



LATROBE CITY COUNCIL

MINUTES OF THE ORDINARY COUNCIL MEETING

HELD IN THE
NAMBUR WARIGA MEETING ROOM,
CORPORATE HEADQUARTERS, MORWELL
AT 5:30 PM ON 03 DECEMBER 2012

PRESENT:

Cr Sandy Kam - Mayor - East Ward
Cr Sharon Gibson, Deputy Mayor - West Ward
Cr Peter Gibbons - West Ward
Cr Dale Harriman - East Ward
Cr Graeme Middlemiss - Central Ward
Cr Kellie O'Callaghan - East Ward
Cr Michael Rossiter - East Ward
Cr Christine Sindt - Central Ward
Cr Darrell White - South Ward
Paul Buckley, Chief Executive Officer
Carol Jeffs, General Manager Governance
Allison Jones, General Manager Economic Sustainability
Grantley Switzer, General Manager Recreation, Culture and Community
Jacinta Saxton, Manager Community Relations
Regina Kalb, Manager Healthy Communities

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ORGANISATIONAL EXCELLENCE

URGENT BUSINESS

MEETING CLOSED TO THE PUBLIC

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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 Sindt declared a direct interest under section 77B of the Local Government Act 1989 in relation to item 15.8 Geotechnical Investigation and detailed design remediation treatments of landslips.

4. Adoption of Minutes

Moved: Cr Gibson
Seconded: Cr Middlemiss

That Council adopts the Minutes of the Ordinary Council Meeting held on 19 November 2012 (CM 394), relating to those items discussed in open Council.

CARRIED UNANIMOUSLY

PUBLIC QUESTION TIME

REVIEW OF COUNCIL MEETING TIMES

Ian Bruce McDonald asked the following question:

Question:

Will Latrobe City Council Councillors review the new ordinary Council Meeting commencement time after three months of its enactment?

Whilst it seems that experimenting with some different timings may be of some benefit to come demographics making it more difficult for one of the largest of the employed demographics to attend – that is those employed in retail that knock off at 5.30pm on an apparently permanent basis would appear to be creating a blockage to communication between Councillors and a significant percentage of the community rather than improving opportunities for open and transparent communication which surely Latrobe City should be aspiring to.

Answer:

Council currently has no former plans to review this decision; however Council can review the commencement time of Ordinary Council Meetings at any time in accordance with Local Law 1.

Local Government Act 1989 – Notices and Forms

Mr Chris Kaczkowski asked the following question:

Question:

- a) Can Latrobe City Council Ratepayers rely on the Local Government Act 1989 (LGA 1989) to the same extent as Latrobe City Council?
- b) Is Latrobe City Council able to lawfully include other things than the things prescribed for the Notice and Forms under the LGA 1989? And if so;
- c) Are Latrobe City Council Ratepayers also able to lawfully include other things on these Notices and Forms?
- d) Is Latrobe City Council acting outside the boundaries set by the LGA 1989 and the Local Government (General) Regulations 2004 when the Council includes things that are not prescribed for the Notice and Forms in the Act Regulation?

Answer:

The Chief Executive Officer paraphrased the question and responded that the question will be taken on notice with the answers provided in writing and also included in the Minutes of the Meeting (see below).

Mr Kaczkowski's questions have been the subject of lengthy and substantial communication with Council spanning 4 years and including the involvement of the Victorian Ombudsman. Following several attempts to reasonably answer Mr Kaczkowski's questions, Council most recently wrote to him in 23 July 2012 explaining that the questions were beyond the ability of Latrobe City Council to answer and that due to the call on Council resources, no further correspondence would be entered into. It has been suggested several times that Mr Kaczkowski contact an appropriate Australian Government department or gather his own legal advice regarding his concerns and this has been conveyed again in separate written correspondence in response to these questions.

Suspension of Standing Orders

Moved: Cr Gibson
Seconded: Cr Gibbons

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 5.33 pm

Mr Glen Wall addressed the Council in relation to item 7.3 Public Highway Declaration – Verey Lane, Morwell.

Standing Orders were resumed at 5.41 pm

ITEMS REFERRED BY THE COUNCIL

7.1 CROSS'S ROAD DEVELOPMENT PLAN AND IMPLEMENTATION PLAN

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present the Implementation Plan for the Cross's Road Development Plan to Council for consideration.

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 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

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

Latrobe City Council Plan 2012-2016

Strategic Direction – Built Environment

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

Shaping Our Future

An active connected and caring community supporting all.

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*, both of which are relevant to this application.

4. BACKGROUND

At the ordinary Council meeting held on 17 September 2012 Council resolved;

That Council:

- 1. Adopts the Cross's Road Development Plan dated August 2012 subject to a detailed Implementation Plan, to facilitate the coordinated and efficient staging of the site being submitted for the consideration and approval of the Council pursuant to Clause 3 of Schedule 5 to the Development Plan Overlay of the Latrobe Planning Scheme.*
- 2. That the Implementation Plan be presented to Council for consideration at a future Ordinary Council Meeting.*

5. ISSUES

Discussions have taken place between representatives of the two major landholders in the area being 150B Property Pty Ltd and IGB Developments. These discussions have led to an agreement on the content of the Implementation Plan.

Correspondence to this effect was received by Council on 26 November 2012 and is provided as attachment 1 to this report. The correspondence indicates that both 150B Property Pty Ltd and IGB Developments agree to the new implementation plan and that 150B Property Pty Ltd have removed their objection to the plan initially lodged by IGB Developments.

The Implementation Plan (the Plan) has been prepared to facilitate the co-ordinated development of the properties that are zoned residential and is intended to provide a consolidated list of requirements and actions which are necessary to deliver the outcomes of the Development Plan.

The Plan will provide Council with clarity and understanding of how development across the Cross' Road Precinct will be realised and establish a framework for development sequencing and the provision of efficient and logical infrastructure throughout the site.

The Plan identifies that development will generally occur in three 'Area' phases. Each Area may commence development independently of one another, however delivery of shared infrastructure and zoning will largely determine the logical progression of development through the Precinct. Areas are further broken down into stages to indicate the potential infrastructure progression within each individual area.

A number of requirements and implementation actions are required to realise the outcomes of the Plan. These projects and actions are summarised within the Plan along with specific timing requirements to ensure co-ordinated delivery of projects is achieved.

The owners of the land situated on Ashworth Drive, Traralgon have not had their land rezoned at this time. This section of the precinct will require further considerations at the appropriate time

6. FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

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

7. INTERNAL / EXTERNAL CONSULTATION

The draft Development Plan and adjoining Implementation Plan has been subject to a rigorous consultation process and since being lodged in January 2012 has been assessed by a broad range of statutory bodies and made available to members of the local community for comment.

No specific consultation has been undertaken by Council since the resolution made at the 17 September 2012 ordinary meeting. It is our understanding that the respective owners have met to discuss and finalise the Implementation Plan themselves.

8. OPTIONS

The following options are available to Council;

1. That Council adopt the Implementation Plan for Cross's Road Development Plan Traralgon that was submitted on 26 November 2012;
2. That Council not adopt the Implementation Plan for Cross's Road Development Plan Traralgon that was submitted on 26 November 2012 and seek further information.

9. CONCLUSION

In accordance with the Council resolution of 17 September 2012 the respective parties have met and agreed on an Implementation Plan for the Cross's Road Development Plan. That implementation plan is attached to this report.

The adoption of the Implementation Plan should allow for the rapid progression of the planning application process to ultimately facilitate the release of land for development within the precinct in accordance with the Development Plan.

10. RECOMMENDATION

That Council adopt the Cross's Road Implementation Plan.

Moved: Cr O'Callaghan

Seconded: Cr Harriman

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

.

26 November, 2012

Paul Buckley
Chief Executive Officer
Latrobe City Council
PO Box 264
MORWELL VIC 3840

cc
enc
project
doc no.

20121112_lo_council_withdrawa
l of submission to igb ip

Dear Paul,

Re: Cross's Road Development Plan and Implementation Plan

We act on behalf of 150B Property Pty Ltd in relation to land located at 150 Tyers Road, Traralgon and the Cross's Road Development Plan.

As you are aware, at the Ordinary Meeting held on 17 September, 2012 Latrobe City Council ('Council') resolved to adopt the Cross's Road Development Plan subject to the submission and approval of an Implementation Plan. Following this resolution an Implementation Plan was submitted by IGB Developments on 2 October, 2012 and a separate Implementation Plan was lodged on behalf of our Client on 12 October, 2012.

In correspondence received from Council and addressed to our Client (dated 24 October, 2012) it was raised that:

"Council currently has two different Implementation Plans for consideration. These Implementation Plans have implications for the assessment of the respective planning applications.

In order to remedy this situation we understand that both landowners met on 18 October, 2012 to seek to prepare a consistent Implementation Plan for the entire Precinct. We anticipate that a revised Implementation Plan is likely to be lodged with Council imminently."

In response to this correspondence and as anticipated by Council, we hereby:

- Submit a revised Implementation Plan
Further to our correspondence and the Implementation Plan (dated 12 October, 2012) submitted on behalf of our Client, please find enclosed a revised Plan.

The Implementation Plan has been revised following ongoing communication and negotiations between our Client and IGB (representing 240 Cross's Road, Traralgon). Minor

amendments to the Implementation Plan (dated 12 October, 2012) have been made to enable a mutually agreeable outcome for both parties.

The enclosed Implementation Plan will now replace the previous version of the Plan.

- Withdraw our objection to the Implementation Plan submitted by IGB

In relation to our correspondence also dated 12 October, 2012, I wish to formally withdraw our objection to IGB's submission of the Cross's Road Implementation Plan (dated 2 October, 2012).

On behalf of our Client and IGB, we respectfully request that the Cross's Road Implementation Plan (submitted 26 November, 2012) be considered at the earliest possible Ordinary Council Meeting for approval. It is also requested that Council progress each respective planning application without delay.

Should you require further information and clarification in relation to this matter, please do not hesitate to contact me directly.

Kind regards,

SMEC Urban



Melissa Griffin
Senior Urban Planner

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m 0409 869865

e Melissa.griffin@smec.com

Cross's Road Development Plan – Implementation Plan

The Implementation Plan has been prepared to facilitate a co-ordinated development of the properties that are zoned residential in support of the approved Cross's Road Development Plan (dated August, 2012) (the 'Development Plan') and is intended to provide a consolidated list of requirements and implementation actions which are necessary to deliver the outcomes of the Development Plan.

This Implementation Plan has been prepared in accordance with Development Plan Overlay Schedule 5 of the Latrobe Planning Scheme and the approved Development Plan. Once endorsed, it is expected that the Implementation Plan will form part of the approved Development Plan and all development occurring within the Cross' Road Precinct (the 'Precinct') must be carried out in accordance with this Plan.

Development Sequencing Plan

While staging will largely be determined by the development program of landholders, sequencing has been established in the Implementation Plan to reflect the key landholdings in the precinct and allow for co-ordination of key requirements that will enable the vision of the Development Plan to be achieved.

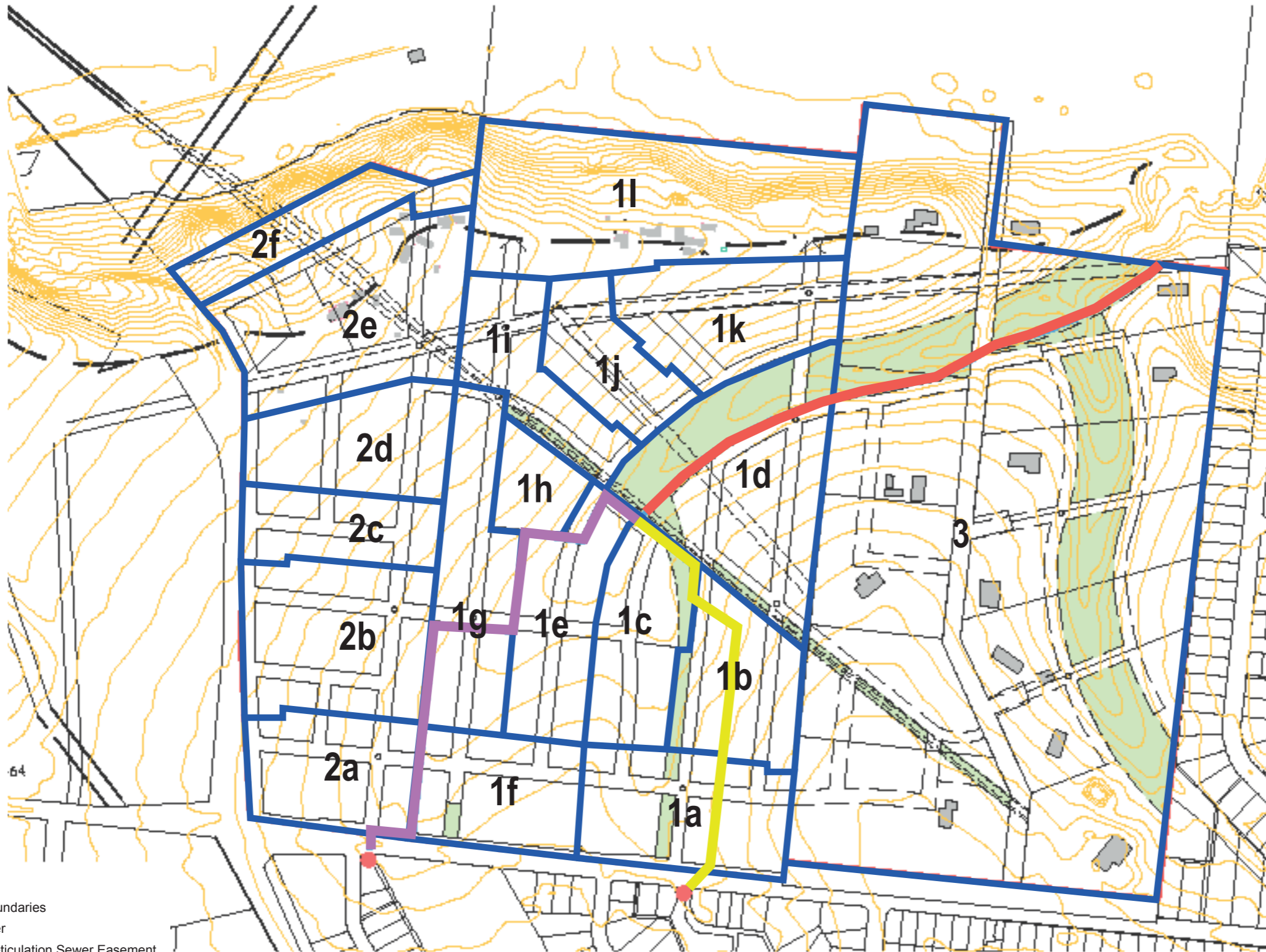
The Implementation Plan (attached) identifies that development will generally occur in three 'Area' phases. Each Area may commence development independently of one another, however delivery of shared infrastructure and zoning will largely determine the logical progression of development through the Precinct. Areas are further broken down into stages to indicate the potential infrastructure progression within each individual area.

Implementation Projects and Actions

Section 10 (Infrastructure Services and Development Staging) of the Development Plan identifies a number of requirements and implementation actions which are required to realise the outcomes of the Plan. These projects and actions are summarised in the Implementation Plan along with specific timing requirements to ensure co-ordinated delivery of projects is achieved.

The Implementation Plan submitted to Council is intended to provide Council with clarity and understanding of how development across the Cross' Road Precinct will be realised. In doing so, the Plan will establish a framework for development sequencing and the provision of efficient and logical infrastructure through the Precinct.

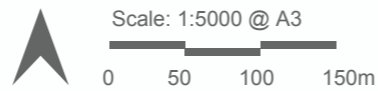
*Plan originally prepared by CPG



- LEGEND
- Staging Boundaries
 - Trunk Sewer
 - Western Reticulation Sewer Easement
 - Eastern Reticulation Sewer

Table – Cross's Road Development Plan Implementation Projects

Requirement	Timing	Implementation	Responsibility
Construction of trunk sewer main	At issue of titles for the first stage of the subdivision of 240 Cross's Road, Traralgon	Condition on planning permit	Relevant land owners
Registration of western reticulation sewer easement connecting 150 Tyers Road, Traralgon to the trunk sewer main	At issue of titles for the first stage of subdivision of 240 Cross's Road, Traralgon	Condition on 240 Cross's Road Planning Permit	Relevant land owners
Cross's Road widening (land and urbanisation of rural verge)	Prior to issue of the relevant Statement of Compliance for areas 1a, 1f and 2a	Condition on planning permit	Land owners to vest land for widening in Council Plans of Subdivision and construct kerb and channel
Temporary stormwater treatment	Required on a staged basis prior to a Statement of Compliance for each area	Condition on planning permit	Relevant land owners
Footpath between Rostevor Close and Wirilda Crescent on south side of Cross's Road	At Council's discretion	N/A	Council
Footpath on north side of Cross's Road adjacent to Plan area	Prior to issue of the relevant Statement of Compliance for areas 1a, 1f and 2a	Condition on planning permit	Relevant land owners
Intersection into 240 Cross's Road	Prior to issue of Statement of Compliance for areas 1a	Condition on planning permit	Relevant land owners
Intersection into 150 Tyers Road	Prior to issue of Statement of Compliance for areas 2a	Condition on planning permit	Relevant land owners



ref.: 3420886P
 date: 24 Oct 2012
 rev.: C
 drawn: RL
 checked: MG

please note:
 This plan is based on preliminary information only and may be subject to change as a result of formal Council/Authority advice, detailed site investigations and confirmation by survey

Implementation Plan Cross Road, Traralgon



planning & urban design
 melbourne - tel 9869 0800
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 abn 47 065 475 149
 trading as smec urban

Table – Cross’s Road Development Plan Implementation Projects

Requirement	Timing	Implementation	Responsibility
Construction of trunk sewer main	At issue of titles for the first stage of the subdivision of 240 Cross’s Road, Traralgon	Condition on planning permit	Relevant land owners
Registration of western reticulation sewer easement connecting 150 Tyers Road, Traralgon to the trunk sewer main	At issue of titles for the first stage of subdivision of 240 Cross’s Road, Traralgon	Condition on 240 Cross’s Road Planning Permit	Relevant land owners
Cross’s Road widening (land and urbanisation of rural verge)	Prior to issue of the <u>relevant</u> Statement of Compliance for areas 1a, 1f and 2a	Condition on planning permit	Land owners to vest land for widening in Council Plans of Subdivision and construct kerb and channel
Temporary stormwater treatment	Required on a staged basis prior to a Statement of Compliance for each area	Condition on planning permit	Relevant land owners
Footpath between Rostrevor Close and Wirilda Crescent on south side of Cross’s Road	At Council’s discretion	N/A	Council
Footpath on north side of Cross’s Road adjacent to Plan area	Prior to issue of the <u>relevant</u> Statement of Compliance for areas 1a, 1f and 2a	Condition on planning permit	Relevant land owners
Intersection into 240 Cross’s Road	Prior to issue of Statement of Compliance for areas 1a	Condition on planning permit	Relevant land owners
Intersection into 150 Tyers Road	Prior to issue of Statement of Compliance for areas 2a	Condition on planning permit	Relevant land owners

7.2 **PROPOSED FEATURE NAMING - ALEXANDRA PARK,
MORWELL**

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to provide Council with research information relating to the park name at the site of the proposed Morwell Skate Park, Commercial Road Morwell and recommend naming other features in the immediate vicinity.

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 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Governance

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

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

*An active connected and caring community
Supporting all*

Strategic Direction – Built Environment

Protect and respect the historical character of Latrobe City.

Strategic Direction – Governance

Support effective community engagement to increase community participation in Council decision making

Service Provision – Community Engagement:

Provide community engagement support services to Latrobe City Council.

Legislation

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

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

Under the guidelines municipal councils are shown as the naming authority for features which are defined as “*a unique geographical place or attribute that is easily distinguished within the landscape*”.

Policy

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

4. BACKGROUND

Council at the Ordinary Council Meeting held 16 July 2012 resolved the following:

“That Council consult the Morwell Historical Society and Morwell RSL to establish the name, history and location of any ‘named’ parks previously located on, or close to, the site of the proposed Morwell Skate Park.

Upon completion of the Morwell Skate Park, any previously ‘named’ parks be re-dedicated in the area of park land to the immediate east of the Skate Park.

The re-dedication of the parks to include appropriate signage/plaques including identification of any significant tree/s on the site/s.”

In accordance with the above Council Resolution, letters were sent to the Morwell Historical Society and the Morwell RSL inviting both organisations to assist with researching past names and details associated with the area. In response, the Morwell Historical Society provided historical information (see attachment 1) namely: in 1904 the *“park was named ‘Alexandra Park’ (after Queen Alexandra wife of King Edward VII) by the President of the Shire of Morwell – Cr. O’Grady – and trees were planted in memory of three soldiers who died at the front during the Boer War.”*

The Morwell Historical Society further advised that the Society whilst not able to accurately define the exact area of Alexandra Park, it recommended that the name should be retained and allocated to the section of land between the McDonald Street Bridge (eastern end) and Legacy Place (western end/pedestrian crossing traffic lights), south of the railroad.

This recommendation by the Historical Society to name the entire area from Legacy Place to the McDonald Street Bridge is larger than the area specified in the above Council Resolution, i.e.: *“Upon completion of the Morwell Skate Park, any previously ‘named’ parks be re-dedicated in the area of park land to the immediate east of the Skate Park.”*. If the Historical Societies recommendation is adopted, Alexandra Park would also incorporate the existing Commercial Road Bus/Taxi Interchange and Public Toilets, a car park, the proposed Morwell Skate Park and grassed roadside verge and plantation.

With respect to *“identification of any significant tree/s on the site/s”* as requested in the above Council Resolution, the information provided by the Morwell Historical Society from the article that appeared in the Morwell Advertiser edition dated 5 August 1904 details the planting of 2 trees. These trees, a “Wellingtonia Gigantea” – the giant tree of California and the second tree – an “English Oak” planted to perpetuate the memory of three soldiers who died during the Boer War. Council’s Supervisor Arborist is aware of the tree plantings at this location and has advised that the “Wellingtonia Gigantea” has not survived and is of the opinion the English Oak at this location is not of sufficient size or structure to be the same tree planted in 1904.

The Morwell Skate Park - Final Concept Plan was adopted at the Ordinary Council Meeting held 19 March 2012. The selected site for the Morwell Skate Park is on land opposite the Commercial Road Primary School and the round about at the intersection of Commercial Road and White Street, Morwell (see attachment 2). This site is part Government Road Reserve and a small area of railroad land owned by VicTrack.

It is anticipated that construction of the Skate Park will commence in April/May 2013.

5. **ISSUES**

The *Guidelines for Geographic Names* 2010 identify Council as the naming authority for features such as Parks.

When naming a feature Council must give consideration to the 16 principles contained in the *Guidelines for Geographic Place Names* when determining whether a feature name is appropriate.

The following principles apply to this application:

Principle 1(A) Language

The guidelines state that geographic names should be easy to pronounce, spell and write, and preferably not exceed three words (including feature or road type) and/or 25 characters. The proposed name is consistent with this principle.

Principle 1(B) Recognising the Public Interest

The guidelines state that consideration needs to be given to the long-term consequences and effects upon the wider community of naming a feature.

The proposal will formally register the name "Alexandra Park" previously named in 1904. It is also suggested that Council also register the existing Commercial Road Bus/Taxi Interchange and Public Toilets and the proposed Morwell Skate Park

Principle 1(C) Ensuring Public Safety

Geographic names must not risk public and operational safety for emergency response or cause confusion for transport, communication and mail services.

“Alexandra Park” identifies a specific area and the proposed name does not pose a risk to public safety. Registering the location of the existing Commercial Road Bus and Taxi Interchange / Public Toilets and the proposed Morwell Skate Park would also assist Emergency Services with exact map coordinates for respective features if required to respond to a triple zero emergency.

Principle 1(D) Ensuring Names Are Not Duplicated

Place names must not be duplicated. Duplicates are considered to be two (or more) names within close proximity that have identical or similar spelling or pronunciation.

“Alexandra Park, Commercial Road Bus and Taxi Interchange / Public Toilets and the proposed Morwell Skate Park ” are unique names and a search of the VICNAMES database has revealed no other registered feature containing similar wording within a 30 kilometre radius.

Principle 1(F) Assigning Extent to Feature, Locality or Road

Council, as the naming authority, must define the area and/or extent to which the name will apply.

The Morwell Historical Society recommends that park name be applied to the grassed section of Commercial Road Reserve between the McDonald Street Bridge (eastern end) and Legacy Place (western end) and south of the railroad. The Commercial Road Bus and Taxi Interchange / Public Toilets and the proposed Morwell Skate Park are definable by built structures.

Principle 1(G) Linking the Name to the Place

Place names should be relevant to the local area with preference given to unofficial names that are used by the local community.

It is considered that the name is relevant to the local area as it was originally named in 1904 and officers are not aware of the area being given an alternative name.

Principle 1(H) Using Commemorative Names

Naming often commemorates an event, person or place. A commemorative name applied to a feature can use the first or surname of a person although it is preferred that only the surname is used.

This proposal commemorates a name and complies with this principle. This principle is not applicable for the registration of the Commercial Road Bus and Taxi Interchange / Public Toilets and the proposed Morwell Skate Park.

Principle 1(J) Names Must Not Be Discriminatory

Place names must not cause offence on the basis of race, ethnicity, religion, disability, sexuality or gender.

The proposed names are unlikely to cause offence to any member of the public.

Principle 1(M) Consulting With the Public

Naming authorities must consult with the public on any naming proposal. The level and form of consultation can vary depending on the naming proposal.

If Council proceeds with this proposal public notice will be given and the community will be invited to provide written submissions.

Principle 1(P) Signage

Naming authorities must not erect or display signage prior to receiving advice from the Registrar that the naming proposal has been approved, gazetted and registered in VICNAMES.

The existence of signage prior to lodging a naming proposal with the Registrar is not a valid argument for the name to be registered.

