00	\$ 333.50

* Based on a debt of \$1,000.00

15.7 ITT 13034 - SUPPLY AND DELIVERY OF A SINGLE CAB TRUCK WITH EDUCTOR SUCTION UNIT

**CONFIDENTIAL – CONTRACTUAL MATTERS – s.89(2)(d)
LOCAL GOVERNMENT ACT 1989**

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to seek Council's acceptance of a tender response for the supply and delivery of a single cab truck with eductor suction unit.

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 2011-2015.

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 2011-2015

Strategic Direction – Governance

Ensure that Latrobe City Council continues to meet the highest standards of financial probity.

Service Provision – Financial Management

Administer procurement processes for goods and services within Latrobe City Council.

Legislation

Section 186 of the *Local Government Act* 1989.

Policy – Procurement Policy 11 POL-3

The principle aim of this policy is to ensure best practice contracting and procurement for all goods, services and works by Council.

4. BACKGROUND

The replacement of the current truck with eductor suction unit is part of the plant replacement program as the current unit has reached its optimum replacement point.

Invitation to tender no: 13034 – Supply and delivery of a single cab truck with eductor suction unit was advertised in The Age on Saturday, 17 September 2011 and the Latrobe Valley Express on Monday, 19 September 2011.

Council received tenders from the following contractors:

1. Vacjet Pty Ltd
2. Patterson Cheney Pty Ltd T/As Patterson Cheney Isuzu
3. The Hallam Truck Centre
4. MacDonald Johnston Pty Ltd
5. Pateson Pty Ltd

5. ISSUES

The tenders were assessed against the evaluation criteria of price, suitability of plant, benefit to the regional economy, track record, occupational health and safety. The attached evaluation report details the scores given to the tenders. The following comments should be read in conjunction with this report.

The tender submission from Pateson Pty Ltd was not evaluated as their price significantly exceeded all other submissions.

Price

Price will be discussed in detail in Section 6. Financial and Resources Implications.

Suitability of Plant

Vacjet scored highest in this criteria as their unit is a purpose built pit sucking unit utilising new technology and meets all the requirements in the specification.

This unit will allow works to be carried out in a faster and more efficient manner, reducing pit, drain and culvert clearance times and enabling a much better response to drain maintenance issues.

MacDonald Johnston, Patterson Cheney, Hallam Turck Centre scored equally high in this criteria as their units are modified sweeping trucks but are not as efficient as the purpose built unit.

Benefit to the Regional Economy

The tenderers were scored on the basis of the location of the business head office, the percentage of the business that is locally owned, the percentage of goods and services that will be sourced from within the Latrobe City region and other information such as local sponsorship of community or sporting groups.

All tenderers scored equal in this criteria as they are all located in Melbourne.

Track Record

All tenderers scored equal in this criteria as they all have provided plant, service and spare parts for a number of years.

Occupational Health and Safety

All tenderers scored equal in this criteria as they are all have OH&S management systems.

6. FINANCIAL AND RESOURCES IMPLICATIONS

The following tenders were received:

Tenderer	New Unit Price (excl. GST)	Trade-in Allowance (excl. GST)	Total Potential Value of the Contract (excl. GST)
MacDonald Johnston Pty Ltd	\$240,984.00	\$12,720.00	\$228,264.00
The Hallam Truck Centre	\$249,977.27	\$13,636.36	\$236,340.91
Patterson Cheney Pty Ltd T/As Patterson Cheney Isuzu	\$243,659.00	NIL	\$243,659.00
Vacjet Pty Ltd	\$265,000.00	\$13,636.36	\$251,363.64
Pateson Pty Ltd	\$399,662.00	NIL	\$399,662.00

The tenders have been evaluated on the 'Total Potential Value' as the recommendation is that Council trade-in the current unit.

The cost of the supply and delivery of a single cab truck with eductor suction unit will be funded from the Major Plant Replacement Program which has an allocation of \$600,000.00 for the 2011/2012 financial year, with the estimate for this item being \$270,000.00.

7. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

Print media by way of advertising locally and nationally was utilised during the Invitation to Tender process, thus meeting the requirements of section 186 of the *Local Government Act 1989*.

Details of Community Consultation / Results of Engagement:

Not Applicable.

Evaluation Panel

The evaluation panel consisted of the Coordinator Infrastructure Maintenance, Team Leader Signs & Drainage and Plant Maintenance & Stores Officer.

8. **OPTIONS**

Council has the following options:

1. Accept the Vacjet Pty Ltd tender for the supply and delivery of a single cab truck with eductor suction unit.
2. Not award a contract at this time and re-tender for the supply and delivery of a single cab truck with eductor suction unit. It is unclear though that Council would receive any benefit in doing this and it would delay the start of the service for at least 6 - 8 weeks.
3. Award the contract to an alternative tenderer. However, as Vacjet Pty Ltd scored the highest in the evaluation process such a decision may not be consistent with the advertised evaluation criteria.