It is noted that a small information display has previously been provided in front of the Westpac Bank 228 Commercial Road with historical information concerning Alexandra Park, refer attachment 3. This display sign along with a number of similar information displays where erected at historically significant locations within the Morwell Township.

If the name is registered, Council may wish to erect additional signage at the actual park. The Morwell Historical Society has offered to provide historical details for preparation of an information board.

One other principle that specifically relates to the naming of features and is also applicable to this request:

Principle 2(A) Feature Type

A feature type should be included in the feature name and located after the unique feature name.

This principle is satisfied by the inclusion of the word "Park" in the feature name.

6. FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

There is not considered to be any risk associated with this report

Costs associated with this proposal will involve giving public notice and if the proposed name is registered with Office of Geographic Names and Council deems it necessary to place signage and or an information board, costs will be incurred. This expenditure will be addressed in the recurrent budget.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Proposed to be Used:

1. Public Notices inviting written submissions will be placed in the Latrobe Valley Express. These notices will be published during December and a further notice published late January.
2. A copy of the public notice will be displayed at the Corporate Headquarters,
3. A Notice will be placed on the reserve, opposite the Commercial Road Primary School, and
4. Details of the proposal to be placed on the Latrobe City Council web site.

Details of Community Consultation / Results of Engagement:

If Council proceeds with this naming proposal, details of community consultation will be presented for consideration at a future Council Meeting in March 2013.

8. OPTIONS

The following options are available to Council:

1. Commence the process to only register the name "Alexandra Park" as stated in the immediately east of the proposed Morwell Skate Park, or
2. Commence the process to register the name Alexandra Park (the area of land from Legacy Park through to the McDonald Street Bridge), the Commercial Road Bus and Taxi Interchange / Public Toilets and proposed Morwell Skate Park, or
3. Determine not to proceed with either naming proposals.

9. CONCLUSION

It is recommended that Council supports the recommendation of the Morwell Historical Society and gives public notice of its intention to consider officially naming and registering "Alexandra Park" encompassing the area of land from Legacy Park through to the McDonald Street Bridge. For reasons of identification and recording precise locations, it is also recommended to Council that public notice be give given advising of its intention to consider officially naming and registering the Commercial Road Bus and Taxi Interchange / Public Toilets, and Morwell Skate.

10. RECOMMENDATION

1. **That Council gives public notice of its intention to consider the proposal to register the following features located in Commercial Road Morwell:**
 - **Alexandra Park**
 - **Bus and Taxi Interchange / Public Toilets,**
 - **Morwell Skate Park****and invite comment on the proposal.**

2. That Council considers any submissions regarding the proposal to register the above features located in Commercial Road Morwell as official feature names at the Ordinary Council Meeting to be held the 4 March 2013.
3. That the Morwell Historical Society be advised of the above action.

Moved: Cr White

Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT ONE**Morwell Historical Society Inc.**

President: Leonie Pryde
 Information Centre: 44 Buckley Street Morwell VIC 3840
 URL: www.morwellhistoricalsociety.org.au

14 September 2012

Mr Henry Morrison
 Coordinator Property and Statutory Services
 PO Box 264
 MORWELL VIC. 3840

Dear Mr Morrison

Re PROPOSED MORWELL SKATE PARK - COMMERCIAL ROAD, MORWELL

The Society is in receipt of your letter dated 17 August 2012 requesting assistance with the history of the proposed skate park area.

The history of the area has been investigated and the following details found -

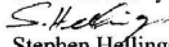
1. In 1904 the area of the park was named 'Alexandra Park' (after Queen Alexandra wife of King Edward VII) by the then President of the Shire of Morwell - Cr. O'Grady - and trees were planted in memory of three soldiers who died at the front during the Boer War.
2. Much research has been done to define the area of the park, but up to the present time no specific details have been found.
3. Since the original naming of the area a number of community organizations have used the area for recreation purposes.

The Society believes that the name 'Alexandra Park' should remain, and requests Council to take the necessary steps to define the area and confirm the name as an official 'Place Name'. A sketch map has been included to indicate the area the Society believes should be defined as the park.

The Society would be pleased to provide historical details for the preparation of an information display board as part of the re-dedication of the area.

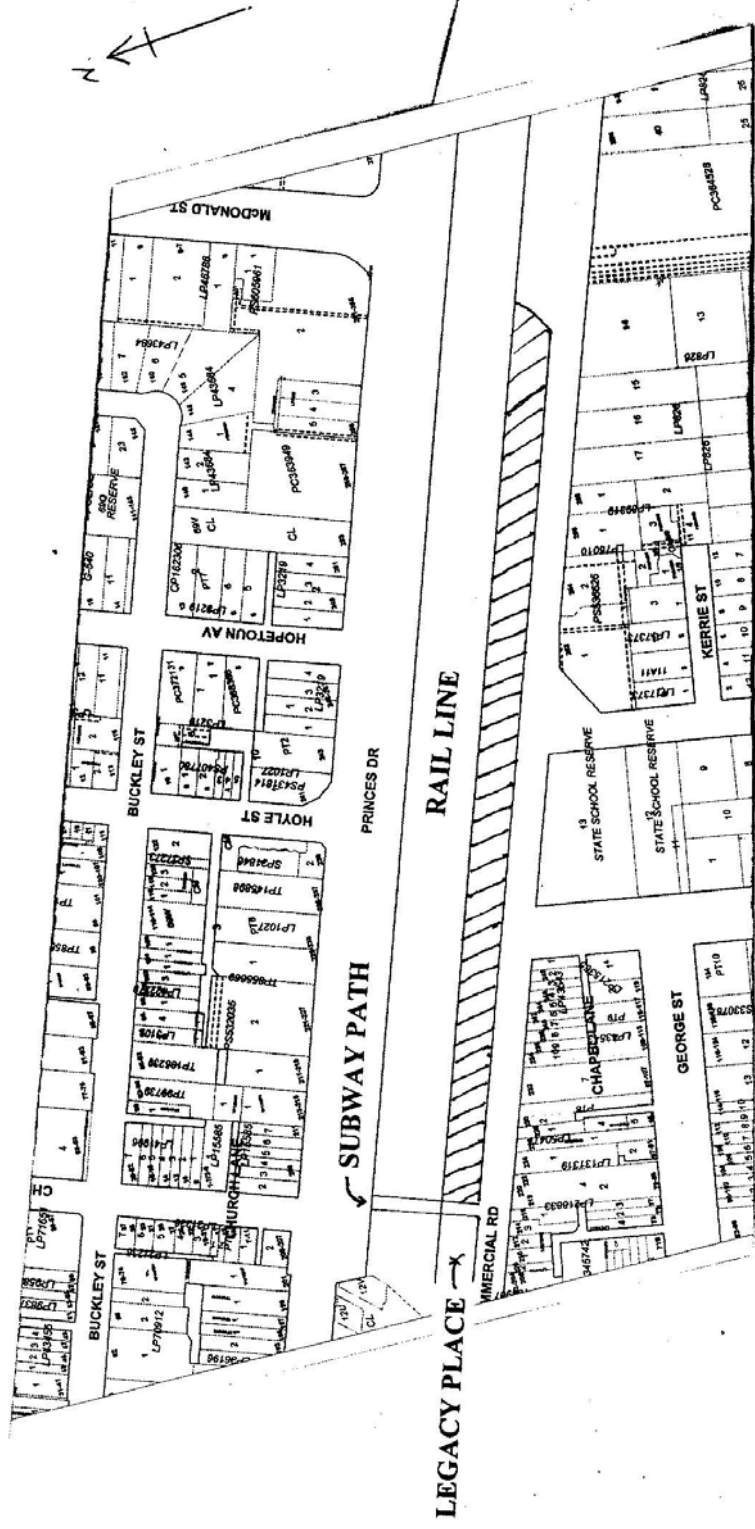
Attached are copies of information that may be of interest to Council.

Yours faithfully


 Stephen Hellings
 Secretary, Morwell Historical Society

Postal Address: Secretary: Stephen Hellings, PO Box 1186, Morwell, VIC 3840
 Inc. No. A00169866





 PROPOSED AREA TO BE DECLARED
'ALEXANDRA PARK'

The following article appeared in the Morwell Advertiser edition dated:

August 5th 1904

(Reproduced exactly as written)

OPENING OF ALEXANDRA PARK.

About 1 o'clock a large gathering of children, including those attending the Morwell, Morwell Bridge, Hazelwood, and North Hazelwood state schools, and local R. C. school, parents, teachers and representative men of the district, took place on the newly formed park. Proceedings were commenced with the town band playing "The Brave Englishman," the well-known strains of "England expect that ever man this day will do his duty" which formed part of the selection, being very appropriate.

The president of the shire (Cr. O'Grady) afterwards came forward and during an appropriate address congratulated the residents upon the manner in which the reserved had been improved and prepared for the planting of trees, etc. The Shire Council had for some time past contemplated such an undertaking but the matter, no doubt, would have remained in abeyance for a long time, had not the Patriotic Committee assisted them so materially.

The park would be a credit to the town and they should be proud of it. It had been decided to call the park after one whose name was dear to every British subject, and it afforded him very great pleasure to name the reserve the "Alexandra Park," and declare it duly opened. The honor of planting the first tree had been allotted to him, and as many were to be planted, he would proceed at once.

The President then proceeded to plant, amidst applause, a noble "Wellingtonia Gigantea" – the giant tree of California, which grows to the height of 800 feet. The second tree – and English oak – was planted by Captain Hall to perpetuate the memory of the three soldiers – Sgt. McDonald, and Privates Thos. Rose, and Geo. Bolding – who went from this district, and died at the front in South Africa, during the Boer war.

During his remarks, which had touching reference to the deceased soldiers, Captain Hall said the tree which he had the honor of planting would always remind them of a great event in the history of the empire, and well as very sad matters connected with that event. Brave young men had left their happy and comfortable homes to fight for the grand old flag, in a distant land, where they had died at the front. Their memory would be ever fresh with those who knew them, and the tree he was about to plant would perpetuate it for future generations.

The general planting of trees and shrubs was afterwards proceeded with, most of the residents and many of the children each planting an ornamental tree, whilst the Band contributed several selections, concluding with the National Anthem.

About 4 o'clock, the tree planting having been finished, an adjournment was made to the state school where the children were first regaled with sumptuous refreshments, after which the adults were similarly treated, a large staff of ladies being kept hard at work "dealing things out," etc. for a considerable time.

Evening was fast approaching before all had departed, and it is quite certain that all who took part in the celebrations, will always retain pleasant recollections of the first Arbor Day in Morwell, and the opening of Alexandra Park.

Stephen Hellings 27th February 2002

Alexandra Park - 1904

Alexandra Park was located on the narrow strip of land between the railway line and Commercial Road (approximately opposite Commercial Road Primary School).

It was named after a member of the Royal Family.

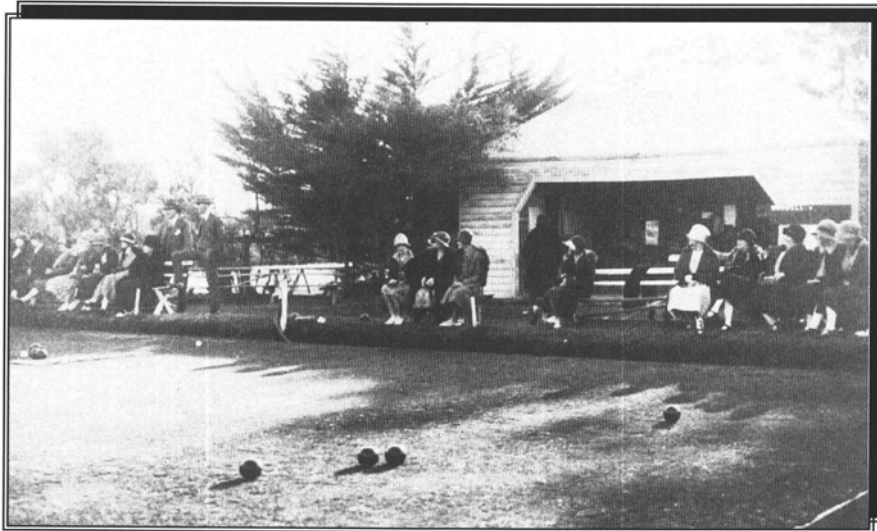
It was officially opened in August 1904 by the Morwell Shire President Cr. O'Grady.

The occasion was marked by the planting of a tree ("Wellingtonia Gigantea" - the giant tree of California).

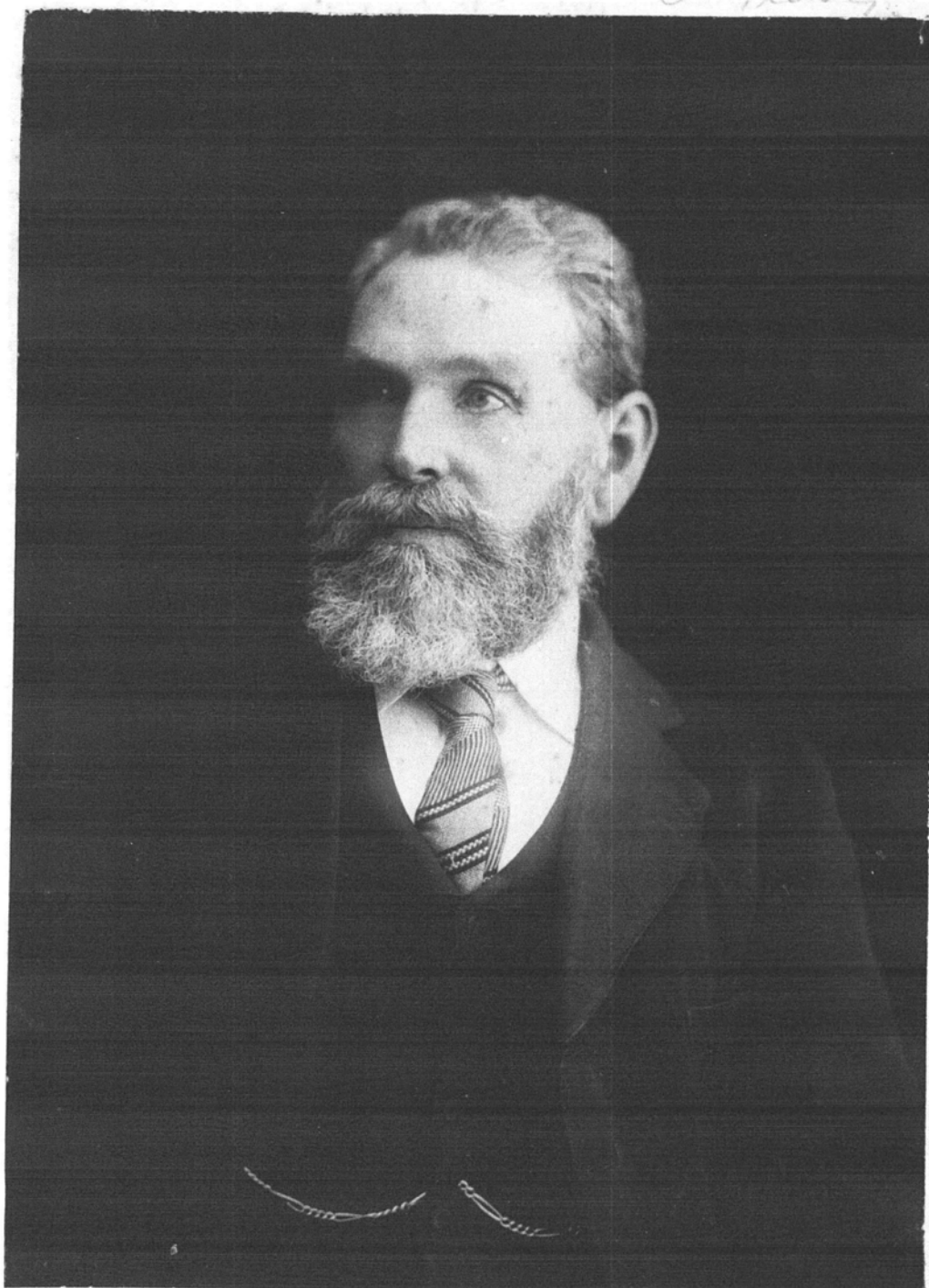
The second tree - an English oak - was planted by Captain Hall to perpetuate the memory of the three soldiers - Sgt. McDonald, and Privates Thos. Rose, and Geo. Bolding - who went from this district, and died in South Africa, during the Boer war.

The Morwell Bowling Club was established at Alexandra Park in 1913.

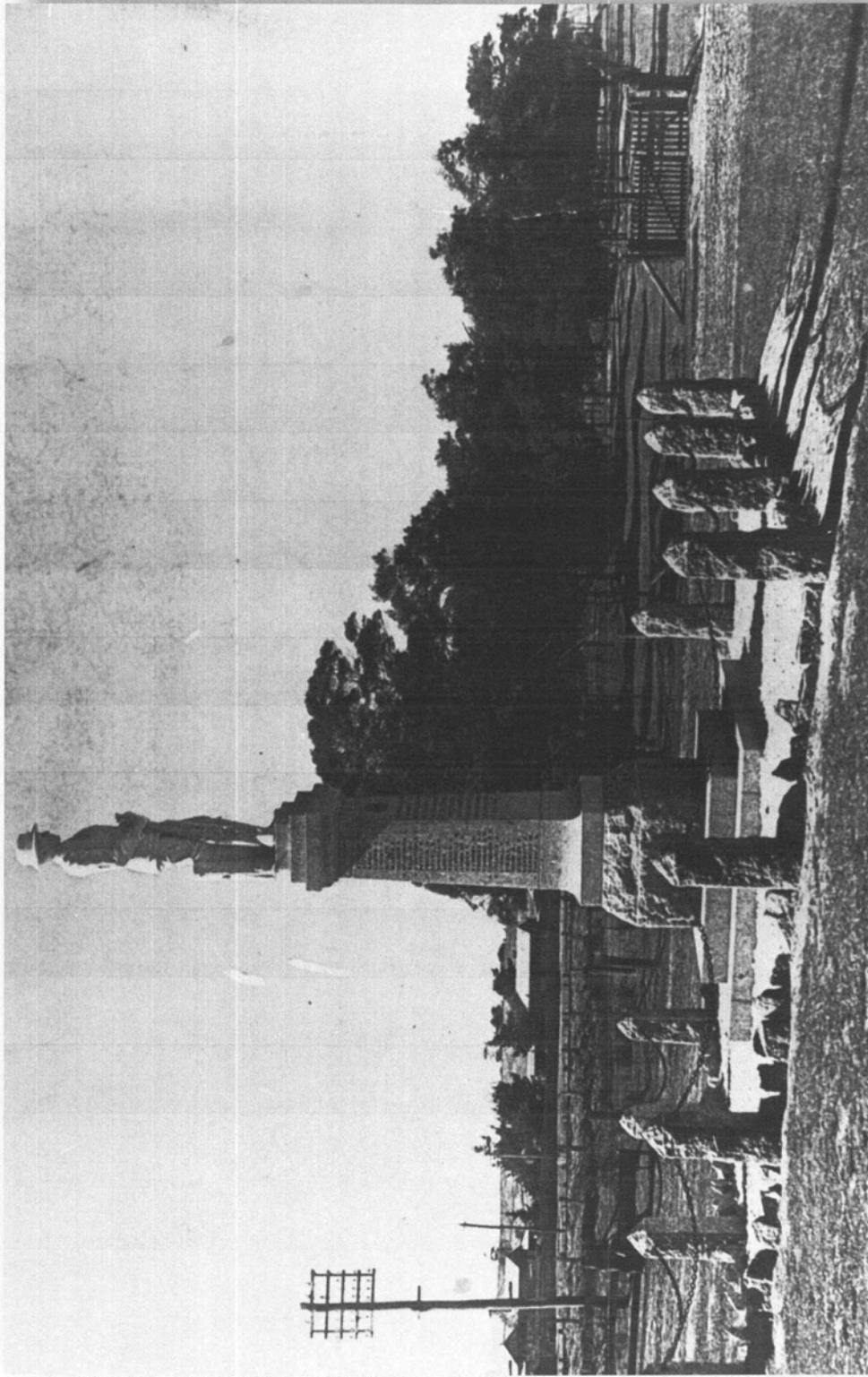
Morwell swimming pool opened in Alexandra Park in 1925/6.



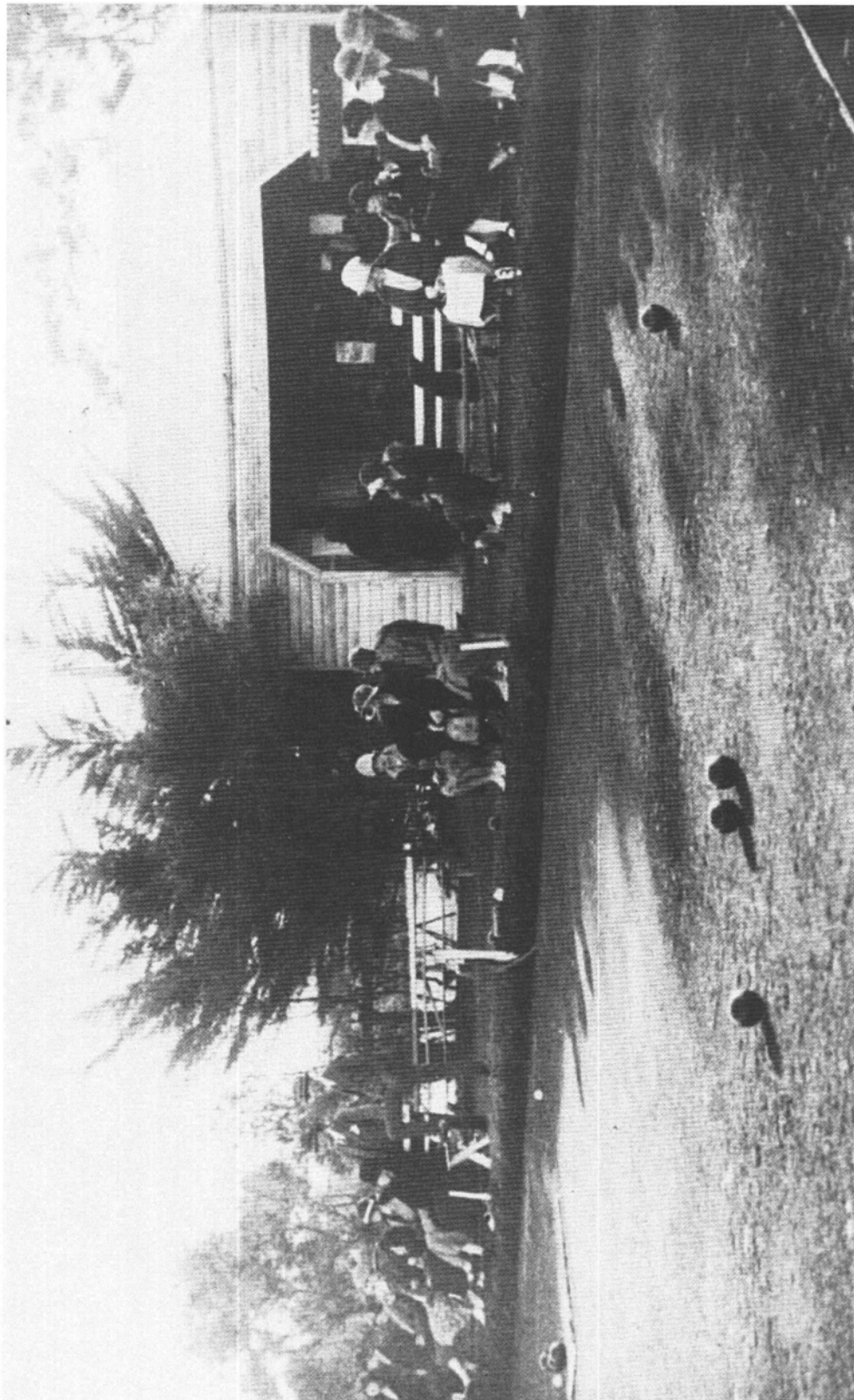
Morwell Bowling Club - Alexandra Park



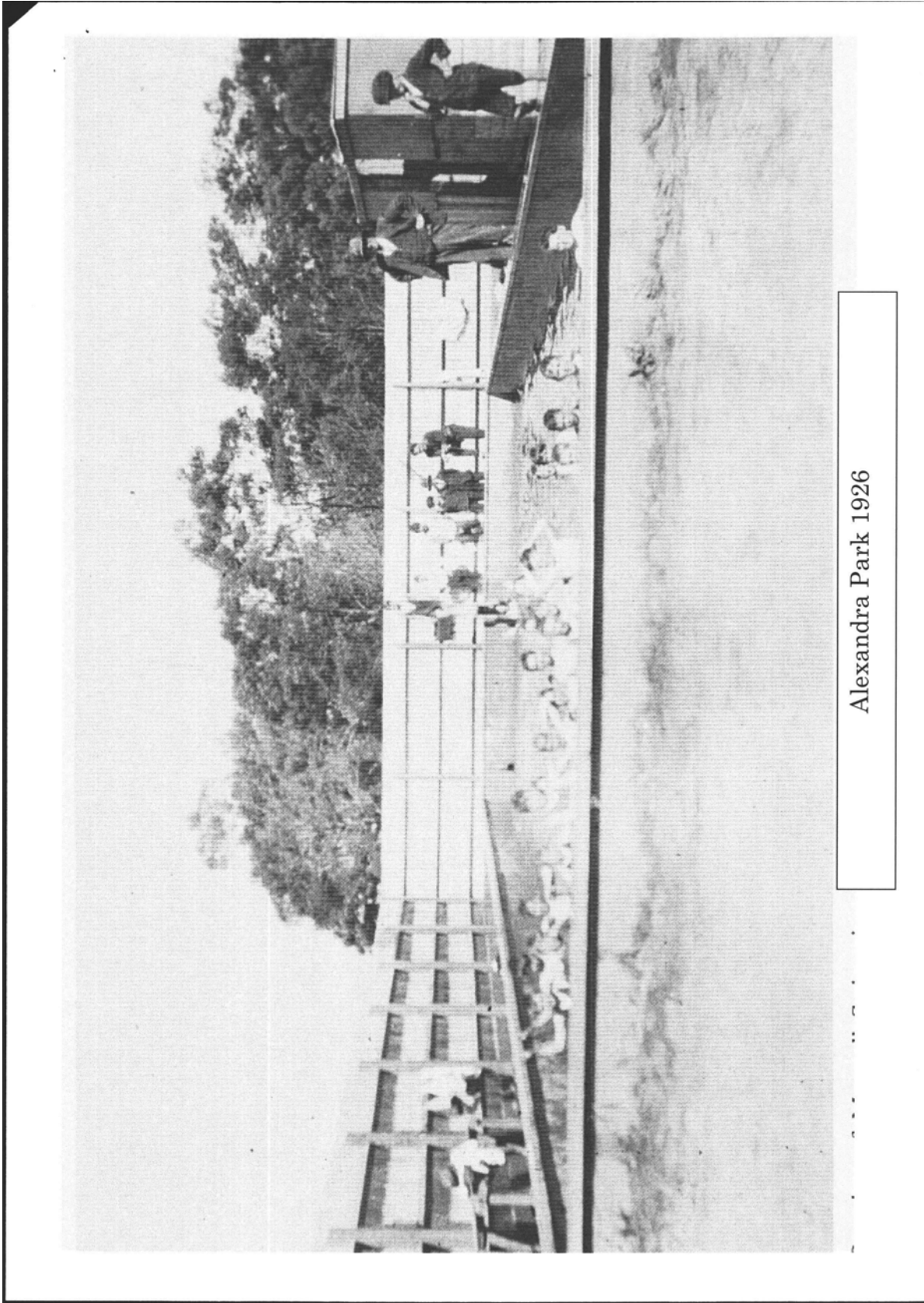
Cr. W. O'Grady Shire President 1903-1904



Alexandra Park c. 1930's



Morwell Bowling Club Alexandra Park (date unknown)



Alexandra Park 1926

Morwell Advertiser (Morwell, Vic. : 1888 - 1954) , Thursday 28 March 1946, page 7

Alexandra Park.

PASSES TO COUNCIL CONTROL.

FOR some time there has been doubt as to the authority concerned with the control of that area of Commercial Road from the level crossing to the Jeeralang turn-off, known as Alexandra Park. The matter was recently taken up by the shire secretary with the Department of Lands and Survey, and information has been received that the area should be dealt with by the council. The department recommended that the council make a reduction in the width of the road and use the balance for public purposes. To conform to the suggestion the following motion, sponsored by Crs. Williams and Hare, was carried —

"That steps be taken to reduce the width of Commercial Road by 63 feet on its northern side between Church Street level crossing and Jeeralang West turn-off."

National Library of Australia

<http://nla.gov.au/nla.news-article66108657>

(The above article reproduced as written)

Alexandra Park.

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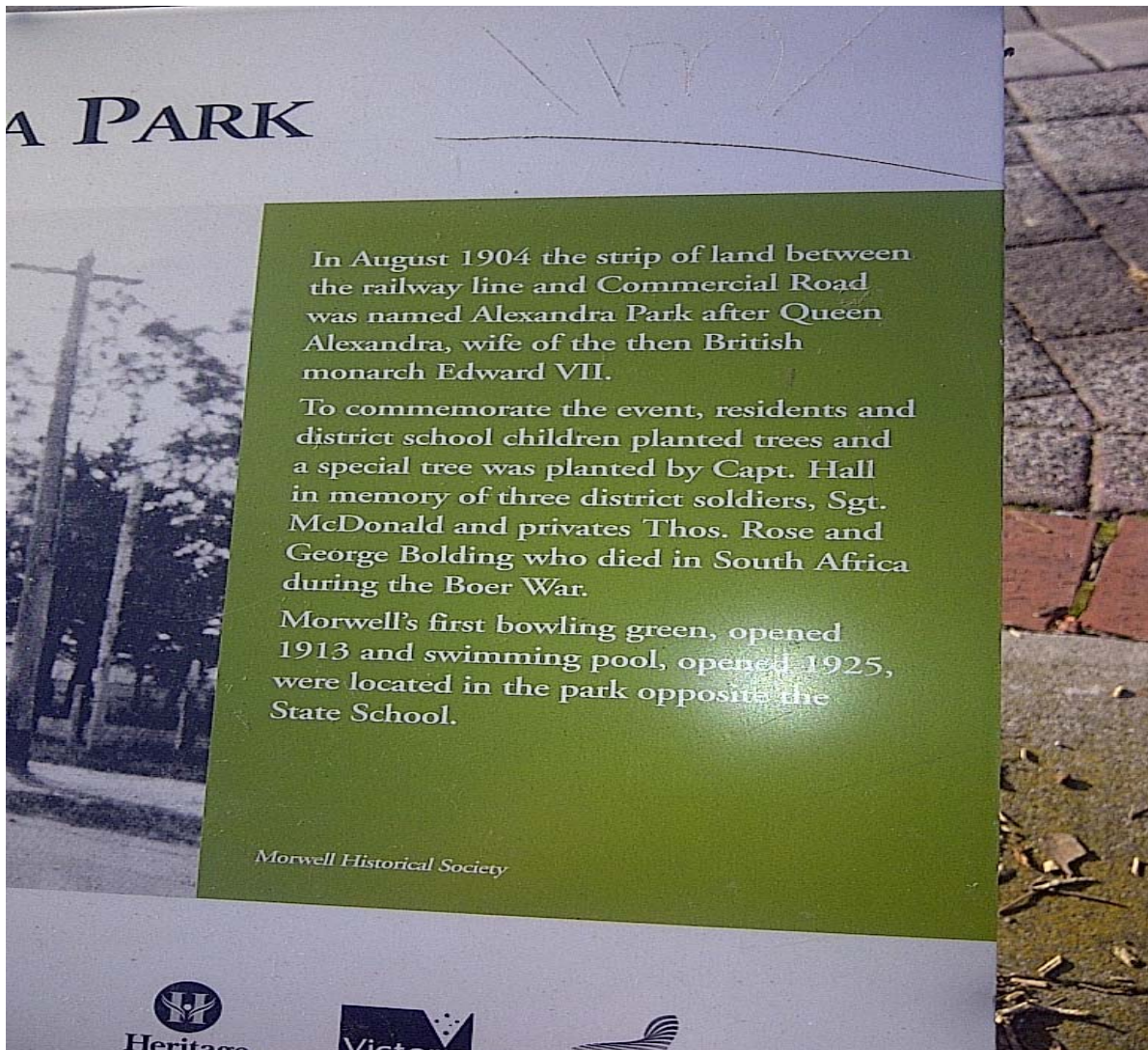
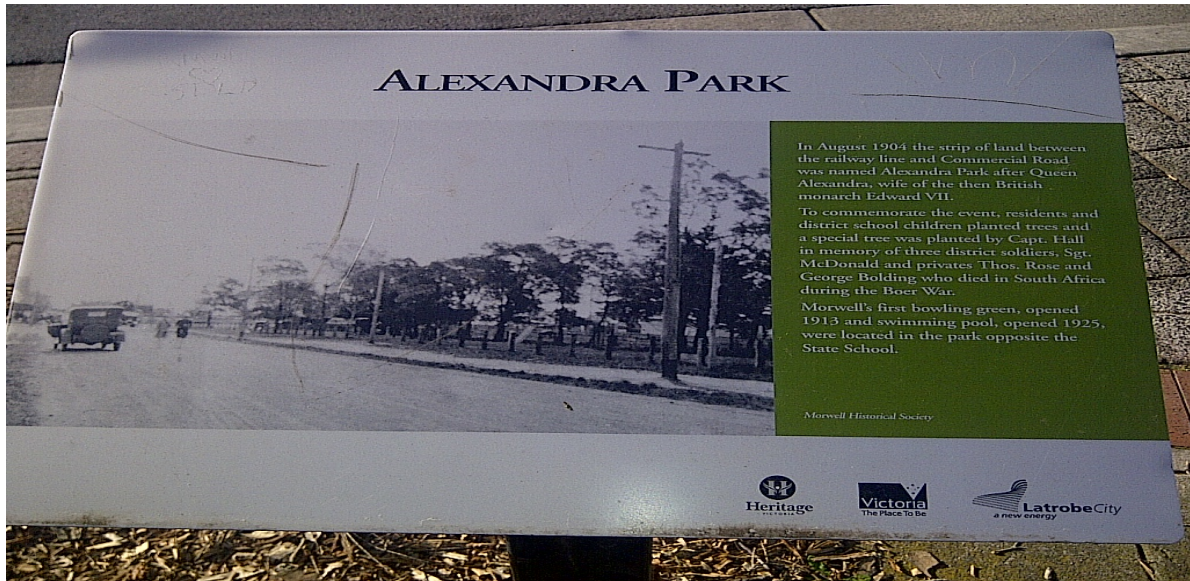
<http://trove.nla.gov.au/ndp/del/printArticleJpg/66108657/3?print=y>

2/21/2012

ATTACHMENT TWO PROPOSED MORWELL SKATE PARK FINAL CONCEPT DESIGN PLAN



ATTACHMENT THREE
**EXISTING INFORMATION DISPLAY IN FRONT OF THE WESTPAC BANK, 228
 COMMERCIAL ROAD MORWELL.**



7.3 PUBLIC HIGHWAY DECLARATION - VEREY LANE, MORWELL**AUTHOR:** General Manager Governance**(ATTACHMENT – YES)****1. PURPOSE**

The purpose of this report is to provide Council with an update on investigations into the options available to provide ongoing access to the rear of 24-28 Buckley Street, Morwell, as an alternate solution to declaring Verey Lane a public highway.

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 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Governance

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

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

An active connected and caring community
Supporting all

Strategic Direction – Governance

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

Legislation

Local Government Act 1989

The *Local Government Act* 1989 defines a public highway as:

“a road which is open for public traffic as a right, irrespective of whether the road is in fact open for traffic and includes a road -

- (a) declared to be a public highway under Section 204(1) or any other Act;
- (b) which becomes a public highway under Section 24(2)(c) of the *Subdivision Act* 1988;
- (c) which is a public road under the *Road Management Act* 2004.”

Section 204 of the *Local Government Act* 1989 gives Council the power to declare a road a public highway or to be open to the public:

- (1) A Council may, by notice in the Victoria Government Gazette, declare a road in its municipal district to be a public highway for the purposes of this Act.
- (2) A Council may, by resolution, declare a road that is reasonably required for public use to be open to public traffic.
- (3) A road does not become a public highway by virtue of a resolution under sub-section (2).

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.

Land Acquisition and Compensation Act 1986

The purposes of this Act are to establish procedures for the acquisition of land for public purposes and provide for the determination of compensation payable in respect of land so acquired.

4. BACKGROUND

For some time the owners and/or tenants of the commercial properties at 24-28 Buckley Street, Morwell, have obtained rear access via the private car park at the rear of 161-165 Princes Drive.

In November 2010 the property owners and/or tenants were notified by Simon Parsons & Co. that this source of access would not be permanently available and, in the longer term, they would require alternate access to be established.

Access was subsequently restricted to within business hours that were dependent on the owners of 161-165 Princes Drive opening locked gates. This arrangement prevented any access to the rear of these properties after hours or on weekends.

In September Simon Parsons & Co. formally notified the property owners and/or tenants that this access was to permanently cease effective from 31st October 2012.

Without access to the rear of these properties the occupiers will be forced to park in Buckley Street and all deliveries must be made through the front of the premises. There is also a large skip bin currently located in the rear corner that could not be emptied or relocated.

A similar issue existed in 1983 when the owner of the bottle shop located at 30-40 Buckley Street, Carlton & United Breweries, removed access to the rear of these properties across their car park.

The former Shire of Morwell subsequently approached the State Electricity Commission, who owned 173-177 Princes Drive, regarding formalisation of an easement of carriageway that was to be created over the rear of the property as part of LP 33695.

This easement of carriageway was acquired by the Shire of Morwell for \$6,000.00 together with additional costs of approximately \$1,000.00 and this was finalised in November 1984.

The intention was to create access from Collins Street to a road reserve at the rear of 167-171 Princes Drive that was created on LP 33695 in 1956, now known as Verey Lane.

This road reserve has remained in private ownership and is currently in the name of Jammatt Pty Ltd and Nestlan Pty Ltd who acquired it with the above property in 2010.

Council officers have written to successive owners of 167-171 Princes Drive requesting transfer of the road reserve with little success and a verbal indication was given by a representative of Jammatt Pty Ltd and Nestlan Pty Ltd that they would be unlikely to do so without compensation.

As a result of this, Council considered the possible declaration of Verey Lane as a public highway at its meeting held on Monday, 18 April 2011 and resolved the following:

- 1. That Council gives public notice of its intention to declare Verey Lane, Morwell, a public highway pursuant to Section 204 of the Local Government Act 1989.*
- 2. That Council considers any submissions received in relation to the proposed declaration of Verey Lane, Morwell, as a public highway at the Ordinary Council Meeting to be held on Monday 27 June 2011.*

In response to the public notices and correspondence four submissions were received, two supporting the proposed public highway declaration from the owner of 24 Buckley Street and Simon Parsons & Co. and two from United Petroleum Pty Ltd, who occupy 167-171 Princes Drive, objecting to the proposal.

United Petroleum suggested that, should the public highway declaration proceed, it would have a detrimental effect on their operations and they would seek compensation for any losses or expenses incurred as a result.

Prior to a decision being made by Council legal advice was obtained to clarify whether Verey Lane could be declared a public highway.

Based upon the advice received it was determined that Verey Lane did not satisfy the requirements to be a public highway under common law through the actions of dedication and acceptance.

Whilst the land was dedicated as a road reserve, retaining that status to the present day, significant research by Council officers has not located any evidence that the road was ever used by the public or maintained by Council (i.e. acceptance).

Council further considered this matter at its meeting held on Monday, 19 March 2012 and resolved the following:

That a decision on this matter be deferred to allow Councillors to seek further information.

An additional report was presented to Council at its meeting held on Monday, 21 May 2012 where the following resolution was adopted:

That officers prepare a report advising councillors of the estimated costs that would be incurred by Council and/or the owners of properties at 24-28 Buckley Street Morwell in providing public access to the rear of the properties at 24-28 Buckley Street, Morwell.

5. ISSUES

Given that the proposal to declare Verey Lane a public highway is not considered feasible, four options have been identified that could be explored to secure ongoing access to the rear of 24-28 Buckley Street.

Option One: Acquire the section of road reserve in private ownership from Jammatt Pty Ltd and Nestlan Pty Ltd for an appropriate amount of compensation.

A representative of the above companies has previously indicated that they would not be prepared to transfer the road reserve for a nominal consideration and would instead seek compensation from Council.

It is therefore possible that they may entertain an offer from Council to acquire title to the road reserve though such an approach has not been made to date.

Despite the land being encumbered as a road reserve, which may have some influence on the underlying land value, it will also be necessary to take into account other factors such as the impact that the loss of this land will have on the value of the balance of the property and the impact on the current use.

Permanent access to the rear of 24-28 Buckley Street could then be established across the easement of carriageway created over the rear of 173-177 Princes Drive and the road reserve with the existing gates either removed or left in place and locked when not in use.

Option Two: Compulsorily acquire an easement of way over part of one of the adjoining properties to provide access pursuant to the *Land Acquisition and Compensation Act 1986*.

The exercise of this power should be in accordance with the principles of administrative law and be for the genuine use and benefit of the public.

If Council was to undertake this course of action it would provide little benefit for the public at large other than the land owners at 24-28 Buckley Street, Morwell, and it may not be appropriate to exercise these powers for such a limited outcome.

It is likely that the owner of the property to be encumbered with the easement of way would contest the acquisition and it may prove difficult to make a sustainable argument that doing so is consistent with the above principles.

Option Three: Affected property owners could make application pursuant to Section 36 of the *Subdivision Act 1988* for a planning permit for an easement of way over one of the adjoining properties to secure access.

This would require Council issuing a statement that it considers that the economical and efficient access to the land requires the owner of the land to acquire an easement and the acquisition will not result in an unreasonable loss of amenity.

Once a permit to create the easement of way has been obtained with the statement from Council the applicant can apply to the Victorian Civil and Administrative Tribunal (VCAT) for leave to acquire the easement. It should be noted that such applications are rare and VCAT would review whether the easement was reasonably necessary for access and whether it would result in a loss of amenity.

VCAT may also give leave subject to any conditions that it thinks fit and the property owners would then be able to compulsorily acquire the easement pursuant to the provisions of the *Land Acquisition and Compensation Act 1986*.

If Council was to refuse to grant the permit or give the statement the applicant would have a right of appeal to VCAT under Section 40(2) of the *Subdivision Act 1988*.

It is considered that this solution may prove difficult for the affected property owners to pursue and could also create issues between the parties in the area.

Option Four: Utilise powers relating to obstructions on roads in accordance with Schedule 11 of the *Local Government Act* 1989.

Whilst Verey Lane is not a public highway and remains in private ownership it is considered a road for the purposes of the *Local Government Act* 1989 and this offers another mechanism for Council to maintain public access.

Schedule 11, Clause 5 of the *Local Government Act* 1989 provides Council with the power to remove obstructions from a road:

A Council may –

- (a) move any thing that encroaches on or obstructs the free use of a road or that reduces the breadth, or confines the limits, of a road (including any thing placed on the road under clause 9, 10 or 11);*
- (b) require any person responsible for, or in control of, the thing to move it.*

Council could formally request Jammatt Pty Ltd and Nestlan Pty Ltd to remove any obstructions that are currently placed on the road reserve and keep it clear in the future. If they failed to do so, Council could remove the obstruction and recover the costs incurred in that removal.

This option does provide Council with an immediate and cost effective solution to obtain access to the rear of the commercial properties at 24-28 Buckley Street via Verey Lane.

In the longer term, if the road reserve was to again be transferred with 167-171 Princes Drive subsequent owners may not be aware of this requirement and it would be necessary for Council to monitor the road reserve to ensure that it remains clear of obstructions.

Of the four identified options detailed above the acquisition of the road reserve from Jammatt Pty Ltd and Nestlan Pty Ltd would be the best solution in the long term. It would enable Verey Lane to be formalised as a legal source of access to the properties at 24-28 Buckley Street and, following use by the public, would become a public highway at common law.

This would also be the best outcome from a planning perspective as the creation of an easement of carriageway across one of the adjoining properties would be in favour of the affected property owners rather than the wider public.

Such an easement would also encumber the land and the rights of the properties at 24-28 Buckley Street would need to be considered as part of any future development.

A recent meeting with Simon Parsons & Co. has resulted in their agreeing to extend access through their property until 31 December 2012 pending the outcome of this report to Council.

As any solution will require additional time to pursue it will be necessary to negotiate a further extension of time whilst this is undertaken.

6. **FINANCIAL, RISK AND RESOURCES IMPLICATIONS**

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

During discussions with the affected property owners and/or tenants it has become clear that they are of the view that Council is responsible for the current issue and they would be seeking legal advice on the lack of access.

Based upon the evidence at hand it would appear that the former Shire of Morwell approved the subdivision creating the three properties at 24-28 Buckley Street in 1982 based upon the existence of the road at rear to provide ongoing access. This would also explain the acquisition of the carriageway easement in 1984 to provide access from Collins Street to this road reserve.

As such, while it would seem to be difficult to sustain a case against Council for failing to provide access, particularly given the time that has elapsed since the above actions were undertaken, it is possible that legal action may be taken by the owners of 24-28 Buckley Street should they not be satisfied by the action taken by Council.

Three of the options detailed above would incur substantial costs, not just in the compensation payable to the affected landowner but also survey and legal costs associated with the acquisition of the land.

The calculation of the compensation payable is a complicated matter as section 41 the *Land Acquisition and Compensation Act* 1986 requires a number of factors to be taken into account;

- (a) the market value of the interest on the date of acquisition;
- (b) any special value to the claimant on the date of acquisition;
- (c) any loss attributable to severance;
- (d) any loss attributable to disturbance;
- (e) the enhancement or depreciation of the interest of the claimant, at the date of acquisition, in other land adjoining or severed from the acquired land by reason of the implementation of the purpose for which the land was acquired;
- (f) any legal, valuation and other professional expenses necessarily incurred by the claimant by reason of the acquisition of the interest.

It is therefore difficult to provide an accurate estimate of what each option would ultimately cost however a conservative estimate would be upwards of \$30,000.00 and there is no current budget allocation for this to be undertaken.

It is also likely that works will need to be undertaken to improve the surface of Verey Lane, particularly the section that provides access to the rear of the properties at 24-28 Buckley Street, and these costs have not yet been determined.

Whichever option might be pursued it would not be unreasonable for each of the property owners to contribute towards the costs associated with securing access to their properties as they would be the parties that ultimately benefit from the outcome.

At the present time it is unknown whether the property owners have the ability, or are willing, to meet these expenses and this would need to be investigated further.

7. INTERNAL / EXTERNAL CONSULTATION

Council has previously undertaken community consultation in relation to the proposed declaration of Verey Lane as a public highway.

Legal advice has been sought from Councils legal representative as to the options available and informal advice of a general nature has been obtained from CJA Lee Property with regard to the parameters of compensation that may be payable.

As stated previously, Council officers have recently met with Simon Parsons & Co. which resulted in their agreeing to an extension of access across their property until 31 December 2012.

8. OPTIONS

Council has the following options:

1. Negotiate with Jammatt Pty Ltd and Nestlan Pty Ltd to acquire the section of Verey Lane that is currently privately owned being the land contained in Certificate of Title Volume 9732 Folio 422.
2. Acquire an easement of way in favour of the property owners at 24-28 Buckley Street, Morwell, over part of one of the adjoining properties pursuant to the *Land Acquisition and Compensation Act 1986*.
3. Recommend to the owners of 24-28 Buckley Street, Morwell, that they make application to create an easement of way over part of one of the adjoining properties pursuant to Section 36 of the *Subdivision Act 1988*.
4. Council utilises its powers under Schedule 11, Clause 5 of the Local Government Act 1989 to require Jammatt Pty Ltd and Nestlan Pty Ltd to remove any obstructions from the road to enable public access through Verey Lane.
5. Take no further action.

9. CONCLUSION

Based upon research undertaken by Council officers and legal advice that has been obtained it has been determined that Verey Lane, Morwell, does not satisfy the requirements to enable it to be declared a public highway pursuant to Section 204 of the *Local Government Act 1989*.

Of the four potential options identified to secure ongoing access to the rear of the properties at 24-28 Buckley Street, Morwell, it is believed that the most appropriate course of action would be for Council to acquire the road reserve contained in Certificate of Title Volume 9732 Folio 422 from Jammatt Pty Ltd and Nestlan Pty Ltd.

It is also considered appropriate that the owners of the properties at 24-28 Buckley Street, Morwell, should make a contribution towards the costs of acquiring the road reserve as they will be the ultimate beneficiaries of the improved access.

Pending the outcome of these negotiations, Council could utilise its powers under Schedule 11, Clause 5 of the Local Government Act 1989 to have any obstructions removed from the road reserve owned by Jammatt Pty Ltd and Nestlan Pty Ltd to provide access.

10. RECOMMENDATION

- 1. That Council write to Jammatt Pty Ltd and Nestlan Pty Ltd requesting that they remove all obstructions from the road reserve contained in Certificate of Title Volume 9732 Folio 422, being part of Verey Lane, Morwell, pursuant to Schedule 11, Clause 5 of the *Local Government Act 1989*.**
- 2. That Council approach Jammatt Pty Ltd and Nestlan Pty Ltd regarding the possible transfer of the road reserve contained in Certificate of Title Volume 9732 Folio 422, being the road created on LP 33695, being part of Verey Lane, Morwell.**
- 3. That Council obtain an independent valuation of the road reserve contained in Certificate of Title Volume 9732 Folio 422, being the road created on LP 33695, owned by Jammatt Pty Ltd and Nestlan Pty Ltd as a basis for negotiations.**
- 4. That Council seek agreement from the owners of the properties at 24-28 Buckley Street, Morwell, to contribute towards the costs of acquiring the road reserve contained in Certificate of Title Volume 9732 Folio 422, being the road created on LP 33695, from Jammatt Pty Ltd and Nestlan Pty Ltd.**
- 5. That Council write to Simon Parsons & Co. requesting that the temporary access to 24-28 Buckley Street, Morwell, be extended past 31 December 2012.**
- 6. That a further report be presented to Council detailing the outcomes of discussions with Jammatt Pty Ltd and Nestlan Pty Ltd and the owners of the properties at 24-28 Buckley Street, Morwell.**

Moved: Cr Middlemiss

Seconded: Cr Sindt

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

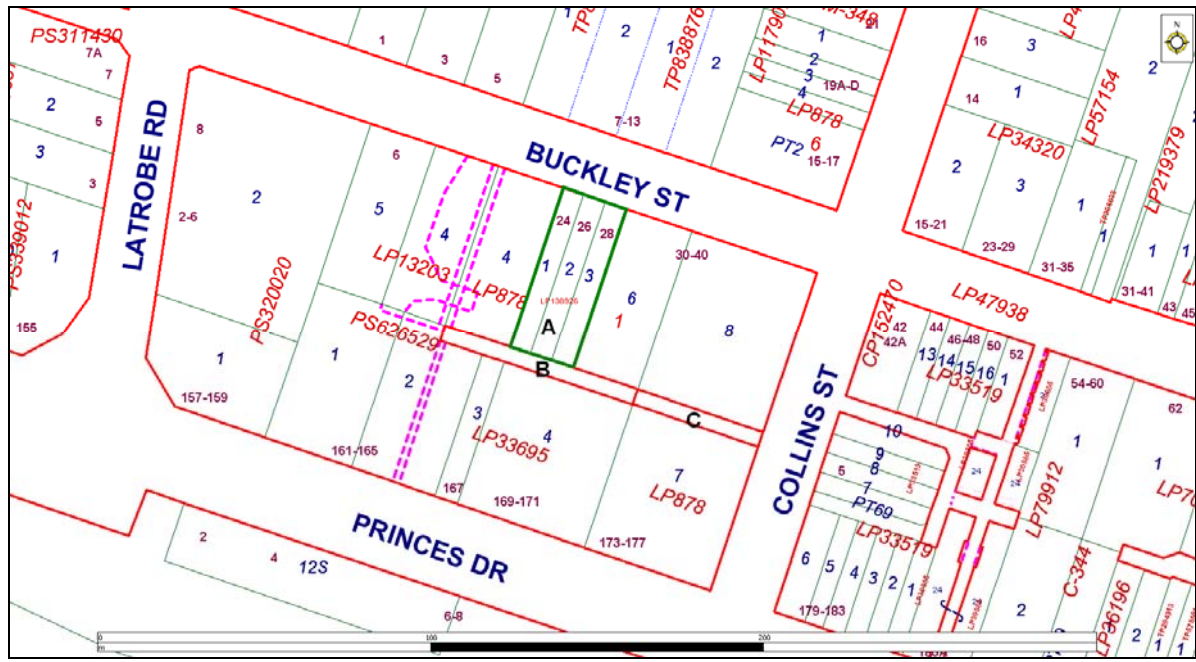
ADDITIONAL MOTION

Moved: Cr Sindt

Seconded: Cr Gibson

That Council investigate additional options to provide access to the rear of 24-28 Buckley Street, Morwell including transfer of land at the unused carwash via the Prices Highway, Morwell.