9. **CONCLUSION**

Vacjet Pty Ltd scored the highest in the evaluation process and the evaluation panel is satisfied that they have both the expertise and capacity to undertake the service.

10. RECOMMENDATION

- 1. That Council accepts the tender submitted by Vacjet Pty Ltd for invitation to tender no: 13034 – Supply and delivery of a single cab truck with eductor suction unit, and awards a contract for the sum of \$251,363.64, excluding GST inclusive of trade-in, as this tender provides the best value for money outcome for the community when assessed against the evaluation criteria.**
- 2. That Council delegates the authority to the Chief Executive Officer to sign and seal contracts with Vacjet Pty Ltd resulting from invitation to tender no: 13034 – Supply and delivery of a single cab truck with eductor suction unit.**

Moved: Cr Middlemiss

Seconded: Cr Lougheed

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

13034 – Supply and delivery of a single cab truck with eductor suction unit												
Evaluated by: Coordinator Infrastructure Maintenance, Team Leader Signs & Drainage and Plant Maintenance & Stores Officer 3 Nov 2011	TOTALS		Price		Suitability of Plant		Benefit to Regional Economy		Track Record		Occupational Health and Safety	
		100	40	40	10	5	5	POINT SCORE (PS) / WEIGHTED SCORE (WS)				
TENDERERS	WS	PS	WS	PS	WS	PS	WS	PS	WS	PS	WS	
Vacjet Pty Ltd	638	4.7	188	9.5	380	3	30	4	20	4	20	
MacDonald Johnston Pty Ltd	594	5.6	224	7.5	300	3	30	4	20	4	20	
The Hallam Truck Centre	582	5.3	212	7.5	300	3	30	4	20	4	20	
Patterson Cheney Pty Ltd T/As Patterson Cheney Isuzu	570	5.0	200	7.5	300	3	30	4	20	4	20	
Pateson Pty Ltd	0	0.0	0	N/A		N/A		N/A		N/A		

TENDERERS	PRICE (including trade-in if applicable)	SCORE
MacDonald Johnston Pty Ltd	\$ 228,264.00	5.5
The Hallam Truck Centre	\$ 236,340.91	5.2
Patterson Cheney Pty Ltd T/As Patterson Cheney Isuzu	\$ 243,659.00	4.8
Vacjet Pty Ltd	\$ 251,363.64	4.5
Pateson Pty Ltd	\$ 399,662.00	0.0

EVALUATION CRITERIA	WEIGHTING %
Price	40.0
Suitability of Plant	40.0
Benefit to Regional Economy	10.0
Track Record	5.0
Occupational Health and Safety	5.0
TOTAL	100.0

Maximum price:	\$ 399,662
Minimum price:	\$ 228,264
Median price:	\$ 243,659
Number of tenders:	5

15.8 ITT 13041 - TYERS FOOTBALL NETBALL CLUB PAVILION
EXTENSION

**CONFIDENTIAL – CONTRACTUAL MATTERS – s.89(2)(d)
LOCAL GOVERNMENT ACT 1989**

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to seek Council's acceptance of a tender response for the Tyers Football Netball Club pavilion extension.

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 2011-2015.

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 2011-2015

Strategic Direction – Governance

Ensure that Latrobe City Council continues to meet the highest standards of financial probity.

Service Provision – Financial Management

Administer procurement processes for goods and services within Latrobe City Council.

Legislation

Section 186 of the *Local Government Act* 1989.

Policy – Procurement Policy 11 POL-3

The principle aim of this policy is to ensure best practice contracting and procurement for all goods, services and works by Council.

4. BACKGROUND

An upgrade to the Tyers Football Netball Club pavilion was identified in Council's Northern Towns Outdoor Recreation Plan. This project will deliver new changing rooms for netball and tennis participants and includes an upgrade to the toilet facilities.

Invitation to tender no: 13041 – Tyers Football Netball Club pavilion extension was advertised in the Latrobe Valley Express on Thursday, 10 October 2011 and The Age on Saturday, 15 October 2011.

Council received tenders from the following contractors:

1. Glenmc Construction
2. Capitis Constructions Pty Ltd
3. RJ Low Pty Ltd
4. Kingbuilt Homes Pty Ltd T/As Kingbuilt Commercial
5. Kubale Constructions Pty Ltd
6. 4 Dimensions Building Contractors Pty Ltd
7. Castlereagh Building & Construction Pty Ltd

5. ISSUES

The tenders were assessed against the evaluation criteria of price, relevant experience, occupational health and safety, capacity, and benefit to the regional economy. The attached evaluation report details the scores given to the tenders. The following comments should be read in conjunction with this report.