CARRIED UNANIMOUSLY

ATTACHMENT

- A: Affected properties at 24-28 Buckley Street, Morwell.**
- B: Road reserve created on LP 33695 in the name of Jammatt Pty Ltd and Nestlan Pty Ltd.**
- C: Easement of Carrieway acquired by the former Shire of Morwell.**

CORRESPONDENCE

9.1 **V/LINE TRAIN SERVICE IN GIPPSLAND**
AUTHOR: General Manager Governance
(ATTACHMENT - YES)

1. INTRODUCTION

The purpose of this report is to table the letter received from the Minister for Public Transport in relation to concerns that V/Line Services on the Gippsland line may be terminated at Pakenham.

2. DECLARATION OF INTERESTS

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

3. OFFICER COMMENTS

At the Ordinary Council Meeting held 20 August 2012 the following Notice of Motion was adopted:

“That Council write to the Minister for Transport seeking a guarantee that all V/Line trains on the Gippsland line will not be terminated at Pakenham, forcing Gippslanders to transfer to Metro trains to access inner Melbourne”.

Correspondence was sent to the Minister of Public Transport asking for assurance that the V/Line Train services from Gippsland will not be terminated in Pakenham.

A response was received on 21 September 2012 from the Minister of Public Transport assuring that the Coalition Government does not plan to transfer the passengers on the Gippsland line to metropolitan trains at Pakenham.

4. RECOMMENDATION

That Council note this report.

ALTERNATE MOTION

That the Mayor writes to the Minister of Public Transport in response to his correspondence:

- 1. Thanking the Minister for his letter of reply;**
- 2. Asking if the Government of V/Line are in negotiation with Metro in regards to the Bairnsdale/Traralgon lines.**
- 3. If they are, what guarantee can Council be given that our existing service will not cease at Pakenham, forcing community members onto Metro trains.**

Moved: Cr Gibson

Seconded: Cr Middlemiss

That the Motion be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

.

Our Ref:
EV:TM



Latrobe City ABN 92 472 314 133

Telephone 1300 367 700

Facsimile (03) 5128 5672

TTY (NRS) 133 677

Post to PO Box 264 Morwell 3840

Email Address latrobe@latrobe.vic.gov.au

Internet www.latrobe.vic.gov.au

AUSDOC DX217733 Morwell

29 August 2012

Hon Terry Mulder MP
Minister for Public Transport
P.O. Box 2797,
MELBOURNE VIC 3001

Dear Minister

V/LINE TRAIN SERVICE IN GIPPSLAND

I am writing on behalf of Latrobe City Council who have become concerned about reports that V/Line services on the Gippsland line may be terminated at Pakenham. This would result in passengers from Gippsland travelling into the Melbourne CBD to transfer to metro trains at the Pakenham station.

At the Ordinary Council Meeting held on 20 August 2012 the following Motion was adopted by Latrobe City Council:

***“That Council write to the Minister for Transport seeking a guarantee that all V/Line trains on the Gippsland line will not be terminated at Pakenham, forcing Gippslanders to transfer to Metro trains to access inner Melbourne.*”**

The response to be brought back to the 1st possible Ordinary Council Meeting.”

We would therefore appreciate your assistance in providing a formal response to the above motion given the significant concerns that we have in relation to potential changes to the V/Line services from Gippsland.

If you require further information please contact Tom McQualter, Manager Council Operations and Legal Counsel on (03) 5128 5657 or via email tom.mcqualter@latrobe.vic.gov.au.

Yours sincerely

CR ED VERMEULEN
Mayor



**Minister for Public Transport
Minister for Roads**

Ref: COR/12/78960

Cr Ed Vermeulen
Mayor
Latrobe City Council
PO Box 264
MORWELL VIC 3840

PO Box 2797
Melbourne Victoria 3001
Telephone: (03) 9095 4330
Facsimile: (03) 9095 4483
www.vic.gov.au
DX 210410

Dear Mayor

TERMINATION OF V/LINE TRAINS AT PAKENHAM

Thank you for your letter of 29 August 2012 regarding a reported proposal to terminate V/Line trains at Pakenham.

I can assure you that the Coalition Government does not plan to transfer Gippsland passengers between V/Line and metropolitan trains at Pakenham. V/Line trains will continue to operate to Melbourne.

If you require further information, please contact Huw Millichip of Public Transport Victoria on (03) 9027 4849.

Yours sincerely

Hon Terry Mulder MP
Minister for Public Transport

8/9/2012

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

PRESENTATION OF PETITIONS

10.1 **PETITION FOR THE MAINTENANCE OF THE ROADSIDE AT OLD SALE ROAD, NEWBOROUGH**

AUTHOR: General Manager Community Liveability
(ATTACHMENT - YES)

1. PURPOSE

The purpose of this report is to present Council with a petition received requesting regular roadside slashing of a section of Old Sale Road, Newborough, for which VicRoads has the management and maintenance responsibility.

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 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Regulation and Accountability

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

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

*An active connected and caring community
Supporting all*

Strategic Direction – Regulation and Accountability

Plan and respond to emergency management needs of our community in accordance with legislative requirements.

Service Provision – Local Laws

Deliver a fire prevention inspection program in accordance with Municipal Fire Prevention Plan.

Legislation –

Country Fire Authority Act 1958 – Section 41

41. Fire prevention notices

- (1) In the country area of Victoria, the fire prevention officer of a municipal council may serve a fire prevention notice on the owner or occupier of land in the municipal district of that council (other than a public authority) in respect of anything—
 - (a) on that land, other than a building or in a building;
 - (b) on the adjacent half width of any private street that abuts that land—(other than a prescribed thing or class of things) that by its nature, composition, condition or location constitutes or may constitute a danger to life or property from the threat of fire.
- (2) A fire prevention notice may be served only if the fire prevention officer forms the opinion—
 - (a) that it is necessary, or may become necessary, to do so to protect life or property from the threat of fire; and
 - (b) that there is no procedure under any other Act or regulations made under any Act that is more appropriate in the circumstances to address that threat.
- (3) A fire prevention notice—
 - (a) must be in the prescribed form;
 - (b) may require the owner or occupier to take the steps specified in the notice to remove or minimise the threat of fire;
 - (c) must specify the time (not less than 7 days) within which the owner or occupier must comply with the notice;
 - (d) must contain any prescribed information.

4. BACKGROUND

On 19 November 2012 a petition containing 52 signatures was received from the residents and surrounding neighbours of Old Sale Road, Newborough (refer to attached petition).

The petition opposes VicRoads decision to maintain only three metres of the 12 metre road verge along their section of Old Sale road, Newborough and suggesting that the entire nature strip should be slashed on an annual basis or one to two times per year, particularly during the spring/summer season.

5. **ISSUES**

VicRoads is the responsible authority for the management and maintenance of this section of Old sale Road.

Council's Municipal Fire Prevention Officer is not able to serve a Fire Prevention Notice on State Government Agencies.

6. **FINANCIAL, RISK AND RESOURCES IMPLICATIONS**

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

In order to manage the reputational risks, the Head Petitioner has been advised that the petition has been received and that a report is being prepared for presentation to Council.

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

7. **INTERNAL / EXTERNAL CONSULTATION**

Engagement Method Used:

The Head Petitioner has been informed of the receipt of the petition.

Details of Community Consultation / Results of Engagement:

A Council Officer telephoned the Head Petitioner on 21 November 2012 informing her that a report is being prepared for Council's consideration.

8. **OPTIONS**

The following options are available to Council:

1. Lay the petition on the table to allow discussions with VicRoads to occur;
2. Not lay the petition on the table and resolve to deal with the petition at this Council meeting.

9. CONCLUSION

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

10. RECOMMENDATION

1. That Council agrees to lay the petition opposing VicRoads decision to maintain only three metres of the 12 metre road verge along a section of Old Sale road, Newborough and suggesting that the entire nature trip should be slashed on an annual basis or one to two times per year, particularly during the spring/summer season on the table until the Ordinary Council Meeting to be held on 17 December 2012.
2. That the head petitioner be advised of Council's decision in relation to the petition.

ALTERNATE MOTION

1. **That Council agrees to lay the petition opposing VicRoads decision to maintain only three metres of the 12 metre road verge along a section of Old Sale road, Newborough and suggesting that the entire nature trip should be slashed on an annual basis or one to two times per year, particularly during the spring/summer season on the table until the Ordinary Council Meeting to be held on 17 December 2012.**
2. **That the Mayor facilitates a meeting with VicRoads as soon as possible to discuss a solution to this matter.**
3. **That the head petitioner be advised of Council's decision in relation to the petition.**

Moved: Cr Gibson

Seconded: Cr Gibbons

That the Motion be adopted.

CARRIED UNANIMOUSLY

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ATTACHMENT

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We are concerned residents & surrounding neighbors from OLD SALE ROAD, Newborough 3825

Who have come together to sign this petition to raise the issue that we are unsatisfied with the maintenance of our nature strips...

In its current condition it is; a significant fire danger risk due to the length of the grass and the fallen trees & branches, the area is over-run with blackberries and snakes, it is visually unappealing in a newly developing area (with a new housing estate opposite) and it is a potential road hazard for residents as it impedes our vision in some areas as we exit from our driveways...

We oppose Vic Roads' decision to maintain 3 meters from the roadside as this is less than appropriate management for a 12 meter area. The entire nature-strip should be slashed at the least on an annual basis or 1-2 times per year, particularly during the spring/summer season. This will provide Old Sale Road residents a chance to be able to maintain this area themselves on a more permanent basis.

145 Old Sale Rd, Newborough	A Ray	ANITA RAYMOND
145 Old Sale Rd, Newborough	L Raymond	LEILA RAYMOND
149 Old Sale Rd Newborough	A L	Anya Hankinson
135 OLD SALE RD NEWBOROUGH	K Bajada	KATHLEEN BAJADA
135 OLD SALE RD NEWBOROUGH	C Bajada	CHARLES BAJADA
171 OLD SALE RD NEWBOROUGH	Val Massey	Val Massey
171 Old SALE RD NEWBOROUGH	Gill Massey	Gill Massey
236 Old Sale Rd Newborough	V. Smith-Stevens	V. Smith-Stevens
236 old Sale Rd Newborough	A Smith-Stevens	A Smith-Stevens
30 Comans Way. Moe	L. Weir	L. Weir
11 Hasthorpe Rd Tanjil South	K Davis	K Davis
11 Mardan St Newborough	A Jeffs	A Jeffs
27 Kcornall St Newborough	Steecker	Steecker
46 Newark Av Newborough P.O. Box 133 Newb.	J Kerr	J Kerr
7 Furnell St Newborough	Debra Abbott	Debra Abbott
60 NORTHERN AVE NEWBOROUGH	Jen Webber	Jen Webber
15 William St Newborough	Bianca Celina	Bianca Celina
46 Summerlea St Trafalgar	Amanda Guthrie	Amanda Guthrie

Rennett st Moe	R. Belinda Preeney
5 Central Ave Newb	Beth
5 Central Ave Newb	Sarah
145 OLD SALE ROAD NEWBOROUGH	GB RAYMOND
9 Harrison Blvd, Newborough	Richard Price Rhod Price
9 Harrison Blvd, Newborough	Taryn Price Price
225 Worryway Street Moe	Billy Deviggi
1055 PA PO P.O. Box Mo	J. D. Dwyer
15 Cowmans Way Moe	Tom De Vries
6 THOMPSONS ROAD, NICE	Ad offically
125 Old Sale Rd. Newb	Procar PETER PROCAR
125 OLD SALE RD, NEWB	HELEN PROCAR
105 OLD SALE RD. NEWB.	J. Mallia M. Mallia
105 OLD SALE RD NEWB	///
115 Old Sale Rd Newb	G Gale Geoffrey Gale
125 Ob Sale Rd Newb	Sam Viney Silliney
125 old SALE Rd Newborough	Dean Procar Procar
115 old Sale Rd. Moe	Angeline Gale
115 Old Sale Rd. Moe.	BARRY GALE
2 Montane Blvd Newborough	Carol Odlum Carol Odlum
5 Harrison Boulevard, Newborough	Michelle Armstrong
5 Harrison Boulevard, Newborough	Bob Armstrong
LOT 7 OLD SALE RD MOE	ADRIAN LINE
Lot 7 OLD SALE RD MOE	Eden Harley
Lot 7 OLD SALE RD MOE	Karen Harley
LOT 7 OLD SALE RD MOE	Jack Bontine
Lot 7 OLD SALE RD MOE	Damon Harley
73 The Boulevard Morwell	Julie Madden
73 The Boulevard Morwell	Brett Patrick.
73 The Boulevard Morwell	Casey Lovell Casey Lovell
50 Switchback Rd Churchill	Shannon Lovell Shannon Lovell
50 Switchback Rd Churchill	Michael Lovell
149 Old Sale Road Newborough	D. Hankinson

If you need any further information or details about this petition please contact Anita Raymond 0417 262 162.

CHIEF EXECUTIVE OFFICER

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

AUTHOR: Chief Executive Officer
(ATTACHMENT – YES)

1. PURPOSE

This is a procedural report recommending that Council approves the appointment of Ms Carol Jeffs, General Manager Governance to act in the position of Chief Executive Officer for the period from Wednesday, 2 January 2013 to Monday, 28 January 2013 inclusive.

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 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Governance

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

Latrobe City Council Plan 2012 - 2016

Strategic Direction – Governance

Delegate appropriately and make sound decisions having regard to legislative requirements, policies, professional advice, sound and thorough research and the views of the community.

Service Provision – Local Government Act 1989

The Council is required, pursuant to the *Local Government Act* 1989, to appoint a Chief Executive Officer.

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

4. **BACKGROUND**

Due to the temporary absence of the Chief Executive Officer, Mr Paul Buckley, between the period Wednesday, 2 January 2013 to Monday, 28 January 2013 inclusive, Council is asked to approve the appointment of an Acting Chief Executive Officer.

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

The Council, by resolution on the 16 November 2009, delegated 'to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule' of the Instrument of Delegation.

5. **ISSUES**

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

98. Delegations

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

- (2) The Chief Executive Officer may by instrument of delegation, delegate to the member of the Council staff any power, duty or function of his or her office other than this power of delegation unless sub-section (3) applies.
- (3) The instrument of delegation to the Chief Executive Officer may empower the Chief Executive Officer to delegate a power of the Council other than the power of delegation to a member of the Council staff.

6. FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

There is no effect to budget allocations.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

There is no need for consultation in relation to this matter.

8. OPTIONS

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

9. CONCLUSION

This report ensures the delegation of functions, duties and powers to Ms Carol Jeffs during the period of absence of the Chief Executive Officer, Mr Paul Buckley.

A copy of the Instrument of Delegation and Authorisation to be signed on 4 December 2012 from Mr Paul Buckley to Ms Carol Jeffs is attached.

10. RECOMMENDATION

That Council approves the appointment of Ms Carol Jeffs as Acting Chief Executive Officer during the period Wednesday, 2 January 2013 to Monday, 28 January 2013 inclusive, and authorises the delegation of Chief Executive Officer powers, functions and duties in accordance with the Instrument of Delegation dated 17 November 2009.

Moved: Cr Middlemiss

Seconded: Cr O'Callaghan

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

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Maddocks Delegations and Authorisations

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

Latrobe City Council

Instrument of Sub-Delegation

to

The Acting Chief Executive Officer

[12 DEL-4]



LATROBE CITY COUNCIL

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

I **PAUL BUCKLEY**, Chief Executive Officer of the Latrobe City Council **HEREBY APPOINT Ms Carol Jeffs**, General Manager Governance as Acting Chief Executive Officer and, pursuant to and in the exercise of the power conferred by section 98(2) of the *Local Government Act 1989* (the Act), I **HEREBY DELEGATE TO Ms Carol Jeffs**, General Manager Governance, all those powers duties or functions of my office as provided for by legislation and the Instrument of Delegation dated 17 November 2009.

AND HEREBY DECLARE THAT:

1. Such appointment and delegation shall have force and effect from Wednesday, 2 January 2013 and shall remain in force until Monday, 28 January 2013 inclusive, or such time as I shall determine either to vary or revoke the delegation.
2. The powers duties and functions so specified shall be exercised and performed in accordance with:
 - (a) any policies of the Council that may be adopted from time to time;
 - (b) this Instrument of Sub-Delegation and subject to any conditions and limitations specified herein.

.....
CHIEF EXECUTIVE OFFICER – PAUL BUCKLEY

.....
GENERAL MANAGER GOVERNANCE – CAROL JEFFS

DATE:

SCHEDULE

The power to:

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

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

Conditions and Limitations

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

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

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

ECONOMIC SUSTAINABILITY

11.2.1 ECONOMIC SUSTAINABILITY STRATEGY 2011-2015 ANNUAL REVIEW

AUTHOR: General Manager Economic Sustainability
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present outcomes of the first annual review of the *Latrobe City Council Economic Sustainability Strategy 2011-2015* for the period 1 July 2011 – 30 June 2012.

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 2012-2016*.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - 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.

Latrobe City Council Plan 2012-2016

Shaping Our Future

*Gippsland's Regional City
Strengthening our profile*

*Positioned for a Low Carbon Future
Advancing industry and innovation*

*Attract, retain, support
Enhancing opportunity, learning and lifestyles*

Strategic Direction 1 – Facilitate investment attraction of new firms to contribute to economic diversification, employment creation and to meeting the challenges of a carbon constrained economy.

Strategic Direction 2 – Promote and support the development of existing and new infrastructure to enhance the social and economic wellbeing of the municipality.

Strategic Direction 3 – Ensure well planned infrastructure that enhances the marketability of the municipality to industries, residents and investors.

Strategic Direction 4 – Utilise economic modelling to demonstrate the possible impact of economic development strategies.

Strategic Direction 5 – Conduct focussed feasibility studies to determine potential major public infrastructure with significant economic benefits.

Strategic Direction 6 – Support the skill development requirements of local industry.

Strategic Direction 7 – Develop and implement economic development actions to encourage business retention and growth.

Strategic Direction 8 – Strengthen the economic sustainability of the region by actively encouraging partnerships with other local governments, industry and with community agencies.

Strategic Direction 9 – Promote and support the development of the tourism and events sector.

Strategic Direction 10 – Develop, collate and publish a range of economic indicators annually.

Major Initiative 1 – Deliver ‘Positioning Latrobe City for a Low Carbon Emission Future’ to maximise the opportunities for alternative technologies and non traditional uses for coal, through support of the Low Carbon Emissions Future Transition Committee.

Major Initiative 2 – Support the implementation of the Latrobe Valley Advantage Fund and its three themes of Skilling the Valley, Attracting New Industries and Jobs and Sustainable Energy Research and Development.

Major Initiative 3 – Support the extension of 'Gippsland's Gateways' project through improvements to rail, road and ports, in particular proposed rail access to the Port of Hastings, the establishment of the North East freeway link, construction of West link as an alternative to the Monash Freeway and enhance connectivity of Gippsland industries and bulk exports to Melbourne and other regions (Supporting the Gippsland Regional Plan).

Major Initiative 4 – Advocate for the development of the Centre for Sustainable Technologies at Monash University Gippsland Campus Churchill, to undertake research and development in new technologies that support sustainable resource use and strengthen the resilience and diversity of the regional economy (Supporting the Gippsland Regional Plan).

Major Initiative 5 – Implement the Latrobe Regional Airport Master Plan to effectively develop the airport and to facilitate investment and jobs growth.

Service Provision 1 – ECONOMIC DEVELOPMENT

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

Service Provision 2 – BUSINESS DEVELOPMENT

Support the skill development requirements of local industry by the promotion and facilitation of industry networking and knowledge sharing events.

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

Provide assistance to local businesses to grow and expand through referrals, the provision of statistical and site information and relevant funding opportunities.

Service Provision 3 – TOURISM DEVELOPMENT

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

Service Provision 4 – LATROBE REGIONAL AIRPORT

Maintain, develop and operate Latrobe Regional Airport in accordance with Civil Aviation Safety Authority regulations and the Latrobe Regional Airport Masterplan.

Service Provision 5 – REGIONAL PARTNERSHIPS

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

Strategy 1 – Economic Sustainability Strategy

Strategy 2 – Latrobe Regional Airport Master Plan

Strategy 3 – Gippsland Logistics Precinct Project Plan

Strategy 4 – Former Lurgj Site Master Plan

Strategy 5 – Positioning Latrobe City for a Low Carbon Emission Future

Strategy 6 – Latrobe City Council Low Carbon Transitional Immediate Opportunities

Key Strategic Actions

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

Policy - Economic Development Assistance Policy 11 POL-6

4. BACKGROUND

The *Latrobe City Council Economic Sustainability Strategy 2011-2015* (the Strategy) was adopted by Latrobe City Council on 28 June 2011.

The Strategy:

- Provides a framework to direct Latrobe City Council economic development activities;
- Guides the work of Council so that work can be prioritised to focus on those activities that best position Latrobe City to prosper in a changing economic environment; and

- Identifies emerging challenges and opportunities and corresponding actions to assist business to grow and invest.

To achieve sustainable economic development the Strategy identifies three equally important and inter-dependent groups of activities being:

- Providing strategic business development services for new and existing businesses;
- Building the Latrobe City investment brand; and
- Creating an enabling business environment that fosters business activity and supports further investment.



The Strategy identifies actions which are aimed to consolidate Latrobe City's position as a major regional city and service centre for the Gippsland region and drive economic growth at a pace exceeding that of other regional centres as measured by:

- Job creation;
- Growth in gross regional product; and
- Reduction in unemployment rates.

The Strategy requires progress on its implementation to be monitored and reported to Council on an annual basis and published on the Latrobe City website.

5. ISSUES

At the completion of the 2011-2012 year, a review of the Strategy was completed and a report of key statistics and activities undertaken was prepared. (This is included as Attachment 1).

Key strategy achievements include:

- An 84.5% increase in business development enquiries. These are generally assisting new business or helping existing firms with internal Council issues, referrals to other agencies and funding applications;
- A 29% increase in hits to the Latrobe City Tourism website;
- The delivery of 25 training, information and networking sessions for local businesses;
- The publication of four editions of Business Connect newsletter that go to 3,900 businesses;
- Dissemination of 1,500 “*Securing our Future*” advocacy documents;
- Finalisation of the 2012 Employment and Industry Survey which highlighted over \$57 million in planned and proposed investment with Latrobe City; and
- Delivery of the 2012 Gippsland Major Projects Summit showcasing \$1 billion in planned and proposed investment within Gippsland.

Due to the ongoing nature of the strategy actions, no amendments to the Strategy are proposed at this time.

6. **FINANCIAL, RISK AND RESOURCES IMPLICATIONS**

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

There are no financial implications as a result of considering this report. Implementation of the Strategy is accommodated within the Economic Sustainability divisional budget.

7. **INTERNAL / EXTERNAL CONSULTATION**

No consultation has been required to be undertaken in the preparation of this report.

8. **OPTIONS**

Council has the following options:

1. Accept the *Economic Sustainability Strategy 2011-2015 Annual Review Report*;
2. Not accept the *Economic Sustainability Strategy 2011-2015 Annual Review Report*; or
3. Request further information relating to the *Economic Sustainability Strategy 2011-2015 Annual Review Report*.

9. CONCLUSION

The Economic Sustainability Strategy 2011-2015 Annual Review provides an update on the progress of the Latrobe City Council Economic Sustainability Strategy 2011-2015. The review demonstrates the significant progress that has made in delivering the Strategy.

10. RECOMMENDATION

That Council notes the Economic Sustainability 2011-2015 Annual Review Report.

Moved: Cr Gibbons

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

.

Economic Sustainability Strategy 2011 – 2015



Annual Review of Actions and Report Card on Progress

October 2012

1. Summary

The Latrobe City Council Economic Sustainability Strategy provides a framework for the delivery of economic development activities for Latrobe City Council.

This report provides an overview of the work done in relation to the Strategy for the 2011/2012 year.

Key strategy achievements include:

- An **84.5% increase** in business development enquiries. These are generally assisting new business or helping existing firms with internal Council issues, referrals to other agencies and funding applications.
- A **29% increase** in hits to the Latrobe City Tourism website.
- The delivery of **25 training, information and networking sessions** for local businesses.
- Four editions of **Business Connect newsletter that go to 3,900 businesses.**
- Dissemination of **1,500 “Securing our future”** documents.
- Finalisation of the 2012 Employment and Industry Survey which highlighted over **\$57 million** in planned and proposed investment within Latrobe City.
- Delivery of the 2012 Gippsland Major Projects Summit showcasing **\$1 billion** in planned and proposed investment within Gippsland.