Price

Price will be discussed in detail in Section 6. Financial and Resources Implications.

Relevant experience

Glennmc, Kingbuilt, Kubale, 4 Dimensions and Castlereagh scored highest in this criteria as they all demonstrated a broad range of relevant experience.

Capitis and RJ Low scored lower in this criteria as they demonstrated less relevant experience.

Occupational health and safety

Glennmc, Capitis, Kingbuilt, and Castlereagh scored highest in this criteria as they all have OH&S management systems that are certified.

RJ Low, Kubale and 4 Dimensions scored lower in this criteria although they have OH&S management systems they are not certified.

Capacity

All tenderers scored equal highest in this criteria as they demonstrated they have the capacity to carry out this project.

Benefit to the regional economy

The tenderers were scored on the basis of the location of the business head office, the percentage of the business that is locally owned, the percentage of goods and services that will be sourced from within the Latrobe City region and other information such as local sponsorship of community or sporting groups.

RJ Low scored highest in this criteria as they are located within the Latrobe City region, are locally owned, would source all goods and services from within the Latrobe City region and sponsor various sporting clubs including Moe Racing Club, Moe Football Club and the Morwell RSL.

Capitis and Kingbuilt Homes scored high in this criteria as they are located within the Latrobe City region, are locally owned and would source a very high percentage of goods and services from within the Latrobe City region

Glennmc scored slightly lower in this criteria as they are located in a neighbouring municipality, are locally owned and would source all goods and services from within the Latrobe City region.

Kubale scored lower in this criteria as they are located in a neighbouring municipality although they indicated they would source a high percentage of goods and services from within the Latrobe City region.

Castlereagh scored low in this criteria as they are located in Melbourne although they indicated they would source a high percentage of goods and services from within the Latrobe City region.

4 Dimensions scored lowest in this criteria as they are located in Melbourne although they indicated they would source a medium percentage of goods and services from within the Latrobe City region.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

The following tenders were received:

Tenderer	Lump Sum Price (excl. GST)
Kingbuilt Homes Pty Ltd T/As Kingbuilt Commercial	\$ 194,300.00
Glennmc Construction	\$ 198,895.00
Capitis Constructions Pty Ltd	\$ 217,300.00
Kubale Constructions Pty Ltd	\$ 225,600.00
4 Dimensions Building Contractors Pty Ltd	\$ 244,834.00
Castlereagh Building & Construction Pty Ltd	\$ 249,500.00
RJ Low Pty Ltd	\$ 274,893.00

The tenders have been evaluated on the 'Lump Sum Price'.

This project is being funded from the 2011/2012 Capital Works Budget which has an allocation of \$272,000.00 for these works with any unspent funds to be utilised at the Tyers Recreation Reserve on an electrical upgrade to the club room and facilities.

7. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

Print media by way of advertising locally and nationally was utilised during the Invitation to Tender process, thus meeting the requirements of section 186 of the *Local Government Act 1989*.

Details of Community Consultation / Results of Engagement:

Not Applicable.

Evaluation Panel

The evaluation panel consisted of the Coordinator Major Projects, Coordinator Procurement and Senior Recreation & Open Space Planner.

8. OPTIONS

Council has the following options:

1. Accept the Kingbuilt Homes tender for the Tyers Football Netball Club pavilion extension.
2. Not award a contract at this time and re-tender for the Tyers Football Netball Club pavilion extension. It is unclear though that Council would receive any benefit in doing this and it would delay the start of the works for at least 6 - 8 weeks.
3. Award the contract to an alternative tenderer. However, as Kingbuilt Homes scored the highest in the evaluation process such a decision may not be consistent with the advertised evaluation criteria.

9. CONCLUSION

Kingbuilt Homes scored the highest in the evaluation process and the evaluation panel is satisfied that they have both the expertise and capacity to undertake the works.

10. RECOMMENDATION

1. **That Council accepts the tender submitted by Kingbuilt Homes Pty Ltd T/As Kingbuilt Commercial for invitation to tender no: 13041 – Tyers Football Netball Club pavilion extension, and awards a contract for the sum of \$194,300.00, excluding GST, as this tender provides the best value for money outcome for the community when assessed against the evaluation criteria.**
2. **That Council delegates the authority to the Chief Executive Officer to sign and seal contracts with Kingbuilt Homes Pty Ltd T/As Kingbuilt Commercial resulting from invitation to tender no: 13041 – Tyers Football Netball Club pavilion extension.**