This report details the progress made in relation to each of the 36 Strategy actions.

2. About the Strategy

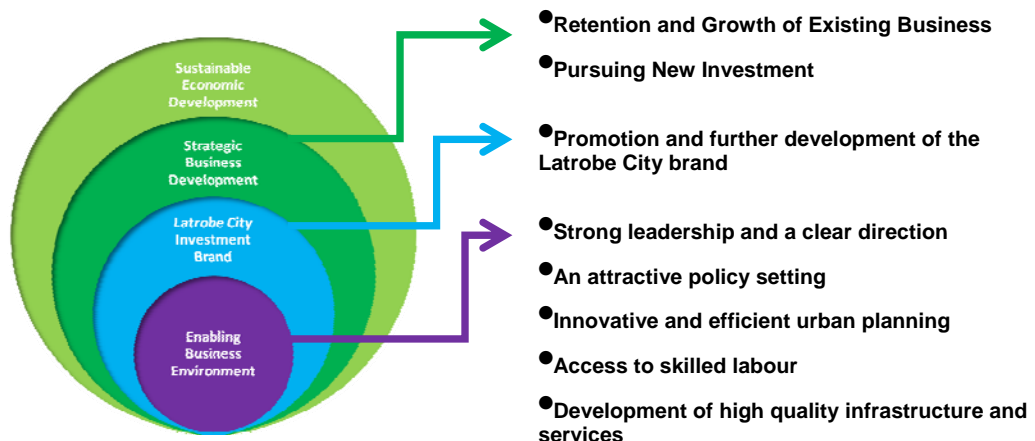
The Economic Sustainability Strategy (ESS) was adopted by Latrobe City Council on 28 June 2011.

The Strategy:

- Provides a framework to direct Latrobe City Council economic development activities;
- Guides the work of Council so that work can be prioritised to focus on those activities that best position Latrobe City to prosper in a changing economic environment; and
- Identifies emerging challenges and opportunities and corresponding actions to assist business to grow and invest.

To achieve sustainable economic development the Strategy identifies three equally important and inter-dependent groups of activities being:

- Providing strategic business development services for new and existing businesses;
- Building the Latrobe City investment brand; and
- Creating an enabling business environment that fosters business activity and supports further investment.



The Strategy identifies three employment zones of significant interest in terms of the future prosperity and growth for the municipality. The employment zones place an emphasis on job creation, industry diversification and the ability to offer opportunities to prospective investors:

- Former Morwell Gasworks/Lurgi site
- Gippsland Logistics Precinct
- Latrobe Regional Airport

The Strategy identifies actions which are aimed to consolidate Latrobe City's position as a major regional city and service centre for the Gippsland region and drive economic growth at a pace exceeding that of other regional centres as measured by:

- Job creation;
- Growth in gross regional product; and
- Reduction in unemployment rates.

A requirement of the Strategy is that a review will be undertaken annually and the list of strategy actions be revised and supplemented accordingly.

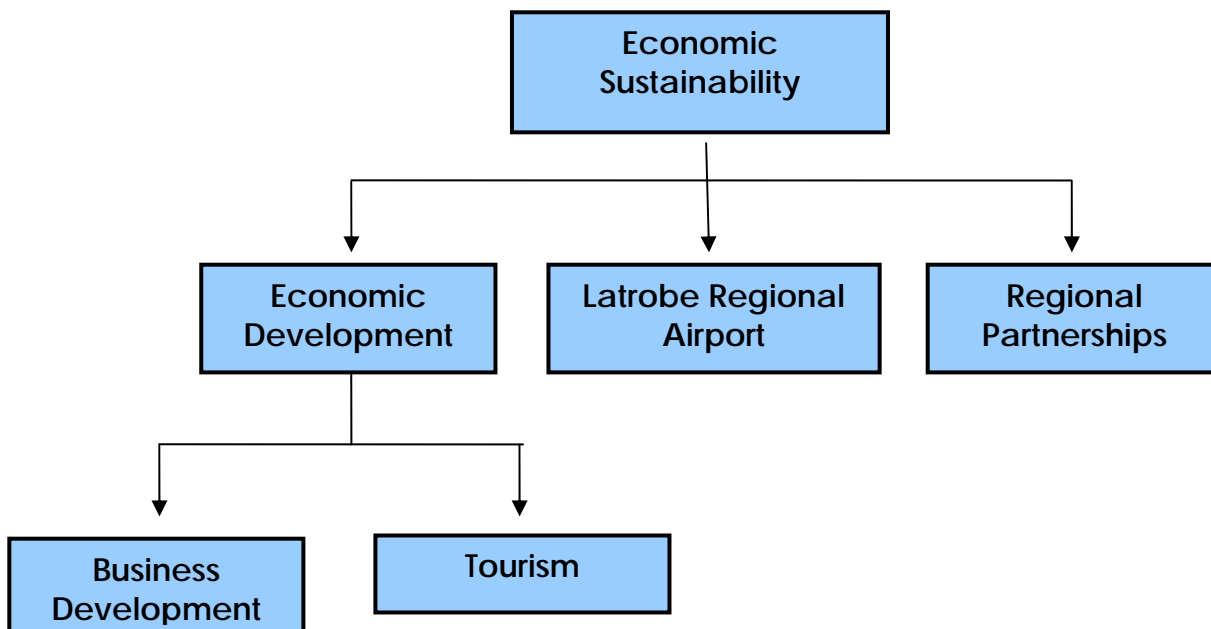
It is planned that a full review of the strategy will be undertaken in 2015 in preparation for the next four year planning period.



3. Responsibility for Implementation

The Economic Sustainability Strategy is an adopted strategy of Latrobe City Council and is an organisation wide responsibility. The Economic Sustainability Division is the primary resource allocated to the Strategy's implementation and is charged with progressing the majority of its Actions.

The structure of the Economic Sustainability Division during 2011/12 was as follows:



Other key Divisions involved in progressing the Economic Sustainability Strategy include Recreation, Culture and Community Infrastructure and Governance.



4. Measuring Progress

The Strategy requires progress on its implementation to be monitored and reported to Council on an annual basis and published on the Latrobe City website. The implementation report is to include data on the number of:

- Responses to business enquiries;
- Media releases produced;
- Contacts developed; and
- Delegations organised.

Furthermore it requires Latrobe City Council to develop, collate and publish economic development indicators, measuring Latrobe City's economic progress for the 2011-15 period.

These indicators cannot be used directly to assess the success of implementation of this Strategy, as there are many factors outside the control of Latrobe City Council that impact on economic development. However, the data will enable Latrobe City Council to identify opportunities and issues and to adapt the Strategy accordingly.

The Strategy requires that an annual assessment of economic development performance in Latrobe City relative to the other major regional centres will be undertaken, focused on:

- Gross Regional Product;
- Employment rates/job growth;
- Unemployment rates;
- Mean taxable income; and
- Population growth.

In addition, performance against the following indicators is to be monitored:

- Visitation statistics;
- Business confidence;
- Planned investment;
- New business registrations by sector;
- Value of planning approvals (commercial, industrial and residential);
- Value of building construction;
- Value of property sales and median prices; and
- Population forecasts.

Please note that details of all external sources of statistical information are referenced in the document. Where no source is identified, the statistic has been derived internally.

The remainder of this document will provide a snapshot of progress over the first 12 months of the four year Strategy and recommendations for some revision of actions.

5. Performance Against Activity Indicators

5.1 Responses to Business Enquiries

Business enquiries vary greatly but are typically the provision of assistance when starting a new business, assistance with site selection or referrals to other agencies. In the 2011/12 financial year, 279 business enquiries were responded to by the Business Development Unit compared to 151 business enquiries responded to in the 2010/11 financial year. Details of activity are as follows (it should be noted that some requests cover many of the categories outlined below):

- Assisted 40 proponents to identify suitable sites;
- Provision of advice to over 50 businesses on government assistance programs and funds;
- Assisted over 30 businesses in working through the regulatory permits and approval process;
- Provision of general information to 100 requests;
- Provision of additional information to business associations from 10 referrals; and
- Provided information and referrals to other agencies for over 70 requests.

New business contacts made through business enquiries are also added to the business database and supplied with information, newsletters and updates as outlined in section 5.3.

5.2 Media Releases Distributed

In the 2011/12 financial year, 20 media releases were prepared and distributed by the Economic Sustainability Division compared to 27 media released in the 2010/11 financial year.

5.3 Number of New Business Contacts

In the 2011/12 financial year, 225 new business contacts were made by the Economic Sustainability Division compared to 238 new business contacts in the 2010/11 financial year. These contacts are then periodically supplied with information and updates from the Division including the Business Connect newsletter, information on grants and assistance and training and networking opportunities as available.

5.4 Tourism Statistics

The Latrobe City Visitor Information website hits increased with 51,665 hits for 2011/12 compared to 40,002 hits in the 2010/11 financial year.

5.5 Business Confidence Indicators

The 2012 Employment and Industry Survey indicates:

- Approximately half of the Latrobe City companies which responded to the survey are anticipating an increase in business turnover at the end of the 2011/12 and 2012/13 financial years, indicating optimism and further growth for the local economy.
- Approximately 18 per cent of businesses that responded to the survey are preparing to make capital investment within their business.

5.6 Level of Planned Investment

The 2012 Employment and Industry Survey indicates that:

- Over the next two financial years, approximately 18 per cent of businesses that responded to the survey are anticipating to make a capital investment.
- The number of planned investments over \$2 million into local businesses has increased from the same period in 2010. Much of this planned investment will be in the Retail Trade, Health Care & Social Assistance, Accommodation & Food and Agriculture, Forestry & Fishing sectors.

5.7 New Business Registrations by Sector

In the 2010/11 financial year, the following new business registrations were recorded in Latrobe City in the following sectors:

Sector	Registrations 10/11
Agriculture, Forestry and Fishing	32
Manufacturing	14
Electricity, Gas, Water and Waste Services	2
Construction	67
Wholesale Trade	1
Retail Trade	36
Accommodation & food services	28
Transport, Postal and Warehousing	21
Information media & telecommunications	8
Financial and Insurance Services	5
Rental, Hiring and Real Estate Services	25
Professional, Scientific and Technical Services	28
Administrative and Support Services	19
Public Administration and Safety	2
Education and Training	4
Healthcare & social assistance	18
Arts	2
Other	26
Unknown	20
Total	362

Source: Latrobe City Council

5.8 Value of Planning Approvals

\$150.8 million in the 2011/12 financial year compared to \$865.3 million in 2010/11.

5.9 Value of Building Construction

\$112.5 million in the 2011/12 financial year compared to \$165 million in 2010/2011.

5.10 Value of Property Sales

Latrobe City median property price and sales activity for 2010 and 2011 are as follows.

	2010	2011
Median house price (\$)	195,000	210,000
Mean house price (\$)	221,192	230,602
Number of house sales	1,303	1,120
Median flat or unit price (\$)	156,000	163,000
Mean flat or unit price (\$)	194,137	184,767
Number of flat or unit sales	220	175
Median vacant block price (\$)	110,000	125,000
Mean vacant block price (\$)	110,424	129,022
Number of vacant block sales	393	217

Source: A Guide to Property Values 2010, LANDATA®, Department of Sustainability and Environment

5.11 Population Forecasts

Latrobe City population forecasts are as follows.

2011	2016	2021	2026	2031
76,640	79,891	83,531	87,145	90,741

Source: Victoria in Future 2012 - Population and Household Projections 2011–2031 for Victoria and its Regions, Department of Planning and Community Development, April 2012.



6. Comparative Economic Indicators against other Regional Centres

6.1 Gross Regional Product (GRP)

GRP for Latrobe is estimated at \$4,521.749 million. A comparison against Victoria's other key regional centres is provided below.

Expenditure Method	Latrobe (C)	Greater Bendigo (C)	Greater Geelong (C)	Ballarat (C)
Gross Regional Expenses	\$5,446.093 M	\$7,295.880 M	\$15,395.040 M	\$6,866.628 M
Net exports	-\$924.342 M	-\$1,904.8 M	-\$4,970.663 M	-\$1,801.722 M
Gross Regional Product	\$4,521.749 M	\$5,391.080 M	\$10,424.377 M	\$5,064.906 M
Per Capita GRP	\$65,222	\$57,812	\$52,787	\$59,450
Per Worker GRP	\$165,196	\$148,082	\$140,534	\$134,308

Source: Remplan Report June 2012

6.2 Employment Growth / Jobs Rates

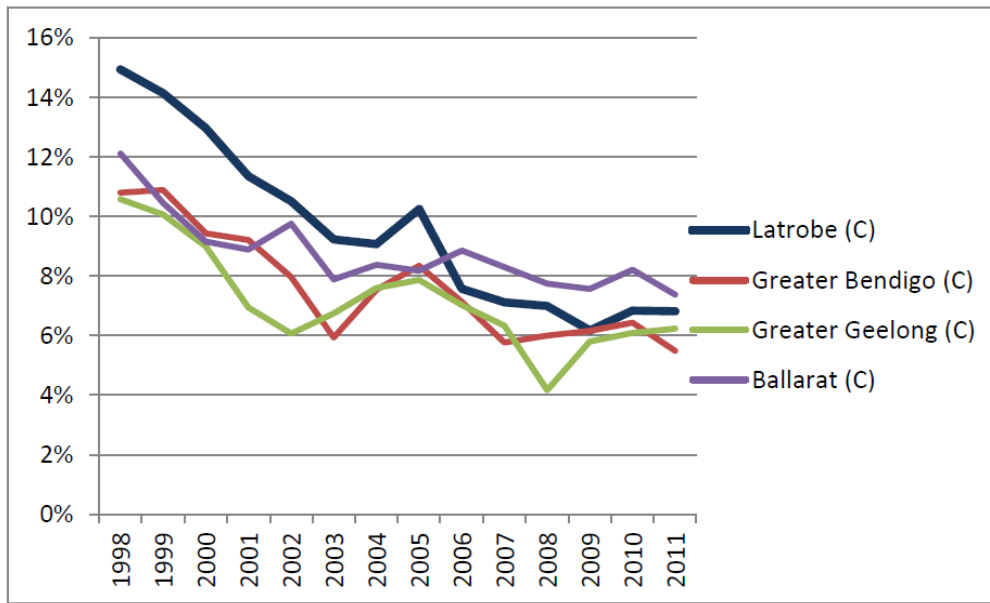
Between 2001 and 2011, Latrobe City has experienced the highest growth rate (an increase of 54.5%) of Victoria's four major centres in the number of jobs over the ten year period, from 26,077 jobs in 2001 to 40,280 jobs in 2011. In comparison, over the same period, the number of jobs in Greater Bendigo increased by 38%, Greater Geelong increased by 16.8% and Ballarat increased by 24.1%.

	Latrobe (C)		Greater Bendigo (C)		Greater Geelong (C)		Ballarat (C)	
	Jobs	Growth rate	Jobs	Growth rate	Jobs	Growth rate	Jobs	Growth rate
2001	26,077	2.36%	38,530	9.78%	90,789	11.43%	37,532	-10.00%
2002	28,128	7.87%	41,801	8.49%	88,066	-3.00%	36,493	-2.77%
2003	31,347	11.44%	43,863	4.93%	88,560	0.56%	38,009	4.15%
2004	32,758	4.50%	40,093	-8.59%	85,489	-3.47%	36,323	-4.44%
2005	31,984	-2.36%	41,796	4.25%	90,889	6.32%	42,150	16.04%
2006	32,614	1.97%	45,786	9.55%	96,802	6.51%	39,524	-6.23%
2007	34,361	5.36%	47,282	3.27%	100,380	3.70%	42,364	7.19%
2008	34,716	1.03%	47,603	0.68%	105,797	5.40%	42,990	1.48%
2009	34,924	0.60%	47,764	0.34%	105,251	-0.52%	46,524	8.22%
2010	39,008	11.69%	49,077	2.75%	104,796	-0.43%	44,936	-3.41%
2011	40,280	3.26%	53,174	8.35%	106,084	1.23%	46,579	3.66%

Source: Department of Education, Employment & Workplace Relations, ASGC database, Small area labor market

6.3 Unemployment Rates

Unemployment has trended down across all regions, with Latrobe decreasing from a comparably high level of unemployment of 14.9% in 1998 to 6.8% in 2011.



Source: DEEWR Small Area Labour Markets, and Australian Bureau of Statistics Labour Force Survey Cat. 6202.0

6.4 Mean Taxable Income

When comparing the four regions, Latrobe has consistently had the highest average taxable income over the four year period, with the average taxable income being \$52,818 at June 2009.

6.5 Population Growth

Latrobe has been experiencing moderate population growth, particularly over the last four years.

	2008	2009	2010	2011	Change 2008-2011	Growth rate (%) 2008-2011
Latrobe City	74,165	75,259	76,022	76,640	2,475	3.34
Gippsland	256,012	260,756	265,564	269,800	13,788	5.38
Regional Victoria	1,424,305	1,447,068	1,465,923	1,483,160	58,855	4.13

7. Review of Actions

To progress the objectives of the Economic Sustainability Strategy 2011 – 2015 the following actions have been undertaken. They are collated under the Strategy action areas and, where necessary, are applied to more than one area.

Actions for Retention and Growth of Existing Businesses

1. *Connect with the business community and maintain relationships to keep abreast of business needs and gaps in provision of service.*

Indications of Activity:

- The 2012 Employment & Industry Survey was undertaken and the Survey Report finalised and distributed;
- Prepared and disseminated the 'Securing Our Future' advocacy document;
- Relationships created and reinforced with business representatives through two business development workshops, three developers forums, two business training sessions, six business events, 12 industry sector forums and tailored one-on-one business assistance;
- Completed 131 business visits where opportunities to assist individual firms were identified and followed up;
- Participated in industry related conferences including:
 - Victorian Infrastructure Conference;
 - Australian Airport Association Conference;
 - National Aviation & Aerospace Skills Forum;
 - Brown Coal Symposium; and
 - Brown Coal Innovation Australia, Skills Workshop.
- Discussed the needs of local small to medium enterprises with the Victorian Small Business Commissioner.
- Supported the Latrobe City Business Tourism Association (LCBTA) through attendance at 11 meeting and the provision of business development assistance.
- Conducted 10 monthly meetings with the Industrial Capability Network (ICN) to exchange business related intelligence;
- Regularly distributed information to local business associations.
- Presented to key business group including:
 - Moe Traders Association;
 - Traralgon Rotary Club; and
 - Advance Morwell.
- Delivered quarterly major project updates to Latrobe City Real Estate Agents; and
- Conducted six meetings with Latrobe Regional Airport Community Committee and tenants.

2. Keep the business community apprised of emerging developments in the business operating environment so that they can effectively prepare and adapt for change.

Indications of Activity:

- Published and distributed four editions of the Business Connect newsletter which were sent to 3,900 businesses and associations;
- Undertook a review of the 'Support for Business' section of the Latrobe City Council website; and
- Regularly distributed information to key township based business associations.

3. Facilitate regional industry networking, partnerships and knowledge sharing events to build business capacity and connectedness.

Indications of Activity:

- Delivered the Gippsland Major Projects & Opportunities Summit (opened by the Deputy Premier and attended by 260 business and government leaders).
- Facilitated 12 networking and information sharing activities including:
 - Three development sector breakfast forums;
 - Three call centre sector forums;
 - One international education sector forum;
 - Two power generator forums;
 - One Engineering Alliance forum; and
 - One agribusiness sector forum (Led by the Victorian Local Government Association).

4. Support skills development in local industry.

Indications of Activity:

- Facilitated two *Grow Your Business* Programs;
- Promoted and facilitated the Small Business Mentoring Service;
- Promoted and facilitated four business training courses run through the Latrobe City Business Tourism Association (LCBTA);
- Participated in a Victorian Government led Apprenticeship Working Group to encourage increased take up of apprentices;
- Provided sponsorship and promoted the LCBTA People's Choice Awards; and
- Provided sponsorship and promoted the annual Gippsland Business Awards.

5. Promote and advocate for local industry in the broader community.

Indications of Activity:

- Prepared and disseminated 1500 'Securing Our Future' advocacy documents;
- Prepared and submitted responses to proposed government policy including government White Papers.;
- Provided a financial contribution to the operational budget and officer attendance at monthly Powerworks Board meetings in an observer status;
- Financial contribution, input into policy and Councillor representation on the National Timber Council Taskforce and Timber Towns Victoria;
- Input into policy and Councillor and officer representation on the Alliance of Councils for Rail Freight Development;
- Financial contribution and support to Agribusiness Gippsland;
- Financial contribution and support to the LCBTA; and
- Financial contribution, input into policy and Councillor and officer representation on the South East Australian Transport Strategy forum (SEATS).

6. Provide assistance to businesses to grow and expand.

Indications of Activity:

- Facilitation of 25 meetings between industry and state government officers regarding funding opportunities;
- Assistance through the provision of 10 letters of support and other activities for business requests for funding;
- Provision of statistical data in response to 14 enquiries, preparation of 12 business data intelligence sheets and collation of results of the Employment & Industry Survey;
- Identification and provision of information regarding 40 potential sites for existing/inbound investment;
- Prepared the *Guide to Planning for Business*;
- Provided quarterly updates to the development sector on major projects and investments;
- Provided assistance to over 250 requests from businesses including:
 - Assisted 40 proponents to identify suitable sites;
 - Provision of advice to over 50 businesses on government assistance programs and funds;
 - Assisted over 30 businesses in working through the regulatory permits and approval process;
 - Provision of general information to 100 requests;
 - Provision of additional information to business associations from 10 referrals; and
 - Provided information and referrals to other agencies for over 70 requests.

- Continued progress on the Gippsland Logistics Precinct through attraction of private sector interest including:
 - Management of the Expression of Interest process;
 - Meetings with interested private sector parties in Victoria and NSW; and
 - Commencement of a Freight Task Assessment.
- Continued lobbying to the Victorian Government to facilitate the development of the former Lurgi site into a heavy industry park.

7. Intensify efforts to expand domestic and international markets for local goods and services.

Indications of Activity:

- Provision of information and facilitation of meetings for international delegations and visitors including;
 - Shanghai Electric Power Company;
 - Osaka Gas, Japan;
 - Neyveli Lignite Corporation, India;
 - Australia – China Joint Coordination Group; and
 - OCI Company Ltd, South Korea.
 - Victorian Government Business Office, Tokyo;
 - Victorian Government Business Office, Shanghai, China; and
 - Nippon Paper Chairman and key customers.
- Distribution of information to local businesses regarding the Victorian Government Super Trade Mission to India;
- Liaison and provision of information with key State Government international officers from:
 - Japan;
 - China;
 - Korea; and
 - India.
- Provision of information and promotion of the China International Import Expo to the local business community.

8. Position Latrobe City as the location of choice for international students.

Indications of Activity

- Facilitated an international education forum at Monash University to discuss strategies for the attraction of international students.
- Liaised with the International Students representative at Monash University to identify opportunities and constraints.
- Distributed the Latrobe City International Education brochure.

9. *Play a substantive role in promoting and supporting the development of the tourism and events sector in Latrobe City.*

Indications of Activity:

- Supported of the Latrobe City Business Tourism Association (LCBTA) by representation on the Executive Committee, a financial contribution to group activities, participation at meetings and promotion of the group to local businesses;
- Updated the image and video library for promotional activities;
- Produced a new Latrobe City promotional DVD and Gippsland promotional DVD;
- Supported the LCBTA to host the third annual People's Choice Awards including sponsoring an award;
- Featured the LCBTA in each edition of Business Connect to drive membership and promotion;
- Provided business development opportunities through business seminars and events in partnership with the LCBTA;
- Provided visitor services through the visitor information centre, Latrobe City tourism website, and support to volunteers at event;
- Delivered familiarisation tours within Latrobe City and the wider Gippsland region for visitor services staff and volunteers;
- Produced and distributed the official visitor guide state wide;
- Editorial and promotion in appropriate publications and websites.

10. *Promote opportunities for local procurement by the Latrobe City Council and in the wider business community.*

Indications of Activity:

- Provided a procurement briefing to local contractors regarding opportunities for involvement the East Sale RAAF Base project;
- Led the coordination of the Gippsland Major Projects and Opportunities Summit and invited local contractors to encourage involvement in planned developments;
- Conducted regular meetings with the Industry Capability Network (ICN) and participation in the Industry Capability Network Major Projects Conference and Mining Sector forum;
- Hosted a forum to investigate the feasibility of increased cooperation between local engineering firms to promote key capabilities to the external market place;
- Facilitated the endorsement of the “Pledge” by Latrobe City Council for the use of locally produced recycled paper; and
- Provided assistance to ICN for securing funding for production of the publication “Showcasing Latrobe City’s Resource Sector Capabilities”.



Actions for Pursuing New Investment

11. *Promote Latrobe City to domestic and international investors to increase international investment.*

Indications of Activity:

- Facilitated business focussed meetings in Japan and China for Council delegations;
- Provided information to businesses in regards to the Victorian Government Super Trade Mission from to India;
- Hosted international delegations including Shanghai Power, Osaka Gas, OCI Company Ltd, and Neyveli Lignite Corporation.
- Provided support, referrals and the provision of site information for the proponents of proposed major projects;
- Provided support, referrals and facilitated meetings for local employers looking to further invest including the Australian Paper De-Inking Project and Lion Morwell site upgrade;
- Continued assistance to Victorian and Federal Government for department meetings, organising briefings, providing venues and gathering information; and
- Provided information and promoted of the China International Import Expo to the local business community.