Moved: Cr Kam

Seconded: Cr Lougheed

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

ITT 13041 - TYERS FOOTBALL NETBALL CLUB PAVILION EXTENSION											
Evaluated by: Coordinator Major Projects, Coordinator Procurement and Senior Recreation & Open Space Planner 7 Nov 2011	TOTALS	Price		Relevant Experience		Occupational Health & Safety		Capacity		Benefit to Regional Economy	
	WEIGHTING (%)	100	50	20	15	10	5				
POINT SCORE (PS) / WEIGHTED SCORE (WS)											
TENDERERS	WS	PS	WS	PS	WS	PS	WS	PS	WS	PS	WS
Kingbuilt Homes Pty Ltd T/As Kingbuilt Commercial	680	6.4	320	7	140	7	105	7	70	9	45
Glennmc Construction	665	6.2	310	7	140	7	105	7	70	8	40
Capitis Constructions Pty Ltd	610	5.4	270	6	120	7	105	7	70	9	45
Kubale Constructions Pty Ltd	580	5.0	250	7	140	6	90	7	70	6	30
Castlereagh Building & Construction Pty Ltd	535	3.9	195	7	140	7	105	7	70	5	25
4 Dimensions Building Contractors Pty Ltd	525	4.1	205	7	140	6	90	7	70	4	20
RJ Low Pty Ltd	470	2.8	140	6	120	6	90	7	70	10	50

TENDERERS	PRICE	SCORE
Kingbuilt Homes Pty Ltd T/As Kingbuilt Commercial	\$ 194,300.00	6.4
Glennmc Construction	\$ 198,895.00	6.2
Capitis Constructions Pty Ltd	\$ 217,300.00	5.4
Kubale Constructions Pty Ltd	\$ 225,600.00	5.0
4 Dimensions Building Contractors Pty Ltd	\$ 244,834.00	4.1
Castlereagh Building & Construction Pty Ltd	\$ 249,500.00	3.9
RJ Low Pty Ltd	\$ 274,893.00	2.8

EVALUATION CRITERIA	WEIGHTING %
Price	50.0
Occupational Health & Safety	15.0
Relevant Experience	20.0
Capacity	10.0
Benefit to Regional Economy	5.0
TOTAL	100.0

Maximum price:	\$ 274,893
Minimum price:	\$ 194,300
Median price:	\$ 225,600
Number of tenders:	7

15.9 ITT 13049 - PROVISION OF ARBORICULTURE MAINTENANCE SERVICES

**CONFIDENTIAL – CONTRACTUAL MATTERS – s.89(2)(d)
LOCAL GOVERNMENT ACT 1989**

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to seek Council's acceptance of a tender response for the provision of arboriculture maintenance services.

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 2011-2015.

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 2011-2015

Strategic Direction – Governance

Ensure that Latrobe City Council continues to meet the highest standards of financial probity.

Service Provision – Financial Management

Administer procurement processes for goods and services within Latrobe City Council.

Legislation

Section 186 of the *Local Government Act* 1989.

Policy – Procurement Policy 11 POL-3

The principle aim of this policy is to ensure best practice contracting and procurement for all goods, services and works by Council.

4. BACKGROUND

The current contracts for Arboriculture Maintenance, being contract no: 12760 awarded to Valleywide Tree Services Pty Ltd and contract no: 12761 awarded to Fleming's Tree Services Pty Ltd are due to expire on 4 January 2012.

Invitation to tender no: 13049 – Provision of Arboriculture Maintenance Services was advertised in The Age on Saturday, 8 October 2011 and the Latrobe Valley Express on Monday, 10 October 2011.

This tender is for a two year period with an option for an extension for a further two by two year periods.

Council received tenders from the following contractors:

1. JR's Treemendous Landscapes Pty Ltd
2. Joey's Tree Services
3. Gippsland Logging & Earthmoving Pty Ltd
4. Fleming's Tree Services Pty Ltd
5. Thomson Valley Excavations Pty Ltd
6. Oxley Landscaping
7. Valleywide Tree Services Pty Ltd
8. NICLAP Pty Ltd
9. ACE Earthmoving Unit Trust
10. Quality Tree Works
11. Drop & Leave Tree Services Pty Ltd

5. ISSUES

The tenders were assessed against the evaluation criteria of price, track record, capacity, relevant experience, occupational health and safety and benefit to the regional economy. The attached evaluation report details the scores given to the tenders. The following comments should be read in conjunction with this report.

Price

Price will be discussed in detail in Section 6. Financial and Resources Implications.

Track record

Treemendous, Thomson Valley Excavations, Oxley Landscaping, NICLAP and ACE Earthmoving scored highest in this criteria as they have all worked for Council in the past and provided a high level of service.

Gippsland Logging, Fleming's, and Valleywide scored high in this criteria as they have all worked for Council in the past.

Quality Tree Works and Drop & Leave scored slightly lower in this criteria although they have not worked for Council in the past they had positive referee checks.