12. *Actively pursue targeted investment opportunities.*

Indications of Activity:

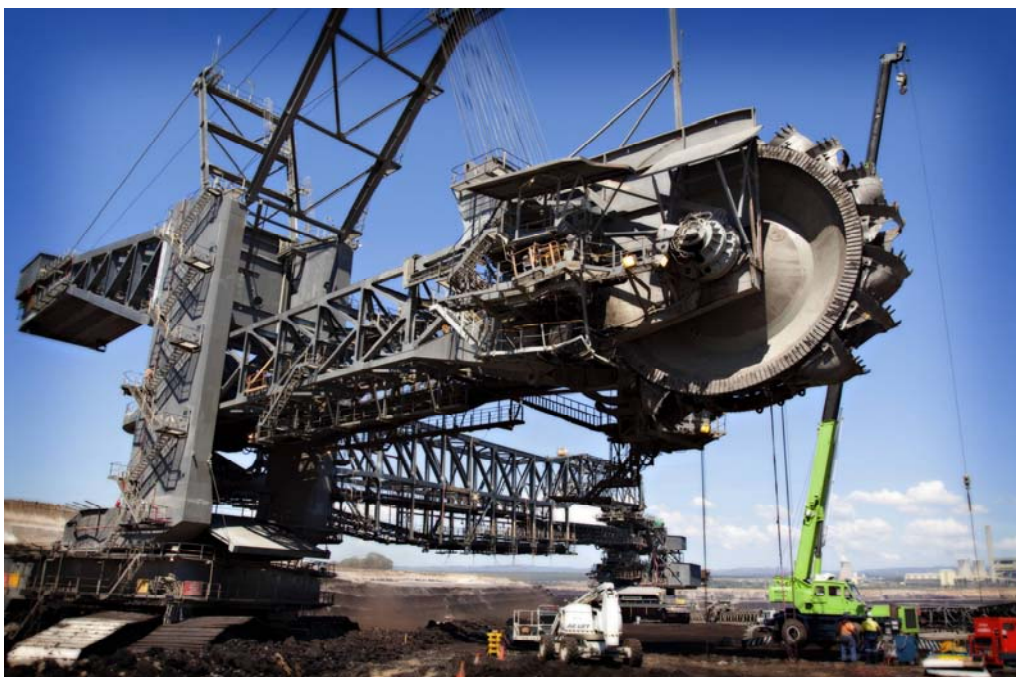
- Secured \$5.74 million of Victorian and Australian government funding to secure the expansion of GippsAero at Latrobe Regional Airport;
- Development and distribution of the *Securing Our Future* advocacy document outlining key projects for transitioning the economy;
- Hosted international investment delegations including;
 - Shanghai Power, China;
 - Osaka Gas, Japan;
 - Neyveli Lignite Corporation, India;

- Australia – China Joint Coordination Group; and
- OCI Company Limited, South Korea.
- Promoted Latrobe City’s significant competitive strengths shared service facilities to the industries peak body and key operators through a series of meetings and presentations;
- Participated in and supported key industry forums including the:
 - Victorian Agribusiness Summit;
 - Gippsland Food Plan Visioning Forum;
 - Direct Geothermal Energy for Victoria; workshop;
 - All Energy Conference; and
 - ICN Major Projects Summit.
- Commenced the development of an interpretive document to promote the development of coal derivative technologies.

13. *Position Latrobe City as a centre of knowledge and research in emerging technologies.*

Indications of Activity:

- Supported the proposal for establishment of the Centre for Sustainable Industries within Latrobe City;
- Participated in a range of forums including:
 - Skills working group for Brown Coal Innovation Australia;
 - Coal seam gas briefing from the Department of Primary Industries;
 - RMIT future scenario workshops; and
 - Brown Coal Symposium.



Actions for Building the Latrobe City Investment Brand

14. *Actively promote Latrobe City to potential visitors, investors and other stakeholders to improve their understanding and familiarity with Latrobe City.*

Indications of Activity:

- Produced a new Latrobe City promotional DVD and Gippsland promotional DVD;
- Produced a new Latrobe City pocket guide;
- Led the coordination of the Latrobe City Council presence at the Regional Living Expo;
- Led the 2012 Gippsland Major Projects and Opportunities Summit;
- Showcased Latrobe City at the All Energy Conference;
- Produced four editions of the Business Connect newsletter featuring profiles of local businesses; and
- Distributed 20 media releases showcasing a range of programs, services and initiatives being undertaken by the division.

15. *Work in partnership with the business community to understand if and how the perception of our region affects residential attraction, visitation and investment decisions and develop targeted programs to enhance the profile of Latrobe City in the broader community.*

Indications of Activity:

- Coordinated the Latrobe City stand at the Regional Living Expo; and
- Developed and distributed the Latrobe City International Education Brochure.

16. *Consider whether the scope of the Latrobe City Marketing and Communications Strategy review should include the branding of the broader Latrobe City municipality.*

Indications of Activity:

- The scope of the Latrobe City Image Strategy includes the branding of the broader municipality (Action Complete).

Actions for Providing Strong Leadership and a Clear Direction

Indications of Activity:

- The 2011-2012 Division Business Plan consisted of 55 specific actions with progress reported on a monthly basis;
- Led the regional sub-committee charged with responsibility for development of the Gippsland Low Carbon Transition Plan (GLCTP);
- Facilitated two GLGN Economic Development Managers Forums to enable regional cooperation; and
- Participated in the Senior Officers Group in support of the Latrobe Valley Transition Council.

17. *Work in partnership with the GLGN and with sector specific regional associations to develop and implement regional plans.*

Indications of Activity:

- Chaired the Gippsland Low Carbon Transition Plan Working Group;
- Supported the development of the Gippsland Broadband Engagement Plan;
- Participated in the development of the Gippsland Food Plan; and
- Contributed to the development of the Gippsland Integrated Land Use Plan.

18. *Foster the development of new community leaders and entrepreneurs*

Indications of Activity:

- Provided sponsorship for the LCBTA People's Choice Awards;
- Supported the Gippsland Business Awards through sponsorship of the "New Business" category and through promotion via Business Connect and the Latrobe City website; and
- Participated in the Award Function for the New Enterprise Incentive Scheme Program including presentation of awards to successful participants.

19. Prepare Latrobe City for future carbon emissions regulation by implementing Latrobe City's Low Carbon Emissions Future policy initiatives.

Indications of Activity:

- Establishment of the Latrobe City Council Low Carbon Emissions Future Transition Committee;
- Engaged with the community through a range of initiatives including three community forums; and
- Active role in implementing a range of actions in the policy, with particular focus on lobbying and advocacy at a state and federal government level.

The majority of actions within the Policy have been commenced or completed.

20. Support the development of the Gippsland Low Carbon Economy Transition Plan and lead the formation of the Gippsland Regional Plan Low Carbon Transition Committee to develop and implement regional planning activities.

Indications of Activity:

- Led the development of the Gippsland Low Carbon Transition Plan.



Actions for Advocating for an Attractive Policy Setting

21. Seek to influence government policy at an early stage.

Indications of Activity:

- Proactive approach to strengthening of relationship with government decision makers through hosting of officer delegations from Melbourne and Canberra;
- Hosted an officer from the Department of Regional Australia for two days over a ten week period;
- Prepared and distributed the 'Securing Our Future' advocacy document;
- Hosted Ministerial visits to present the case for Australian Government support. Ministers included:
 - The Prime Minister;
 - The Minister for Resources and Energy and Tourism;
 - The Minister for Regional Australia, Regional Development and Local Government, and Minister for the Arts; and
 - Minister for Climate Change and Energy Efficiency, Minister for Industry and Innovation.
- Hosted Ministerial visits to present the case for Victorian Government support. Ministers included:
 - The Deputy Premier;
 - The Minister for Aviation;
 - The Minister for Public Transport, Minister for Roads; and
 - The Minister for Ports;
- Led the 2012 Gippsland Major Projects and Opportunities Summit;
- Supported and participated in key forums focussed on influencing policy including the:
 - Delivery of a community forum featuring advisor to the Australian Government, Professor Garnaut;
 - Three Latrobe City Council Community Forums; and
 - Gippsland Trades and Labour Council Just Transitions Conference.
- Participated in the Senior Officers Group in support of the Latrobe Valley Transition Committee; and
- Prepared submissions to the Victorian & Australian Governments White Papers.

22. Ensure local representation on stakeholder committees to ensure Latrobe City needs are recognised and considered.

Indications of Activity:

- Representation on the VECCI Regional Council board;
- Representation, with observer rights on the Powerworks Board; and

- Representation on the Senior Officers Group in support of the Latrobe Valley Transition Committee.

23. Lobby for increased expansion of Victorian and Australian Government offices in Latrobe City and opportunities for local businesses to tender for provision of goods and services.

Indications of Activity:

- Provision of potential site information for the relocation of the VicForest headquarters; and
- Preparation and dissemination of 'Securing Our Future' advocacy document.



Actions for Conducting Innovative and Efficient Urban Planning

24. Conduct innovative and efficient urban planning.

Indications of Activity:

- Implementation of SPEAR, an on-line assessment process for planning applications;
- Participation in the Municipal Association of Victoria (MAV) STEP audit process for planning assessments;
- 13% increase in the number of planning permits issued within the 60 day statutory timeframe (47% of 466 applications in 2010/11 compared to 60% of 392 applications in 2011/12);
- Provided increased information on the planning process via the Latrobe City webpage; and
- Development of the *Planning Guide for Business* to explain the planning process to those wanting to start a new business and seeking advice from Council.

25. Develop robust strategic plans to resolve land availability constraints and balance the needs of industrial, residential, environmental and recreational land users.

Indications of Activity:

- Achieved rezoning of 800 hectares of land for residential use;
- Ongoing preparation of key strategic land use planning projects including:
 - Traralgon Growth Area Review;
 - Traralgon Activity Centre Plan; and
 - Public Open Space Review.
- Assessed Planning Scheme amendment requests as required; and
- Provided input into local flood provisions and state wide wildfire provisions within the Planning Scheme.



Actions for Increasing Access to Skilled Labour

26. Support and provide input into the Skilling the Valley initiative.

Indications of Activity:

- Actively participated in meetings, building relationships with other Industry Link Officers, and providing regular reports to the Victorian Government; and
- Participation in National Aviation & Aerospace skills Forum.

27. Conduct the biennial Industry and Investment Survey to identify business skills and requirement and tailor training and capacity building programs to address these needs.

Indications of Activity:

- Survey developed and undertaken over the 2011/12 financial year.



Actions for Developing High Quality Infrastructure and Services

28. Progress strategic infrastructure development programs currently underway.

Indications of Activity:

- Participated in the Gippsland Broadband Connectivity Strategy Group;
- Advocated to the Port of Hastings Authority regarding the need for an effective transport link between the Port and Gippsland;
- Secured \$6.2 million to improve infrastructure capability at Latrobe Regional Airport; and
- Continued to encourage full utilisation of shared service (call centre) infrastructure at Moe.

29. Lobby for improved community transport links to increase opportunities for students and workers to travel into and around Latrobe City on a daily basis.

Indications of Activity:

- Supported the implementation of the Latrobe Valley Bus Review which resulted in a review of services and increased services to Monash University Gippsland Campus.

30. Work with the GLGN to progress the Gippsland Gateways initiative and to improve freight links into Gippsland.

Indications of Activity:

- Continued progress on the Gippsland Logistics Precinct through attraction of private sector interest including:
 - Expressions of Interest process;
 - Meetings with interested private sector parties in Victoria and NSW; and
 - Freight Task Assessment.
- Financial contribution, input into policy and Councillor representation on the South East Australian Transport Strategy forum (SEATS).

Actions for Facilitating Sustainable Use of Natural Resources

31. *Support implementation of the Gippsland Sustainable Water Strategy to ensure the allocation of water supplies balances the needs of both local and broader Victorian communities.*

Indications of Activity:

- Supported the implementation of the Gippsland Sustainable Water Strategy to ensure the allocation of water supplies balances the needs of both local and broader Victorian communities including:
 - Membership of the Gippsland Water Strategy Group;
 - Facilitated the Traralgon Creek and Morwell River Neighbourhood Improvement Plans;
 - Participated in workshops for the review of the West Gippsland Regional Catchment Strategy;
 - Representation on the West Gippsland Catchment Management Authority Community Ecosystem Advisory Committee;
 - Developed planning controls to support Water Sensitive Urban Design; and
 - Implemented a water saving initiative for Council facilities, including management plans (e.g. recreation reserves and leisure centres).

32. *Promote Gippsland as the food bowl of Victoria to support initiatives to attract food processing industries and increase markets for Gippsland produce.*

Indications of Activity:

- Financial contribution and in-kind support for the Gippsland Climate Change Impacts and Adaption Project to increase the body of knowledge about likely impacts and best use of Gippsland's agricultural land into the future;
- Participation in the Victorian Agribusiness Summit;
- Participation in the Gippsland Food Plan Visioning Forum; and
- Financial and in-kind support for Agribusiness Gippsland.

33. Advance the research agenda in environmental and natural resource management.

Indications of Activity:

- Advanced the research agenda in environmental and natural resource management through:
 - Collaboration with Monash University and University of Melbourne to identify opportunities for postgraduate research studies in the area of landfill emissions gas capture, clay porosity, and environmental management; and
 - Participating as a member of the Centre for Sustainable Industries Strategy Group.

34. Progress regional tourism initiatives with Destination Gippsland and Tourism Victoria to provide opportunities for Latrobe City businesses.

Indications of Activity:

- Participated in the Gippsland stand at the Victorian Caravan & Camping Super Show;
- Provided content for the Gippsland Walks and Gippsland Rides brochures;
- Participated in the Accessible Tourism project;
- Provided representation on the Destination Gippsland marketing subcommittee;
- Contributed to the draft Gippsland Marketing Plan;
- Strengthened relationship with Destination Gippsland Ltd Board;
- Participated in Destination Gippsland Autumn marketing activities including:
 - Production of a new Latrobe City Tourism DVD;
 - Advertised Latrobe City's conference facilities in a Business Victoria Conference magazine;
 - Assisted with the promotion of University Games;
 - Assisted with Latrobe City Business and Tourism Association marketing activities; and
 - Developed and implemented the Latrobe City Events & Tourism Facebook page.
- Participation in Gippsland tourism networks such as:
 - Gippsland Accessible Tourism;
 - Gippsland Tourism Network; and
 - Gippsland Tourism Managers Network.



Actions for Contributing to a Liveable and Vibrant Community

35. *Facilitate partnerships with the arts community, health sector and recreational clubs to identify, evaluate and progress events that contribute to a liveable and vibrant community.*

Indications of Activity:

- Hosted five international events, 14 national events, 11 state events, 25 significant community and cultural events and in total supported over 480 events;
- Facilitated 173 hires of the Performing Arts Centre, Kernot Hall and Moe Town Hall with a total of 83,352 attendances and 161 hires of minor venues with attendances of 20,028;
- Commenced implementation of the Latrobe City International Relations Plan 2011-2014. The Plan indentified 41 actions for completion during the year;
- Presented 39 diverse exhibitions including seven major touring exhibitions, including 'MAY'S: The May Lane Street Art Project' where Latrobe Regional Gallery was the only Victorian venue; 10 community access gallery exhibitions; four children's exhibitions and 14 exhibitions curated by gallery staff. Total attendances were 19,841;
- Delivered the annual performing arts program consisting of 27 events including dramatic and musical performances, comedy and film screenings with attendances of 14,941; and
- Delivered an education and public program including Art After School, School Holiday workshops, adult Life Drawing and opening events, attracting over 1800 attendees. Over 800 students and teachers have attended school curriculum based tours and workshops at the gallery. Latrobe Performing Arts programs have included schools film screenings, student exhibitions and performances, opening events, VCE classes and adult theatre programs which have attracted over 1000 attendees.

36. Conduct innovative urban planning with foresight to differentiate the region from outer suburban areas of Melbourne, ensuring this aspect is considered in the development of the Gippsland Integrated Land Use Plan.

Indications of Activity:

- Submissions prepared and submitted to various Ministerial Advisory Committees seeking recognition within the Planning Scheme of Latrobe City as a major regional centre;
- Active participation in the Gippsland Integrated Land Use Plan (GILUP); and
- Preparation of Development Plans for major residential precincts and / or assessment, including consideration of development density, to ensure local circumstances are recognised and reflected.

8. Conclusion

The Latrobe City Council Economic Sustainability Strategy provides a framework for the achievement of continued economic development within Latrobe City.

The Annual Review of Actions and Report Card provides an update on the progress of the 2011-2015 Economic Sustainability Strategy.

Key achievements for 2011/12 include the delivery of the 2012 Gippsland Major Projects and Opportunities Summit, delivery of the 2012 Latrobe City Employment and Industry Survey, progression of the Positioning Latrobe City for a Low Carbon Emissions Future policy and an 84% increase in the number of business development enquiries received and responded to.

This report highlights the range of activities and achievements of a range of departments within Latrobe City Council in response to the thirty six strategy actions.

9. Glossary

Alliance of Councils for Rail Freight Development

The Alliance of Councils for Rail Freight Development is made up of 24 rural and regional Local Government Councils from Central and Western Victoria and Southern NSW to improve the condition of the rail network and ensure a functional rail freight service is provided to regional Victoria.

Gippsland Broadband Activity Strategy Group

The Gippsland Broadband Activity Strategy Group is made up of members from the six Local Government Councils from Gippsland with a key purpose of making aware the benefits of digital economy for business and community and the future installation of high speed broadband / NBN.

Gippsland Integrated Land Use Plan

The Gippsland Integrated Land Use Plan (GILUP) represents Gippsland's growth planning and identifies opportunities for encouraging and accommodating future growth and managing the change that will occur over the next 30 years.

Gippsland Local Government Network

Alliance of six Gippsland Councils who represent the collective interests of Gippsland and work cooperatively on issues and projects of mutual interest.

Gippsland Low Carbon Transition Plan

Provides clarity with respect to the policies and priorities required to harness the benefits and address the issues associated with such a significant change in political and economic conditions, related to the transition to a low carbon economy.

Gippsland Major Projects and Opportunities Summit

The Gippsland Major Projects and Opportunities Summit is a biennial event held in Gippsland which showcases key projects in the Gippsland region and is an important networking event linking key stakeholders such as suppliers, sub-contractors and government agencies with project managers.

Industry Capability Network

Industry Capability Network (ICN) is a business network that introduces Australian and New Zealand companies to projects large and small and offers a new business source for suppliers and a sophisticated search service for project managers.

Latrobe Valley Transition Committee

The Latrobe Valley Transition Committee was established in May 2011 to report to a Joint Ministerial Forum by mid 2012 on challenges facing the Latrobe Valley's economy and labour market, opportunities for investment in industry and employment growth, priority actions to support industry growth and processes to support coordinated regional planning.

National Employment Incentive Scheme

New Enterprise Incentive Scheme is a program which encourages eligible job seekers who are interested in starting and running a small business with assistance in terms of accredited small business training, business advice and mentoring as well as ongoing income support.

Small Business Mentoring Service

The Small Business Mentoring Service is an incorporated not-for-profit association which provides business assistance to help and grow small businesses.

South Eastern Australian Transport Strategy

The Strategy is a comprehensive review of the measures necessary to improve transport and access to Gippsland, Western Port, Snowy Mountains, the Illawarra Region, the South coast of NSW and the Australian Capital Territory Region.

Victorian Employers Chamber of Commerce and Industry

The Victorian Employers' Chamber of Commerce and Industry is the peak body for employers in Victoria, informing and servicing more than 15,000 members, customers and clients around the State with a commitment to being the voice for business, representing members in the difficult regulatory environment.

RECREATION, CULTURE & COMMUNITY INFRASTRUCTURE

11.4.1 PROPOSED SPECIAL CHARGE SCHEME TO SEAL AUSTIN STREET, BOOLARRA

AUTHOR: General Manager Recreation Culture & Community Infrastructure

(ATTACHMENT – YES)

1. PURPOSE

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

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 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

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

Latrobe City Council Plan 2012 - 2016

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

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

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

Ensure public infrastructure is maintained in accordance with community aspirations.

Shaping Our Future

An active connected and caring community
Supporting all

Legislation

Local Government Act 1989
Provides Council with powers to implement a Special Charge Scheme.

Policy

Contributory Scheme Policy 11 POL-3

4. BACKGROUND

Austin Street, Boolarra is an access road servicing residential properties. The section of road that is the subject of this report is currently maintained by Council in accordance with the Road Management Plan; refer attachment 1 to this report.

In August 2010 Council received a request from Mr David Grima requesting consideration be given to sealing the road.

The initial information sent to Austin Street residents was the Sealing of Unsealed Rural Roads Policy, which given that Austin Street is zoned residential, was not correct. As such a meeting of property owners was held to discuss the matter further and inform them of the correct process under the Contributory Scheme Policy.

Appendix 1 of Council's Contributory Scheme Policy (attachment 2) outlines a clear process as to how to progress a request to seal an unsealed road.

In August 2011, letters were sent to residents advising them that a concept design & cost estimate were being developed, and that a meeting with them would be arranged to discuss the matter further.

A meeting of property owners was held on 15 December 2011 to provide them with the concept design and cost estimate.

Following the meeting, letters and feedback forms were sent to the 12 property owners who would derive benefit from the road being sealed, and would be required to make a contribution to the works.

Of these 12, responses received were as follows:

Responses		
For	Against	No Reply
7	5	N/A

As there is a majority of residents in favour to proceed with a Special Charge Scheme to seal Austin Street, the consultation process as stated in the Contributory Scheme Policy continued.

Number 30 Austin Street was purchased by new property owners in May 2012, and copies of all documentation that had been sent to previous owners was sent to them in October 2012 to gauge their opinion in relation to the sealing of the road. Their feedback form indicated they are not in favour of having the road sealed, which was the same response as the previous owners.

5. **ISSUES**

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

The maximum contribution is \$5,000 per rateable property (this is indexed to CPI annually).

Stage 1 of the public consultation process commenced on 15 December 2011 with a meeting of property owners chaired by the Firmin Ward Councillor.

The meeting was attended by nine people representing eight property owners. There are a total of 12 rateable properties that may be included in this Special Charge Scheme pending Council approval.

The meeting discussed a number of issues including the process to prepare a Special Charge Scheme, the design concept plan/design standards, timelines and the next steps in the process. A copy of the Meeting Notes is included as attachment 3 to this report.

Seven property owners have indicated their support for the Council to proceed with the declaration of a Special Charge Scheme to seal Austin Street.

The concept design presented to the meeting provided for a 5.5 metre wide seal on a 6.3 metre trafficable width. A copy of the plan is included as attachment 4 to this report.

6. FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

The cost to seal Austin Street, Boolarra is estimated at approximately \$200,000.

The total maximum contribution from the property owners would be \$60,000, with the Latrobe City Council's contribution being \$140,000.

Council has established a reserve to assist in the funding of sealing of rural unsealed roads. There is \$904,000 in this reserve which is available for Council to allocate funds to sealing of unsealed rural road projects.

As Austin Street is zoned residential this project is not eligible to be funded through the unsealed rural roads reserve. The balance of funds would need to be referred to a future budget process.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

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

As part of the Stage 1 – Initial Consultative process of the Contributory Scheme Policy, the concept plans were displayed for two weeks (02/07/12 to 16/07/12) at Council Offices and Stakeholders notified.

Any property owner that chose not to respond to the initial feedback form was followed up in writing and with a telephone call to ensure they had an opportunity to provide feedback on this issue.

Details of Community Consultation / Results of Engagement:

The response to the initial feedback forms sent to the 12 properties are as follows:

Responses		
For	Against	No Reply
7	5	N/A

The following table summarises responses received from the property owners (all responses included as attachment 5 to this report).

Agreed to contribute to SCS	Comments
Yes	No comments
Yes	No comments
Yes	No comments
Yes	No comments
Yes	Road needs to be sealed on so many levels. I have 2 small children and open drains that fill to 3 foot deep and don't drain. Petrifies me.
Yes	Request that kerb & channel to both sides Request that no turning circle at end of Austin Street
Yes	No comments
No	Refer letter attached to feedback form
No	Financial reasons. In the meeting it was mentioned why did Piggery Road get sealed for nothing and we have to pay. Could we please have a response to this question. Thanks. There was no reply paid envelope.
No	We bought the property because it was a small country town and we liked the dirt road entry. This was not a concern before the introduction of heavy vehicles in the street. This will destroy the look & feel of the street
No	No comments
No	Our main concern is that we do not believe the cost for this scheme has been divided between the properties fairly. We believe it should be based on the block size/road frontage size. We don't believe it fair that the much bigger sized blocks should be paying the same as the smaller blocks.

A number of concerns have been raised by residents during the engagement process that have been responded to either at the community meeting, or directly with each property owner.

8. OPTIONS

The following options are available to Council:

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

9. CONCLUSION

A majority of property owners in Austin Street, Boolarra have indicated their willingness to contribute to the construction costs associated with the sealing of this unsealed road.

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

10. RECOMMENDATION

1. That in accordance with section 163 of the *Local Government Act 1989*:
 - (a) Council declares its intentions to levy a Special Charge Scheme at the Ordinary Council Meeting on 3 December 2012 for funding expenses for the construction of a sealed roadway in Austin Street, Boolarra; and
 - (b) Council gives public notice of its intention to make a declaration of a Special Charge Scheme; and
 - (c) Council notifies persons liable to pay the \$5000 special charge by sending a notice.
2. That Council, in accordance with section 223 of the *Local Government Act 1989* consider any submissions received in relation to the declaration of its intention to levy a Special Charge Scheme to seal Austin Street, Boolarra at the Ordinary Council Meeting on 4 March 2013.

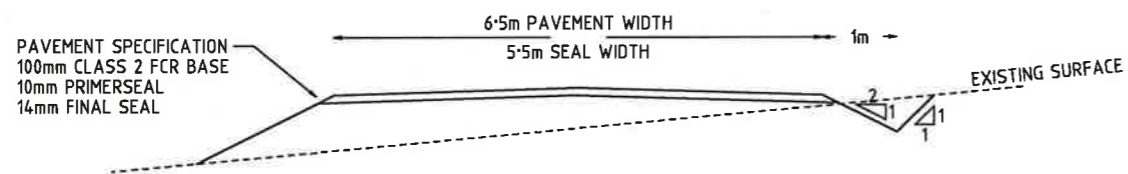
Moved: Cr White

Seconded: Cr Middlemiss

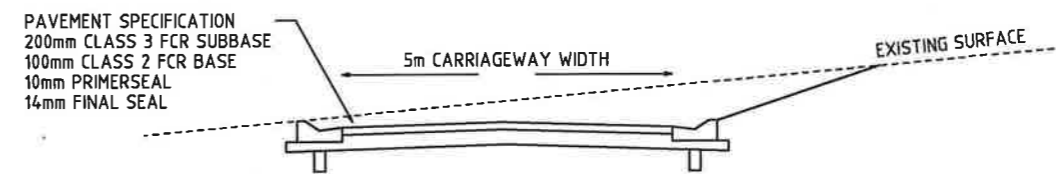
That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT ONE



TYPICAL SECTION
LDRZ ACCESS ROAD



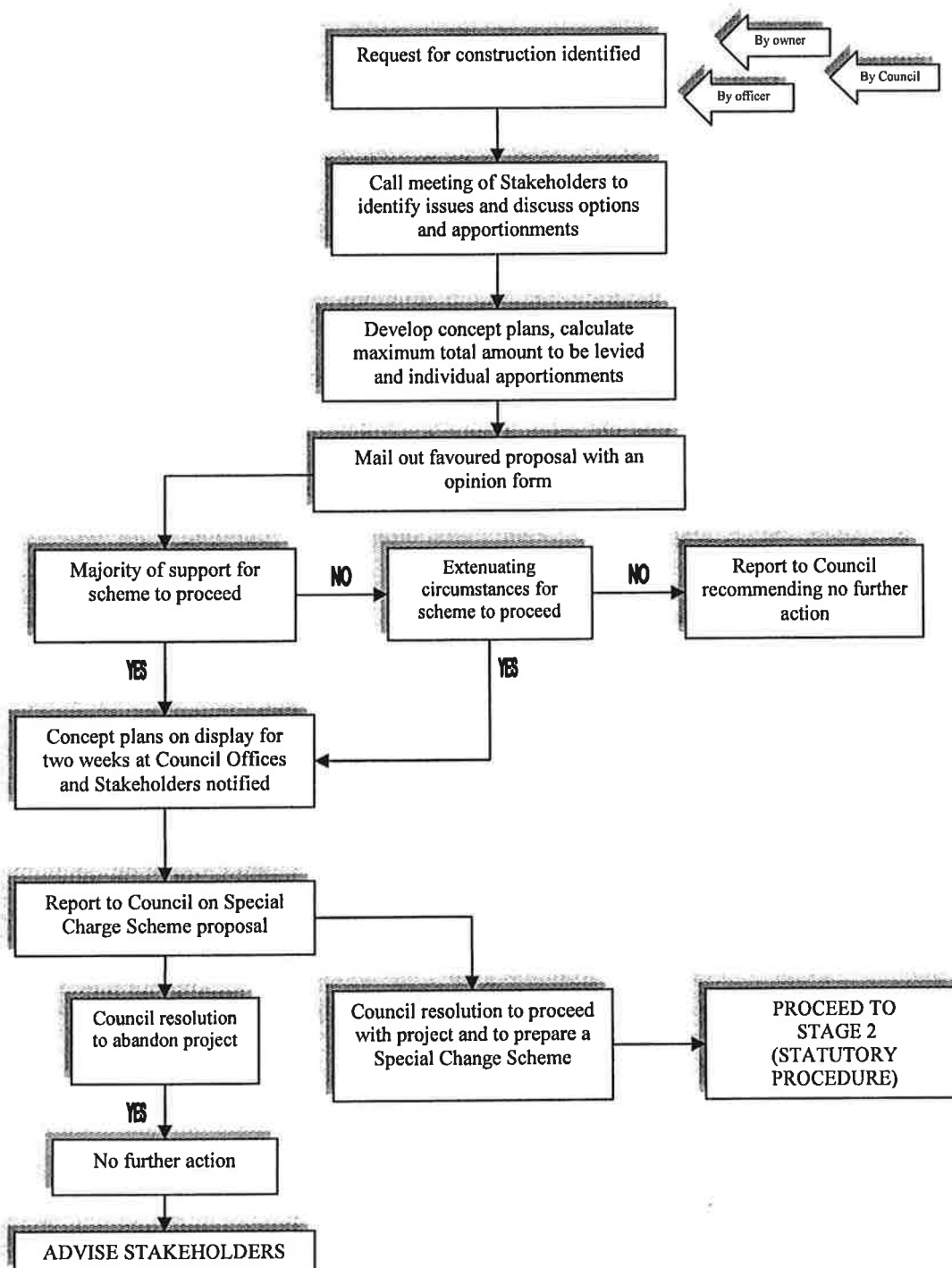
TYPICAL SECTION
URBAN MINOR
ACCESS ROAD

	REFERENCES	CONSULTANT'S CERTIFICATION	Latrobe City AUSTIN STREET, BOOLARRA FROM PENALUNA STREET TO HENRY STREET SEALING OF GRAVEL ROAD	SCALE
	Survey File No. COMPLED TerraModel File Name:	DATE CITY AUTHORIZATION DATE		DESIGNED LJ HILTON CHECKED VERSION/ DATE OF PLOT 2/8/2012

ATTACHMENT TWO

CONTRIBUTORY SCHEME POLICY – PUBLIC CONSULTATION

Stage 1 - INITIAL CONSULTATIVE PROCESS



ATTACHMENT THREE

Proposed Sealing of Austin Street, Boolarra

Thursday 15 December 2011

7.00pm

Boolarra Memorial Hall, Tarwin Street, Boolarra

Meeting Notes

Attendees: Cr Darrell White, Linda McCrorey (nee Hasthorpe), Carol Stokes (Latrobe City Council), Stan Williams, Joseph Schutte, Maryann Peters, Russ Peters, Jamie Hamilton, B Hammond, F Grima, L Garlick, Todd Birkbeck

Apologies: David Grima, Kim Norris

1. Welcome and introduction

Welcome comments and introductions were made by Cr Darrell White.

Apology given for the delay and confusion in dealing with this request to seal Austin Street in the past.

2. Contributory Scheme Policy

The policy document was discussed including:

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

3. Contributions

Concept : The concept design presented at the meeting was based on kerb & channel on the housing side of the road, and an open drain on the opposite side except for outside the CFA. Residents at the meeting indicated their preference to have kerb & channel on both sides of the road. Due to time constraints the designers are unable to review this request prior to Christmas. If changes requested are considered viable the new design will be completed in February 2012. A request to have a turning circle at the end of the road included into the Special Charge Scheme will also be considered during the design review in February 2012.

Cost estimate: Details of the estimated cost to seal Austin Street as per the design are as follows:

\$200,000 estimated cost to seal Austin Street
\$ 60,000 owner's contribution (12 rateable properties x \$5,000 each)
\$140,000 Latrobe City Council contribution

This estimate includes a total dig out of the road and realignment to allow for correct drainage fall, building the road base and sealing.

The owner's contribution is a maximum amount and will not increase, regardless of what the confirmed actual costs are.

4. Next Steps

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

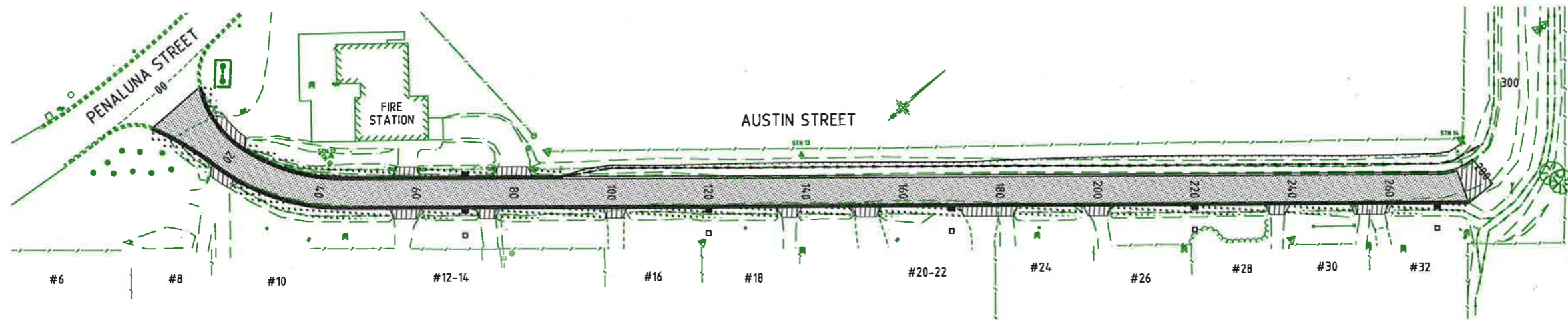
5. General discussion/questions

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

- Most residents in attendance indicated a strong need for the road to be sealed due to dust concerns.
- Payment process – it is possible to pay the contribution (plus interest) in quarterly instalments over a five year period by agreement. Hardship provisions are available on request. No upfront payments are required, and money is not paid until the road has actually been sealed
- If the road is sealed there would be no restrictions placed on the road in relation to load limits. B-Doubles are only able to access approved B-Double routes, and if requiring access to any other public road a permit is required. If you believe a B-Double to be using a road without a permit, you should report the truck to VicRoads or the Police with the details.
- Residents need to submit a complaint to Council if garbage trucks are reversing in driveways etc.
- What is the difference between Rural seal & Urban seal? – refer to "Frequently Asked Questions" sheet attached.
- How will the road line up with their driveways? New aprons will be done for each driveway
- How much will rates increase? – refer to "Frequently Asked Questions" sheet attached.
- Concerns re drain maintenance around the bend at the end of Austin Street – water build up, blackberries, snakes etc. Council to investigate.

The meeting was closed by Cr Darrell White at 7.45pm

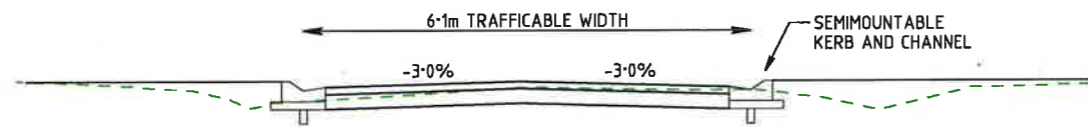
ATTACHMENT FOUR



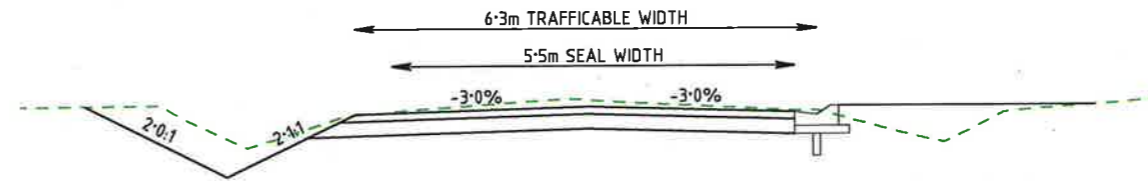
PAVEMENT SPECIFICATION 1
 200mm SUBGRADE LAYER LIME & CEMENT STABILISED @ 9 & 12 kg/m² RESPECTIVELY
 200mm SUBBASE LAYER CLASS 3 FCR
 100mm BASE LAYER CLASS 2 FCR
 7mm EMULSION SEAL
 30mm min LAYER 10mm TYPE H ASPHALT

PAVEMENT SPECIFICATION 2
 100mm BASE LAYER CLASS 2 FCR

ESTABLISH GRASSED AREA
 TRIM WITH SELECT MATERIAL
 TOPDRESS WITH 100mm APPROVED LOAM
 HYDROMULCH AND MAINTAIN



TYPICAL SECTION
 CH 10 TO 90



TYPICAL SECTION
 CH 100 TO 270

	REFERENCES	CONSULTANT'S CERTIFICATION	Latrobe City AUSTIN STREET, BOOLLARRA FROM PENALUNA STREET TO HENRY STREET SEALING OF GRAVEL ROAD	SCALE
	Survey File No. C001610 Terrafield File Name:	DATE: _____ CITY AUTHORIZATION: _____ DATE: _____		DESIGNED: LJ HILTON CHECKED: _____ VERSION/DATE OF PLAT: 30/5/2012

ATTACHMENT FIVE

Feedback Form

LATROBE CITY COUNCIL
INFORMATION MANAGEMENT
RECEIVED
09 FEB 2012
R/O: _____ Doc No: _____
Comments/Queries Circulated to:
**PROPOSED SEALING OF AUSTIN STREET, BOOLARRA, BETWEEN
PENALUNA STREET AND HENRY STREET**



Our Ref: SCS2011/3

CFA, Austin Street, BOOLARRA

Returning Officer: Carol Stokes

Further to the Community Meeting held on Thursday, 15 December 2011, where concept plans and estimate total costs were discussed, please confirm your opinion to participate by ticking the appropriate box in relation to the sealing of Austin Street, Boolarra. Please return this Feedback Form to Latrobe City Council in the reply paid envelope by Monday, 27 February 2012.

1. I agree to participate in a Special Charge Scheme to seal Austin Street, Boolarra, and contribute \$5,000 per rateable property.
- agree disagree

General Comments or Concerns:

(Use other side if insufficient space)

Property Address: CFA FIRE STATION

Signed: M. Sheilas Date: _____

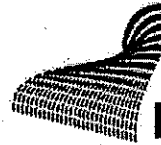
Name (please print): Mick Sheilas

Please return your completed form to Latrobe City Council by Monday, 27 February 2012.

Our Ref: SCS2011/3

12-14 Austin Street, BOOLARRA

Returning Officer: Carol Stokes



Latrobe City
a new energy

**PROPOSED SEALING OF AUSTIN STREET, BOOLARRA, BETWEEN
PENALUNA STREET AND HENRY STREET**

Further to the Community Meeting held on Thursday, 15 December 2011, where concept plans and estimate total costs were discussed, please confirm your opinion to participate by ticking the appropriate box in relation to the sealing of Austin Street, Boolarra. Please return this Feedback Form to Latrobe City Council in the reply paid envelope by Monday, 27 February 2012.

agree disagree

- 1. I agree to participate in a Special Charge Scheme to seal Austin Street, Boolarra, and contribute \$5,000 per rateable property.

General Comments or Concerns:

LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
RECEIVED	
10 FEB 2012	
R/O:	Doc No:
Comments/Copies Circulated to:	
<input type="checkbox"/> Copy retained in DRAWINGS	<input type="checkbox"/> Advice forwarded to account/s

(Use other side if insufficient space)

Property Address: 12-14 AUSTIN ST, BOOLARRA

Signed: [Signature]

Date: 9 Feb 2012

Name (please print): MARYANN PETERS

**Please return your completed form to Latrobe City Council by
Monday, 27 February 2012.**

Our Ref: SCS2011/3
16 Austin Street, BOOLARRA
Returning Officer: Carol Stokes



PROPOSED SEALING OF AUSTIN STREET, BOOLARRA, BETWEEN PENALUNA STREET AND HENRY STREET

Further to the Community Meeting held on Thursday, 15 December 2011, where concept plans and estimate total costs were discussed, please confirm your opinion to participate by ticking the appropriate box in relation to the sealing of Austin Street, Boolarra. Please return this Feedback Form to Latrobe City Council in the reply paid envelope by Monday, 27 February 2012.

1. I agree to participate in a Special Charge Scheme to seal Austin Street, Boolarra, and contribute \$5,000 per rateable property.
- agree disagree
-

General Comments or Concerns:

(Use other side if insufficient space)

Property Address: 16 AUSTIN ST BOOLARRA

Signed: [Signature]

Date: 7-2-2012

Name (please print): DAVE GRIMA

Please return your completed form to Latrobe City Council by Monday, 27 February 2012.

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

Feedback Form

LATROBE CITY COUNCIL
 INFORMATION MANAGEMENT
 RECEIVED
 08 FEB 2012

Our Ref: SCS2011/3

R/O: [] Doc No: []
 Comments/Copies Circulated to:
 Returning Officer: Carol Stokes DataWorks Invoice forwarded to accounts



PROPOSED SEALING OF AUSTIN STREET, BOOLARRA, BETWEEN PENALUNA STREET AND HENRY STREET

Further to the Community Meeting held on Thursday, 15 December 2011, where concept plans and estimate total costs were discussed, please confirm your opinion to participate by ticking the appropriate box in relation to the sealing of Austin Street, Boolarra. Please return this Feedback Form to Latrobe City Council in the reply paid envelope by Monday, 27 February 2012.

- | | | |
|---|-------------------------------------|--------------------------|
| | agree | disagree |
| 1. I agree to participate in a Special Charge Scheme to seal Austin Street, Boolarra, and contribute \$5,000 per rateable property. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

General Comments or Concerns:

(Use other side if insufficient space)

Property Address: 18 Austin Street Boolarra

Signed: *[Signature]* Date: 6/2/12

Name (please print): Dean Herauville (for Markhurst P/L)

Please return your completed form to Latrobe City Council by Monday, 27 February 2012.

Our Ref: SCS2011/3
20-22 Austin Street, BOOLARRA
Returning Officer: Carol Stokes



PROPOSED SEALING OF AUSTIN STREET, BOOLARRA, BETWEEN PENALUNA STREET AND HENRY STREET

Further to the Community Meeting held on Thursday, 15 December 2011, where concept plans and estimate total costs were discussed, please confirm your opinion to participate by ticking the appropriate box in relation to the sealing of Austin Street, Boolarra. Please return this Feedback Form to Latrobe City Council in the reply paid envelope by Monday, 27 February 2012.

agree disagree

- 1. I agree to participate in a Special Charge Scheme to seal Austin Street, Boolarra, and contribute \$5,000 per rateable property.

General Comments or Concerns:

LATROBE CITY COUNCIL
INFORMATION MANAGEMENT
 RECEIVED
06 FEB 2012

R/O: _____ Doc No: _____

Comments/Copies Circulated to:

ONLY recorded in DataWorks Invoice forwarded to accounts

(Use other side if insufficient space)

Property Address: 20 Austin St Boolarra

Signed: S. A. Williams Date: 3/2/12

Name (please print): S. A. Williams

Please return your completed form to Latrobe City Council by Monday, 27 February 2012.

Feedback Form

LATROBE CITY COUNCIL
INFORMATION MANAGEMENT

RECEIVED
15 FEB 2012

Our Ref: SCS2011/3

28 Austin Street, BOOLARRA

Returning Officer: Caro Stokes

Doc No:

Copies Circulated to:



Latrobe City
a new energy

PROPOSED SEALING OF AUSTIN STREET, BOOLARRA, BETWEEN PENALUNA STREET AND HENRY STREET

Further to the Community Meeting held on Thursday, 15 December 2011, where concept plans and estimate total costs were discussed, please confirm your opinion to participate by ticking the appropriate box in relation to the sealing of Austin Street, Boolarra. Please return this Feedback Form to Latrobe City Council in the reply paid envelope by Monday, 27 February 2012.

- I agree to participate in a Special Charge Scheme to seal Austin Street, Boolarra, and contribute \$5,000 per rateable property.

agree disagree

General Comments or Concerns:

ROAD NEEDS TO BE SEALED ON SO MANY LEVELS
I HAVE 2 SMALL CHILDREN AND OPEN DRAINS
THAT FILL TO 3 FOOT DEEP AND DONT DRAIN
PETRIEES ME. CHEERS JAMIE.

(Use other side if insufficient space)

Property Address: 28 AUSTIN STREET BOOLARRA

Signed: Date: 8-02-2012

Name (please print): JAMIE HAMILTON

Please return your completed form to Latrobe City Council by Monday, 27 February 2012.

Our Ref: SCS2011/3
32 Austin Street, BOOLARRA
Returning Officer: Carol Stokes



PROPOSED SEALING OF AUSTIN STREET, BOOLARRA, BETWEEN PENALUNA STREET AND HENRY STREET

Further to the Community Meeting held on Thursday, 15 December 2011, where concept plans and estimate total costs were discussed, please confirm your opinion to participate by ticking the appropriate box in relation to the sealing of Austin Street, Boolarra. Please return this Feedback Form to Latrobe City Council in the reply paid envelope by Monday, 27 February 2012.

- | | | |
|---|-------------------------------------|--------------------------|
| | agree | disagree |
| 1. I agree to participate in a Special Charge Scheme to seal Austin Street, Boolarra, and contribute \$5,000 per rateable property. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

General Comments or Concerns:

1/ Request that kerb and channel do both sides.
2/ Request that no driveway exists at end of Austin St.

(Use other side if insufficient space)

Property Address: 32 Austin Street, Boolarra

Signed: [Signature]

Date:

Name (please print): Joseph Smith

LATROBE CITY COUNCIL	
INFORMATION MANAGEMENT	
RECEIVED	
Please return your completed form to Latrobe City Council by 7 FEB 2012	
R/O:	Doc No:
Comments/Copies Circulated to:	
<input type="checkbox"/> Copy registered in DataWorks	<input type="checkbox"/> Invoice forwarded to accounts

Please return your completed form to Latrobe City Council by 7 FEB 2012 Monday, 27 February 2012.

Our Ref: SCS2011/3
8 Austin Street, BOOLARRA
Returning Officer: Carol Stokes



PROPOSED SEALING OF AUSTIN STREET, BOOLARRA, BETWEEN PENALUNA STREET AND HENRY STREET

Further to the Community Meeting held on Thursday, 15 December 2011, where concept plans and estimate total costs were discussed, please confirm your opinion to participate by ticking the appropriate box in relation to the sealing of Austin Street, Boolarra. Please return this Feedback Form to Latrobe City Council in the reply paid envelope by Monday, 27 February 2012.

- | | | |
|---|--------------------------|-------------------------------------|
| | agree | disagree |
| 1. I agree to participate in a Special Charge Scheme to seal Austin Street, Boolarra, and contribute \$5,000 per rateable property. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

General Comments or Concerns:

Please see attached letter

(Use other side if insufficient space)

Property Address: 8 Austin Street Boolarra

Signed: *Kini Norris* Date: 24.2.12

Name (please print): *Kini Norris*

Please return your completed form to Latrobe City Council by Monday, 27 February 2012.

23 February 2012

Damian Blackford
Manager Infrastructure Development
Latrobe City Council
PO Box 264
MORWELL 3840

Dear Damian

I am writing in regarding to the sealing of Austin Street, Boolarra.

I was an apology for the meeting held in Boolarra on Thursday 15 December 2011 as I had another appointment on that night.

I have no problems with Austin Street being sealed but I do have a problem with how the cost is being charged equally between the properties.

I am the first property in Austin Street and approximately half of the frontage of my property is already sealed. Why should I pay the same amount of money for this project as the property owners in the street that own two and three blocks.

I would like someone from Latrobe City to look at my property because obviously my comments in earlier correspondence have been ignored.

I request a meeting with either yourself or someone from Latrobe City regarding this matter.

Kind Regards



Kim Norris
8 Austin Street
BOOLARRA 3870

cc. Cr Darrell White

Feedback Form

Our Ref: SCS2011/3
10 Austin Street, BOOLARRA
Returning Officer: Carol Stokes

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
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<input type="checkbox"/> Copy registered in DataWorks <input type="checkbox"/> Invoice forwarded to accounts	



Latrobe City
a new energy

PROPOSED SEALING OF AUSTIN STREET, BOOLARRA, BETWEEN PENALUNA STREET AND HENRY STREET

Further to the Community Meeting held on Thursday, 15 December 2011, where concept plans and estimate total costs were discussed, please confirm your opinion to participate by ticking the appropriate box in relation to the sealing of Austin Street, Boolarra. Please return this Feedback Form to Latrobe City Council in the reply paid envelope by Monday, 27 February 2012.

1. I agree to participate in a Special Charge Scheme to seal Austin Street, Boolarra, and contribute \$5,000 per rateable property.

agree	disagree
<input type="checkbox"/>	<input checked="" type="checkbox"/>

General Comments or Concerns:

Financial Reasons

In the meeting it was mentioned why did Pigery Road get sealed for nothing and we have to pay could we please have a response to this question. Thanks.

(Use other side if insufficient space)

Property Address: 10 Austin st Boolarra
Signed: Bernice Hammond Date: 7/2/2012
Name (please print): Bernice Hammond

Please return your completed form to Latrobe City Council by Monday, 27 February 2012.

There was no reply and envelope.

LATROBE CITY COUNCIL
 INFORMATION MANAGEMENT
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 29 FEB 2012

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Our Ref: SCS2011/3
 24 Austin Street, BOOLARRA
 Returning Officer: Carol Stokes

PROPOSED SEALING OF AUSTIN STREET, BOOLARRA, BETWEEN PENALUNA STREET AND HENRY STREET

Further to the Community Meeting held on Thursday, 15 December 2011, where concept plans and estimate total costs were discussed, please confirm your opinion to participate by ticking the appropriate box in relation to the sealing of Austin Street, Boolarra. Please return this Feedback Form to Latrobe City Council in the reply paid envelope by Monday, 27 February 2012.

1. I agree to participate in a Special Charge Scheme to seal Austin Street, Boolarra, and contribute \$5,000 per rateable property.
- agree disagree
-

General Comments or Concerns:

We bought the property because
it was a small country town and
we liked the dirt road entry.
This was not a concern before the
introduction of heavy vehicles in the
street. This will destroy the look & feel
of the street.

(Use other side if insufficient space)

Property Address: 24 Austin Street
 Signed: [Signature] Date 22-02-12
 Name (please print) IAN HOGG

Please return your completed form to Latrobe City Council by Monday, 27 February 2012.