Joey's Tree Services scored lowest in this criteria as they have only provided minimal service to Council in the past.

Capacity and Relevant experience

All tenderers scored equal highest in both criteria as they all have the capacity and the relevant experience to provide the service to a high standard.

Occupational health and safety

Treemendous, Joey's Tree Services, Gippsland Logging, Fleming's, Thomson Valley Excavations, Oxley Landscaping, Valleywide NICLAP, ACE Earthmoving and Drop & Leave scored highest in this criteria as they all have an OH&S management system that meets Council's requirements.

Quality Tree Services scored low in this criteria as they did not include a copy of their OH&S manual with their submission as was requested in the invitation to tender documentation. Their manual is in the process of being finalised and will be submitted once complete.

Benefit to the regional economy

The tenderers were scored on the basis of the location of the business head office, the percentage of the business that is locally owned, the percentage of goods and services that will be sourced from within the Latrobe City region and other information such as local sponsorship of community or sporting groups.

Treemendous scored the highest in this criteria as they are located within the Latrobe City region, are locally owned, would source all goods and services from within the Latrobe City region and sponsor a local basketball team and golf club.

Fleming's scored the highest in this criteria as they are located within the Latrobe City region, are locally owned, would source all goods and services from within the Latrobe City region and sponsor a Junior Football club and Danceworks.

Thomson Valley Excavations scored the highest in this criteria as they are located within the Latrobe City region, are locally owned, would source all goods and services from within the Latrobe City region and sponsor the Annual Sids and Kids Packhorse Ride and Kids Smart Handbook for the local schools.

Valleywide scored the highest in this criteria as they are located within the Latrobe City region, are locally owned, would source a high percentage of goods and services from within the Latrobe City region and sponsor Boolarra Football and Netball Club and the Local Cubs and Scout group.

NICLAP scored the highest in this criteria as they are located within the Latrobe City region, are locally owned, would source all goods and services from within the Latrobe City region and sponsor the Tyers Primary School.

ACE Earthmoving scored the highest in this criteria as they are located within the Latrobe City region, are locally owned, would source all goods and services from within the Latrobe City region and sponsor the Mid Gippsland Football League.

Gippsland Logging and Oxley Landscaping scored high in this criteria as they are located within the Latrobe City region, are locally owned and would source all goods and services from within the Latrobe City region.

Quality Tree Works and Drop & Leave also scored the high in this criteria as they are located within the Latrobe City region, are locally owned and would source a high percentage of goods and services from within the Latrobe City region.

Joey's Tree Services scored the low in this criteria as they are located in Melbourne although indicated they would source all goods and services from within the Latrobe City region.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

The following tenders were received:

Tenderer	Schedule of rates
JR's Treemendous Landscapes Pty Ltd	SOR
Joey's Tree Services	SOR
Gippsland Logging & Earthmoving Pty Ltd	SOR
Fleming's Tree Services Pty Ltd	SOR
Thomson Valley Excavations Pty Ltd	SOR
Oxley Landscaping	SOR
Valleywide Tree Services Pty Ltd	SOR
NICLAP Pty Ltd	SOR
ACE Earthmoving Unit Trust	SOR
Quality Tree Works	SOR
Drop & Leave Tree Services Pty Ltd	SOR

The tenders have been evaluated on the 'Schedule of Rates'.

The cost of the Provision of Arboriculture Maintenance Services will be funded from the Planned and Reactive Tree Maintenance budget which has an allocation of \$400,000.00 for the 2011/2012 financial year.

7. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

Print media by way of advertising locally and nationally was utilised during the Invitation to Tender process, thus meeting the requirements of section 186 of the *Local Government Act 1989*.

Details of Community Consultation / Results of Engagement:

Not Applicable.

Evaluation Panel

The evaluation panel consisted of the Supervisor Arborist, Team Leader Tree Maintenance and Coordinator Infrastructure Maintenance.

8. OPTIONS

Council has the following options:

1. Accept the:
 - JR's Tremendous Landscapes Pty Ltd;
 - Joey's Tree Services;
 - Gippsland Logging & Earthmoving Pty Ltd;
 - Fleming's Tree Services Pty Ltd;
 - Thomson Valley Excavations Pty Ltd;
 - Oxley Landscaping;
 - Valleywide Tree Services Pty Ltd;
 - NICLAP Pty Ltd;
 - ACE Earthmoving Unit Trust;
 - Quality Tree Works; and
 - Drop & Leave Tree Services Pty Ltd,tenders for the Provision of Arboriculture Maintenance Services.
2. Not award a contract at this time and re-tender for the Provision of Arboriculture Maintenance Services. It is unclear though that Council would receive any benefit in doing this and it would delay the start of the service for at least 6 - 8 weeks.
3. Award the contract to an alternative panel of tenderers. However, as all tenderers scored the high in the evaluation process and have provided this service in the past, such a decision may not be consistent with the advertised evaluation criteria.

9. CONCLUSION

All tenderers scored the high in the evaluation process and have provided this service in the past, and the evaluation panel is satisfied that they all have both the expertise and capacity to undertake the service.

It was determined that a panel of contractors is required to ensure adequate provision of this service during emergency situations.

10. RECOMMENDATION

1. That Council accepts the tenders submitted by:
 - JR's Treemendous Landscapes Pty Ltd;
 - Joey's Tree Services;
 - Gippsland Logging & Earthmoving Pty Ltd;
 - Fleming's Tree Services Pty Ltd;
 - Thomson Valley Excavations Pty Ltd;
 - Oxley Landscaping;
 - Valleywide Tree Services Pty Ltd;
 - NICLAP Pty Ltd;
 - ACE Earthmoving Unit Trust;
 - Quality Tree Works; and
 - Drop & Leave Tree Services Pty Ltd,for invitation to tender no: 13049 – Provision of Arboriculture Maintenance Services, and awards contracts for the rates as tendered, excluding GST, for a two year period with an option for an extension for a further two by two year periods, as these tenders provide the best value for money outcome for the community when assessed against the evaluation criteria.
2. That Council delegates the authority to the Chief Executive Officer to sign and seal contracts with:
 - JR's Treemendous Landscapes Pty Ltd;
 - Joey's Tree Services;
 - Gippsland Logging & Earthmoving Pty Ltd;
 - Fleming's Tree Services Pty Ltd;
 - Thomson Valley Excavations Pty Ltd;
 - Oxley Landscaping;
 - Valleywide Tree Services Pty Ltd;
 - NICLAP Pty Ltd;
 - ACE Earthmoving Unit Trust;
 - Quality Tree Works; and
 - Drop & Leave Tree Services Pty Ltd,resulting from invitation to tender no: 13049 – Provision of Arboriculture Maintenance Services.

Cr Middlemiss left the Chamber at 8.44 PM due to an indirect interest under Section 78B of the *Local Government Act 1989*

Moved: Cr Gibson

Seconded: Cr Lougheed

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

Cr Middlemiss returned to the Chamber at 8.46 PM

ATTACHMENT

ITT 13049 - Provision of Arboriculture Maintenance Services													
Evaluated by: Supervisor Arborist, Team Leader Tree Maintenance and Coordinator Infrastructure Maintenance 9 Nov 2011	TOTALS	Price	Track Record		Capacity		Relevant Experience			Occupational Health and Safety		Benefit to Regional Economy	
	WEIGHTING (%)	100	40	15		15		15			10		5
POINT SCORE (PS) / WEIGHTED SCORE (WS)													
TENDERERS	WS	PS	WS	PS	WS	PS	WS	PS	WS	PS	WS	PS	WS
JR's Treemendous Landscapes Pty Ltd	505	SOR	9	135	8	120	8	120	8	80	10	50	
NICLAP Pty Ltd	505	SOR	9	135	8	120	8	120	8	80	10	50	
ACE Earthmoving Unit Trust	505	SOR	9	135	8	120	8	120	8	80	10	50	
Thomson Valley Excavations Pty Ltd	505	SOR	9	135	8	120	8	120	8	80	10	50	
Oxley Landscaping	500	SOR	9	135	8	120	8	120	8	80	9	45	
Fleming's Tree Services Pty Ltd	490	SOR	8	120	8	120	8	120	8	80	10	50	
Valleywide Tree Services Pty Ltd	490	SOR	8	120	8	120	8	120	8	80	10	50	
Gippsland Logging & Earthmoving Pty Ltd	485	SOR	8	120	8	120	8	120	8	80	9	45	
Drop & Leave Tree Services Pty Ltd	470	SOR	7	105	8	120	8	120	8	80	9	45	
Quality Tree Works	440	SOR	7	105	8	120	8	120	5	50	9	45	
Joey's Tree Services	435	SOR	6	90	8	120	8	120	8	30	5	25	

* All tenderers submitted a Schedule of Rates (SOR)

EVALUATION CRITERIA	WEIGHTING %
Price	40.0
Track Record	15.0
Capacity	15.0
Relevant Experience	15.0
Occupational Health and Safety	10.0
Benefit to Regional Economy	5.0
TOTAL	100.0

15.10 **PROPOSED SALE OF LAND - FRANKLIN STREET,
TRARALGON**

**CONFIDENTIAL – PROPOSED DEVELOPMENT – s.89(2)(e)
LOCAL GOVERNMENT ACT 1989**

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is for Council to consider further information received from the proposed purchaser of the former Traralgon Early Learning Centre (TELC) site at 196 Franklin Street, Traralgon and part of the adjoining Franklin Street Reserve.

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 2011-2015.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Governance

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 2011 - 2015

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.*

Service Provision – Property Management

Administer property management, advice and services of Latrobe City Council

Legislation

Local Government Act 1989

Section 189 of the Local Government Act 1989 provides Council with the power to sell or exchange land subject to the following legislative requirements:

- *Give at least four weeks public notice of an intention to sell or exchange land;*
- *Obtain a valuation of land which is made not more than six months prior to the sale or exchange of land;*
- *Allow interested persons to make a submission under section 223 on the proposed sale or exchange of land.*

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

The principle aim of this policy is to define the circumstances and factors that will be assessed by Council in respect to the sale of Council owned property.

4. BACKGROUND

At its ordinary meeting on 8 February 2010 Council resolved:

1. *That Council continue with the sale by private treaty of the existing Traralgon Early Learning Centre site and part of the adjoining Franklin Street Reserve being part of a larger parcel of land contained in Certificates of Title: Volume 1947 Folio 267, Volume 10314 Folio 991 and Volume 10334 Folio 968, being Crown Allotment four, six and part of Crown Allotment seven A and a small section of Crown Allotment seven B and Lot 3 on Plan of Subdivision PS4088569 respectively, to the owner of the former Manny's Market site.*
2. *That Council authorises the Chief Executive Officer or his nominee, to negotiate the sale of the Traralgon Early Learning Centre site and part of the adjoining Franklin Street Reserve in accordance with the Sale of Council Owned Property Policy.*

3. *That Council authorises the Chief Executive Officer to enter into a contract of sale for the property being the existing Traralgon Early Learning Centre site and part of the adjoining Franklin Street Reserve being part of a larger parcel of land contained in Certificates of Title: Volume 1947 Folio 267, Volume 10314 Folio 991 and Volume 10334 Folio 968, being Crown Allotment four, six and part of Crown Allotment seven A and a small section of Crown Allotment seven B and Lot 3 on Plan of Subdivision PS4088569 respectively.*
4. *That Council authorises the Chief Executive Officer to sign and seal the Transfer of Land for the sale of the assembled allotment being the existing Traralgon Early Learning Centre site and part of the Franklin Reserve, Traralgon.*

At its ordinary meeting on 22 February 2010 Council considered a Rescission Motion moved by Cr Fitzgerald that 11.6.4 Proposed Sale of Land, Franklin Street Traralgon adopted at the ordinary Council meeting on 8 February 2010, be rescinded. Council resolved:

That Council defer consideration of this item until no earlier than 30 April 2010.

At its ordinary meeting on 20 September 2010 Council reconsidered the Rescission Motion. The Rescission Motion was not adopted by Council and as such, the resolution of 8 February 2010, as set out above, has been progressed by council officers.

At its ordinary meeting on 27 June 2011 Council considered a request for further time from the purchaser to enable them to attract tenants and finance for the development of the site in accordance with the approved plans. At that meeting Council resolved;

That Council provide the purchaser until 30 October 2011 to obtain the minimum number of tenants to develop the site in accordance with the approved plans.

5. ISSUES

The proposed purchaser of the TELC has not yet been able to secure the finance for the entire development of the site. The purchaser has advised that they are very close to securing the finance for the development.

There is no way for officers to determine the veracity of this statement. The purchasers are again seeking further time to allow them to secure the finance to develop the site in its entirety in accordance with the approved plans.

As previously indicated, the development proposed by the purchaser is significant in size and cost, and generally accepted as a good development for the town of Traralgon. As such, Council may elect to provide a further extension to the purchaser.

Alternately, Council may consider sale by public auction of a slightly different parcel of land (as shown in Attachment 2) as the site proposed to be sold to the purchaser was designed specifically to maximise the opportunity for the purchaser to develop a larger portion of land as they own the adjoining site.

The sale of this amended parcel of land will require a new statutory process to be undertaken including a public submission period, a new valuation and a new declaration of council following the public submission period. This land will be required to be subdivided in order to facilitate the sale of the site.

If Council determines to withdraw the offer to sell to the adjoining landowner the development in the approved plans is very unlikely to go ahead.

6. FINANCIAL AND RESOURCES IMPLICATIONS

The sale of the former TELC and part of the adjoining Franklin Street Reserve were identified in the 2009/2010 budgetary process to partially finance the purchase of the Mapleson Drive Centre. The purchase of the new centre was completed in early 2010 resulting in a deficit offset against unexpended funds carried forward for works to be completed in 2010/11.

Council will be required to continue to carry that deficit until the sale of the TELC site is finalised.

7. INTERNAL / EXTERNAL CONSULTATION

All consultation required under the *Local Government Act 1989* was undertaken in preparing for the sale of this land.

In the event that Council sought to resell an amended parcel of land, it would be appropriate to run a further public process to satisfy the requirements of the *Local Government Act 1989*.

8. OPTIONS

The following options are available to Council:

1. Council could provide the proposed purchaser with a further extension of time to secure the number of tenants required to obtain finance for the full development of the site;
2. Council could not provide the proposed purchaser with an extension of land and retract the offer for them to purchase the site by private treaty. In this event it is proposed that a slightly different parcel of land be sold via public auction in accordance with Council's Sale of Council Owned Property Policy 09 POL-3; or
3. Council could seek further information in relation to the sale of this site.

9. CONCLUSION

Council has granted the purchaser the right to purchase and develop the land in accordance with the approved plans. Those plans provide an outstanding opportunity for a considerable development to take place within the town of Traralgon.

Council may consider it appropriate, due to the lengthy delay in the purchaser obtaining finance, withdraw it's offer to sell by private treaty, and seek to sell the former Traralgon Early Learning Centre via public auction.

10. RECOMMENDATION

1. That Council provide the owner of the Manny's Market site an extension until 23 December 2011 to return signed contracts and deposit for the former Traralgon Early Learning Centre site.
2. That in the event that the owner of Manny's Market does not provide the signed contracts and deposit for the former Traralgon Early Learning Centre site by 23 December 2011;
 - (a) That Council rescind its resolution to sell by private treaty of the existing Traralgon Early Learning Centre site and part of the adjoining Franklin Street Reserve being part of a larger parcel of land contained in Certificates of Title: Volume 1947 Folio 267, Volume 10314 Folio 991 and Volume 10334 Folio 968, being Crown Allotment four, six and part of Crown Allotment seven A and a small section of Crown Allotment seven B and Lot 3 on Plan of Subdivision PS4088569 respectively, to the owner of the former Manny's Market site.

- (b) That Council formally withdraw its offer to sell the land to the owner of the former Manny's Market site.
- (c) That Council commence the statutory process to sell the land contained in Certificates of Title: Volume 1947 Folio 267 and Volume 10334 Folio 968, being part of Crown Allotments four and five and Lot 3 on Plan of Subdivision PS4088569 respectively via public auction in accordance with the Sale of Council Land Policy.
- (d) That a further report be presented to Council at the Ordinary Meeting scheduled for 5 March 2012.
- (e) That Council prepare a brief media release advising the sale by private treaty has fallen through and that Council is now recommencing the statutory process to sell the land.

Moved: Cr Lougheed

Seconded: Cr Gibson

That the Recommendation be adopted.

For the Motion

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

Against the Motion

Councillor/s Kam and Harriman

The Mayor confirmed that the Recommendation had been CARRIED

ATTACHMENT 1



ATTACHMENT 2

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From: Jim Northe
Sent: Wednesday, 30 November 2011 2:13 PM
To: Paul Buckley
Cc: Carol Jeffs; Andrew McDonald
Subject: TELC Franklin St Traralgon

Hi Paul,

Thank you for returning my call this morning.

We are aware that the sale of the TELC is due to go up to Council's next meeting on Monday 5th December and we write to ask that you delay that process for a further two weeks until the December 19th meeting.

As you know it took some time to negotiate an agreement for the sale of the property and Council agreed to allow us time to complete our due diligence in being able to fund, build and complete a successful development for the Traralgon CBD. During this time we have made every effort to secure tenants and funding for the development and believe we will be in a position in the next two weeks to confirm our ability proceed with signing the contract and to pay a deposit.

I assure you we are committed to progressing with this development having worked with Council for many years in achieving what will be a landmark building within the Latrobe City and do not want to jeopardized it at the last minute should it be referred back to Councillors for further discussion and decision.

Obviously the best outcome for everyone is for the development to proceed and we ask for your further assistance in giving us the opportunity to secure finance prior to the December 19th meeting.

I look forward to hearing from you should you require any further information regarding this matter.

Regards,

Jim Northe
Office and Accounts Manager
P&M Minster Constructions
Suite 3, 181 Franklin Street

Moved: Cr Gibson
Seconded: Cr Middlemiss

That the Meeting be re-opened to the public.

CARRIED UNANIMOUSLY

THE MEETING REOPENED TO THE PUBLIC AT 8.53 PM.

**THERE BEING NO FURTHER BUSINESS THE MEETING WAS DECLARED
CLOSED AT 8.53 PM.**

**I CERTIFY THAT THESE MINUTES COMPRISE OF 337 PAGES IN TOTAL
AND THAT THEY HAVE BEEN CONFIRMED.**

MAYOR: _____

DATE: _____