Feedback Form

Our Ref: SCS2011/3
26 Austin Street, BOOLARRA
Returning Officer: Carol Stokes



PROPOSED SEALING OF AUSTIN STREET, BOOLARRA, BETWEEN PENALUNA STREET AND HENRY STREET

Further to the Community Meeting held on Thursday, 15 December 2011, where concept plans and estimate total costs were discussed, please confirm your opinion to participate by ticking the appropriate box in relation to the sealing of Austin Street, Boolarra. Please return this Feedback Form to Latrobe City Council in the reply paid envelope by Monday, 27 February 2012.

- | | | |
|---|--------------------------|-------------------------------------|
| | agree | disagree |
| 1. I agree to participate in a Special Charge Scheme to seal Austin Street, Boolarra, and contribute \$5,000 per rateable property. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

General Comments or Concerns:

(Use other side if insufficient space)

Property Address: 26 Austin Street Boolarra

Signed: [Signature]

Name (please print): Rosemarie Santamaria

Date: 20.2.2012

Please return your completed form to Latrobe City Council by Monday, 27 February 2012.

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

Feedback Form

Our Ref: SCS 2011/3
 30 Austin Street, BOOLARRA
 Returning Officer: Carol Stokes

LATROBE CITY
 INFORMATION MANAGEMENT **Latrobe City**
 a new energy

RECEIVED
16 OCT 2012

R/O: _____ Doc No: _____

Comments/Copies Circulated to: _____

Copy registered in DataWorks Invoice forwarded to accounts

Dear Mr/s Beamish & Garlick

Please tick the box that reflects your opinion in relation to the sealing of Austin Street, Boolarra. Please return this form to Latrobe City Council in the reply paid envelope by Friday, 19 October 2012.

- | | | |
|---|--------------------------|-------------------------------------|
| | agree | disagree |
| 1. I agree/disagree to participate in a Special Charge Scheme to seal Austin Street, Boolarra and contribute \$5,000 per rateable property. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

General Comments or Concerns:

Our main concern is that we do not believe the cost for this scheme has been divided between the properties fairly. We believe it should be based on the block size/road frontage size. We don't believe it fair that the much bigger sized blocks should be paying the same as the smaller blocks.

(Use other side if insufficient space)

Property Address: *30 Austin Street, Boolarra*
 Signed: *Alexandra Robert Beamish* Date: *15 October 2012*
 Name (please print): *Alexandra Gannik & Robert Beamish*

Please return your completed form to Latrobe City Council by Friday, 19 October 2012.

GOVERNANCE

11.6.1 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 19 November 2012.

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 between 10 October 2012 and 15 November 2012 inclusive:

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
18-Oct-12	Traralgon CBD Safety Meeting Roadsafe funding application for Breath Testing Devices, CCTV, Late Night Bus Service, Chamber of Commerce Safety Forum, Police Activity	Cr Kam Steve Tong, David Lane	NIL
12-Nov-12	Issues and Discussion Session 4.3 Future Presentations to Issues and Discussion Sessions 6. Upcoming Significant Items 7.1 New Issues 8.2.1 Regional Development Australia Fund 8.7.1 Establishment of Council Committee Policy 8.7.2 Review of Council Delegates and Committees 8.8.1 Christmas Operating Arrangements 2012/2013	Cr Gibbons, Cr Gibson, Cr Harriman, Cr Kam, Cr Middlemiss, Cr Rossiter, Cr O'Callaghan, Cr Sindt, Cr White Paul Buckley, Michael Edgar, Carol Jeffs, Jacinta Kennedy, Zemeel Saba, Grantley Switzer	Cr Kam declared a direct and indirect interest under S.77B and 78 of the LGA 1989 in Item 8.2.1. Cr O'Callaghan declared an indirect interest under S.78A of the LGA 1989 in Item 8.7.1. Cr O'Callaghan declared an indirect interest under S.78 of the LGA 1989 in Item 8.7.1.
15-Nov-12	Traralgon CBD Safety Meeting Approval of newsletter, night time bus service, CCTV cameras, Committee Action Plan	Cr Harriman David Lane	NIL

4. RECOMMENDATION

That Council note this report.

Moved: Cr White

Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

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Assembly of Councillors Record

Assembly details: Traralgon CBD Safety Meeting

Date: Thursday, 18 October 2012

Time: 9.10 am - 10.05 am

Assembly Location: Traralgon Police Station, Kay Street Traralgon.

In Attendance:

Councillors: Sandy Kam,

Officer/s: Steve Tong, David Lane

Matter/s Discussed: Roadsafe funding application for Breath Testing Devices, CCTV, Late Night Bus Service, Chamber of Commerce Safety Forum, Police Activity

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: David Lane

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

Assembly details: Issues and Discussions Session

Date: Monday, 12 November 2012

Time: 6:00 PM

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

In Attendance:

Councillors: Cr Gibbons, Cr Gibson, Cr Harriman, Cr Kam, Cr Middlemiss, Cr O'Callaghan, Cr Rossiter, Cr Sindt, Cr White

Officer/s: Paul Buckley, Michael Edgar, Carol Jeffs, Tom McQualter, Jacinta Kennedy, Zemeel Saba, Grantley Switzer

Matter/s Discussed:

- 4.3 Future Presentations to Issues and Discussion Sessions
- 6. Upcoming Significant Items
- 7.1 New Issues
- 8.2.1 Regional Development Australia Fund
- 8.7.1 Establishment of Council Committee Policy
- 8.7.2 Review of Council Delegates and Committees
- 8.8.1 Christmas Operating Arrangements 2012/2013

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

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

Councillors:

Cr Kam declared a direct and an indirect interest under Sections 77B and 78 of the *Local Government Act 1989* in respect of Item 8.2.1 – Regional Development Australia Fund - Discussion.

Cr O'Callaghan declared an indirect interest under Section 78A of the *Local Government Act 1989* in respect of Item 8.7.1 – Council Committees, Low Carbon Emissions Future Transition Committee discussion.

Cr O'Callaghan declared an indirect interest under Section 78 of the *Local Government Act 1989* in respect of Item 8.7.1 – Discussion regarding Nova Power.

Officer/s: NIL

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

Cr Kam left the Chamber due to Conflict of Interest at 7.21pm and returned at 7.35pm

Cr O'Callaghan left the Chamber due to Conflict of Interest at 8.18pm and returned at 8.19pm

Cr O'Callaghan left the Chamber due to Conflict of Interest at 8.20pm and returned at 8.21pm

Completed by: JAYNE EMANS

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

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

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

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

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

The above required information is:

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

2. Section 76AA definition:

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

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

Brief Explanation:

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

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

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

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

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

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

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

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

Section 80A(3)

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

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

Section 80B

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

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

Assembly of Councillors Record

Assembly details: Traralgon CBD Safety Meeting

Date: Thursday, 15 November 2012

Time: 9.00 am - 10.00 am

Assembly Location: Traralgon Police Station, Kay Street Traralgon.

In Attendance:

Councillors: Dale Harriman,

Officer/s: David Lane

Matter/s Discussed:

Approval of newsletter, Night time bus service, CCTV cameras, Committee Action Plan

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: David Lane

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

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

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

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The 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;

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

Brief Explanation:

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

- Councillor Briefings;
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- 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.

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- 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.

11.6.2 COUNCIL MEETING SCHEDULE FOR 2013

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. INTRODUCTION

The purpose of this report is to table the proposed Council Meeting and Issues and Discussion Sessions Meeting schedule for 2013.

2. DECLARATION OF INTERESTS

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

3. OFFICER COMMENTS

Local Law 1 states that “Council must from time to time fix the date, time and place of all Ordinary meetings”.

At the Ordinary Council Meeting on 19 November 2012 the following order of Urgent Business was adopted:

1. *In accordance with Clause 13 of Council’s Local Law No 1 – Meeting Procedure Local Law, Council change the starting time of the Ordinary Council Meetings to 5.30pm on the first and third Mondays of each month, except when special circumstances exist (e.g. Public Holidays) from 3rd December 2012.*
2. *That a report be presented at the Ordinary Council Meeting to be held 3rd December 2012 outlining the Council meeting schedule for 2012/2013.*

In line with this resolution, the 2013 Meeting Schedule is attached for Council’s consideration. If adopted, the meeting schedule will be published on Council’s website and advertised via the Council Noticeboard in the Latrobe Valley Express.

4. RECOMMENDATION

That Council note this report.

Moved: Cr Gibson
Seconded: Cr Gibbons

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

.

DRAFT V3
LATROBE CITY COUNCIL – 2013 MEETING SCHEDULE

DATE	MEETING	DEADLINE 12 pm
TUESDAY - 29 January 2013	Issues & Discussion Session	Monday - 21 January 2013
Monday – 4 February 2013	Ordinary Council	Monday - 21 January 2013
Monday – 11 February 2013	Issues & Discussion Session	Monday – 4 February 2013
Monday - 18 February 2013	Ordinary Council	Monday – 4 February 2013
Monday - 25 February 2013	Issues & Discussion Session	Monday - 18 February 2013
Monday – 4 March 2013	Ordinary Council	Monday - 18 February 2013
Monday – 11 March 2013 – LABOUR DAY PUBLIC HOLIDAY		
TUESDAY - 12 March 2013	Issues & Discussion Session	Monday – 4 March 2013
Monday - 18 March 2013	Ordinary Council	Monday – 4 March 2013
Monday - 25 March 2013	Issues & Discussion Session	Monday - 18 March 2013
Monday – 1 April 2013 – EASTER MONDAY - FREE NIGHT		
Monday – 8 April 2013	Ordinary Council	Monday - 18 March 2013
Monday - 15 April 2013	Issues & Discussion Session	Monday – 8 April 2013
Monday - 22 April 2013	Ordinary Council	Monday – 8 April 2013
Monday - 29 April 2013	Issues & Discussion Session	Monday - 22 April 2013
Monday - 6 May 2013	Ordinary Council	Monday - 22 April 2013
Monday – 13 May 2013	Issues & Discussion Session	Monday - 6 May 2013
Monday – 20 May 2013	Ordinary Council	Monday - 6 May 2013
Monday - 27 May 2013	Issues & Discussion Session	Monday – 20 May 2013
Monday – 3 June 2013	Ordinary Council	Monday – 20 May 2013
Monday – 10 June 2013 – QUEENS BIRTHDAY		
TUESDAY – 11 June 2013	Issues & Discussion Session	Monday – 3 June 2013
Monday - 17 June 2013	Ordinary Council	Monday – 3 June 2013
Monday - 24 June 2013	Issues & Discussion Session	Monday - 17 June 2013
Monday – 1 July 2013	Ordinary Council	Monday - 17 June 2013
Monday - 8 July 2013	Issues & Discussion Session	Monday - 1 July 2013
Monday – 15 July 2013	Ordinary Council	Monday - 1 July 2013
Monday – 22 July 2013 – FREE NIGHT		

DATE	MEETING	DEADLINE 12 pm
Monday - 29 July 2013	Issues & Discussion Session	Monday - 22 July 2013
Monday - 5 August 2013	Ordinary Council	Monday - 22 July 2013
Monday - 12 August 2013	Issues & Discussion Session	Monday - 5 August 2013
Monday - 19 August 2013	Ordinary Council	Monday - 5 August 2013
Monday - 26 August 2013	Issues & Discussion Session	Monday - 19 August 2013
Monday - 2 September 2013	Ordinary Council	Monday - 19 August 2013
Monday - 9 September 2013	Issues & Discussion Session	Monday - 2 September 2013
Monday - 16 September 2013	Ordinary Council	Monday - 2 September 2013
Monday - 23 September 2013 - FREE NIGHT		
Monday - 30 September 2013	Issues & Discussion Session	Monday - 23 September 2013
Monday - 7 October 2013	Ordinary Council	Monday - 23 September 2013
Monday - 14 October 2013	Issues & Discussion Session	Monday - 7 October 2013
Monday - 21 October 2013	Ordinary Council	Monday - 7 October 2013
Monday - 28 October 2013	Issues & Discussion Session	Monday - 21 October 2013
TUESDAY - 5 November 2013 - MELBOURNE CUP DAY PUBLIC HOLIDAY		
Wednesday - 6 Nov 2013	Ordinary Council	Monday - 21 October 2013
Monday - 11 November 2013	Issues & Discussion Session	FRIDAY - 1 November 2013
Monday - 18 November 2013	Ordinary Council	FRIDAY - 1 November 2013
Monday - 25 November 2013	Issues & Discussion Session	Monday - 18 November 2013
Monday - 2 December 2013	Ordinary Council	Monday - 18 November 2013
Monday - 9 December 2013	Issues & Discussion Session	Monday - 2 December 2013
Monday - 16 December 2013	Ordinary Council	Monday - 2 December 2013

11.6.3 ESTABLISHMENT OF COUNCIL COMMITTEE POLICY

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present the *Establishment of Council Committee Policy [12 POL-1]* to Council for consideration.

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 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Governance

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

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

Gippsland's Regional City
Strengthening our profile

Positioned for a Low Carbon Future
Advancing industry and innovation

An active connected and caring community
Supporting all

Attract, retain, support
Enhancing opportunity, learning and lifestyles

Strategic Direction – Governance

- Support effective community engagement to increase community participation in Council decision making.
- Conduct all Council and committee meetings in strict accordance with the law and in an open and transparent manner.
- Delegate appropriately and make sound decisions having regard to legislative requirements, policies, professional advice, sound and thorough research and the views of the community.
- Implement the strategic objectives as detailed in the Council Plan, review it annually to ensure that it reflects community expectations and our commitments to financial responsibility.
- Provide regular reports on Council's performance including strategic objectives and Council's progress towards Latrobe 2026.
- Provide timely, effective and accessible information about Latrobe City Council's activities.
- Ensure that Latrobe City Council continues to meet the highest standards of financial probity and is financially sustainable.
- Ensure that all strategic decisions reflect Latrobe City Council's Long Term Financial Plan and Annual Budget.
- Conduct a 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.
- Ensure that Latrobe City Council applies a sound risk management approach to decision making and service delivery.

Legislation – Local Government Act 1989

Section 3: Definitions – assembly of Councillors

Section 86: Special committees of the Council

Section 87: Special committee meetings

Section 139: Audit committee

Legislation – Emergency Management Act 1986

Section 20: Municipal emergency management plan

Section 21: Municipal co-ordination and planning

Policy – Council Policy Development Policy 11 POL-5

4. BACKGROUND

In 2009, following amendments to the *Local Government Act 1989*, Council resolved to remove the special committee status (pursuant to section 86 of the Act) of a number of committees. The re-classification inadvertently created confusion amongst this group of committees as to their governance rights / obligations as well as some finance and insurance issues.

More generally, the governance around the establishment and operation of Council Committees has been somewhat ad-hoc and inconsistent.

As part of the *Community Engagement Plan 2010-2014*, Council adopted an action to:

“4.1. Undertake a review of all committees and ensure appropriate governance, support and reporting mechanisms in place.”

Accordingly, officers have reviewed the process of establishing Committees throughout the Council to ensure that there is a consistent approach to committees across the organisation.

The new Policy is the culmination of 12 months of extensive consultation across all departments within the organisation involving management, officer committee delegates and administration officers.

The key points arising from those sessions were:

- The role of Council’s officer(s) on/to committees;
- The types of Council Committees proposed (categories) and the options that exist;
- Clear definition of each category and the parameters applicable to each;
- Clear statement on Insurance cover (if any) applicable to each category;
- Provision of Standard templates.

In devising the committee policy model for the future, consideration was given to:

- Council's exposure to risk;
- Empowering and collaborating with the community in accordance with Council's *Community Engagement Plan 2010 – 2014*;
- Providing the next Council with the opportunity for less Councillor representation (delegates) on the various committees of council, if desired;
- Staff Resources –Officer representation &/or administration;
- Legal opinion on Advisory Committees;
- Wellington Shire's *Committees Policy* model and associated templates.

Much time was devoted to the issue of committee insurance, particularly for the former s.86 special committees which were re-classified in February 2009.

It has now been firmly established that members of any committee established by Council under the *Local Government Act 1989* or any other enabling legislation are covered under Council's insurance when acting within the scope of their Instrument of Delegation or Terms of Reference.

Furthermore, the members of an incorporated committee of management which Council didn't establish but which is contracted (and empowered) by Council to manage a Council owned/controlled facility on its behalf under a *controlling* instrument (eg. a Licence and/or Service Agreement) will still fall within Council's public liability policy. The policy states:

“All former and/or present Mayors, Presidents, Chairmen, Commissioners, Councillors, Board Members, Executives, Officers and Employees of the Participant, Authorised Officers and Members of any Committee established by the Participant under the Local Government Act or any other enabling legislation, and Welfare Organisations, Fire, Medical and Emergency Services and Voluntary Workers (including incorporated non-remunerated volunteer management committees carrying out delegated functions, powers and duties of the Participant/Council) all whilst acting in that capacity within the scope of their duties for and on behalf of the Participant.”

5. ISSUES

The attached *Establishment of Council Committee Policy* aims to encourage best practice and provide direction in relation to:

- The establishment of a Committee by Council;
- The appointment, roles and responsibilities of committees;
- The circumstances and purposes associated with the establishment and operation of committees;
- The enabling mechanisms which are necessary and/or appropriate for the establishment and operation of committees in various circumstances.

The policy recognises the important role that committees play in providing advice and/or services to Council and establishes:

- The various forms of committee/s supported by Council.
- The guiding principles for the appointment of Committees.
- The relationship between Council and the different forms of Committees.

The primary purpose of this policy is to set guidelines for the establishment of a Committee by Latrobe City Council.

Given the large number of committees which currently enjoy council representation, the Policy provides for progressive practical implementation across the organisation triggered by any one of the following events:

- (a) the formation of a new Committee of Council; or
- (b) the review of the governance arrangements of an existing Committee; and/or
- (c) the appointment of Councillor and/or Officer delegates and/or community representatives to a committee(s) by Council.

If adopted by Council, the *Establishment of Council Committee Policy [12 POL-1]* will be incorporated into the 2009 – 2012 *Council Policy Manual* and be made available to the public on Council's website.

6. FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

There are not considered to be any risks associated with this report.

Significant staff resources are involved in the establishment of new committees and the ongoing management and administration of user groups and committees. Accordingly, Council will need to consider the resource implications when deliberating any proposal to establish a new Committee of Council.

7. **INTERNAL / EXTERNAL CONSULTATION**

Engagement Method Used:

As part of the *Community Engagement Plan 2010-2014*, Council adopted an action to:

“4.1. Undertake a review of all committees and ensure appropriate governance, support and reporting mechanisms in place.”

The draft Establishment of Council Committee Policy as presented follows extensive internal consultation to ensure that there is a consistent approach to committees across the organisation.

Details of Community Consultation / Results of Engagement:

Should Council adopt the *Establishment of Council Committee Policy [12 POL-1]*, a series of information sessions will be provided as required over the course of the next 12 months for members of any Committee of Council.

8. **OPTIONS**

1. Adopt the Establishment of Council Committee Policy as presented.
2. Amend and adopt the attached Establishment of Council Committee Policy.
3. Request a further report exploring an alternative policy approach.

9. **CONCLUSION**

The Establishment of Council Committee Policy [12 POL-1] has been developed following the completion of the review of all committees to ensure appropriate governance, support and reporting mechanisms are in place, as required by the *Community Engagement Plan 2010-2014*.

The new policy is the culmination of the comprehensive review undertaken over 12 months across all departments within the organisation involving management, officer committee delegates and administration officers.

The primary purpose of the Establishment of Council Committee Policy [12 POL-1] is to set guidelines for the establishment of a Committee by Latrobe City Council to ensure that there is a consistent approach to committees across the organisation.

10. RECOMMENDATION

- 1. That Council adopts the Establishment of Council Committee Policy [12 POL-1].**
- 2. That the revised *2009-2012 Council Policy Manual* [12 POL-4] be produced and made available to the public.**

Moved: Cr White

Seconded: Cr Rossiter

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

.

Policy Goals

This policy aims to encourage best practice and provide direction in relation to:

- The establishment of a Committee by Council;
- The appointment, roles and responsibilities of committees;
- The circumstances and purposes associated with the establishment and operation of committees;
- The enabling mechanisms which are necessary and/or appropriate for the establishment and operation of committees in various circumstances.

The policy recognises the important role that committees play in providing advice and/or services to Council and establishes:

1. The various forms of committee/s supported by Council.
2. The guiding principles for the appointment of Committees.
3. The relationship between Council and the different forms of Committees.

Relationship to Council Plan & Latrobe 2026

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

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.
- Conduct all Council and committee meetings in strict accordance with the law and in an open and transparent manner.
- Delegate appropriately and make sound decisions having regard to legislative requirements, policies, professional advice, sound and thorough research and the views of the community.
- Conduct regular review of Latrobe City Council policies to ensure that they reflect aspirations of the community.
- Ensure that Council decision-making considers adopted policies.

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:

- Ensure public infrastructure is maintained in accordance with community aspirations.

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:

- Develop and maintain high quality recreation, leisure and sporting facilities 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:

- Plan, facilitate, develop and maintain public infrastructure and assets that strengthen the cultural vitality of the municipality.

Economy

Latrobe 2026:

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

Council Plan:

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

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:

- Facilitate and support initiatives that strengthen the capacity of the community.
- Promote community participation and volunteerism to support improved health and wellbeing through all stage of life.

Definitions

Committee — a committee whether:

- (i) A special committee of Council formally established under the provisions of Section 86 of the Local Government Act 1989;
- (ii) An incorporated or unincorporated Committee of Management that has been established with the primary role of managing a community facility for use by the public;
- (iii) A volunteer community group established to develop, enhance and/or maintain a community facility by undertaking *substantive* improvements and/or grounds maintenance works on an ongoing basis;
- (iv) An Advisory Committee, Reference Group, Project Reference Group (under Council's Project Governance Policy) or Working Party containing stakeholders, with Councillor and/or Officer representation;
- (v) A 'Friends of' volunteer group or multi-user group operating as a representative tenants group to advise Council on a community facility that is directly managed by the Council;
- (vi) An external association, unincorporated task force or general working group, containing representation from Council;
- (vii) A body incorporated under the Associations Incorporation Act 1981; or
- (viii) A committee appointed by the Crown under the *Crown Land (Reserves) Act 1978*.

Council Owned Property — real property to which the Council has title whether:

- (a) In fee simple estate;
- (b) By possession;
- (c) A restrictive Crown grant;
- (d) A restrictive, in fee simple Crown grant; or
- (e) An in fee simple Crown grant.

Council Controlled Property — real property in which the Council has a major and controlling interest whether through:

- (a) A lease or licence;
- (b) As committee of management under the *Crown Land (Reserves) Act 1978*;
- (c) Some other grant, demise, gift, benefit or bequest; or
- (d) Specific legislation or law enacted by the Parliament.

Community Facility — real property accommodating community infrastructure, such as public halls, recreation facilities and the like, which have broad community use and are used for multi-purpose cultural, community and/or recreational purposes.

Management — the maintenance, hire, control, operation, occupancy, use, conservation, promotion and/or development of property.

Guiding Principles

Council recognises that representative committees provide an important service to both the Council and the community. The appointment of community-based committees by Council:

- Encourages community participation and strengthens the sense of community within the City;
- Allows and encourages networking and resource sharing between people working towards a common goal;
- Enhances ongoing community consultation and strengthens channels of communication;
- Provides Council with an appropriate mechanism to formally engage and consult with stakeholders on activities that are planned for the life of a project or initiative and to develop and deliver truly sustainable and socially acceptable solutions;
- Allows Council to delegate certain functions, duties and powers to the community, enabling direct community involvement, accountability and ownership for projects and properties.

Policy Implementation

The primary purpose of this policy is to set guidelines for the establishment of a Committee by Latrobe City Council.

The Policy is to be implemented by practical application upon:

- (a) the formation of a new Committee of Council; or
- (b) the review of the governance arrangements of an existing Committee; and/or
- (c) the appointment of Councillor and/or Officer delegates and/or community representatives to a committee(s) by Council.

Committee Hierarchy

The following classifications will apply to committees established by Council:

Section 86 Special Committee of Council –empowered to make decisions and effectively operate as the Council under delegation pursuant to section 86 of the Local Government Act 1989 with statutory obligations to:

- (a) control and operate a strategic recreational, cultural and community facility; or
- (b) advise on a strategy, policy or topic.

Operational (Works) Committee of Council – for the management of Council owned/controlled land or facility and categorised as either:

- (a) Incorporated Committee of Management – an independent committee entity empowered and licensed by Council under a Service Agreement to manage a community facility on its behalf; or

-
- (b) Unincorporated Committee of Management / Operational Committee – an operational committee established by Council to manage land or facility where Council oversight and/or representation is warranted.

Advisory Committee – for the provision of advice to Council and categorised as either:

- (a) “Friends of” Group – a *non-operational* group of interested volunteers providing collective advice, insight and assistance on the maintenance, operation and upkeep of a community asset or facility which is directly managed by Council; or
- (b) Council Advisory Committee / Advisory Board / Project Working Group / Consultative Committee / Reference Group established:-
- to provide advice and/or community input or feedback on a proposal or project or strategic direction (eg. tourism, safety); or
 - to provide advice and/or community input or feedback on the management of a Council owned or controlled facility.

User Group – a representative tenants group established to provide a consolidated voice and representation for lessees, licensees, occupiers and/or hirers of multi-use community or commercial facility directly controlled by Council

Refer to *Committees of Council – Classification Guide at Appendix A*

Enabling Instruments of Control

The members of **any committee established by Council** under the *Local Government Act 1989* or any other enabling legislation are covered under Council’s insurance when acting within the scope of their Instrument of Delegation or Terms of Reference.

Furthermore, the members of an incorporated committee of management which Council did not establish but which is contracted (and empowered) by Council to manage a Council owned/controlled facility on its behalf under a *controlling* instrument (eg. a Licence and/or Service Agreement) will still fall within Council’s public liability policy. The policy states:

“All former and/or present Mayors, Presidents, Chairmen, Commissioners, Councillors, Board Members, Executives, Officers and Employees of the Participant, Authorised Officers and Members of any Committee established by the Participant under the Local Government Act or any other enabling legislation, and Welfare Organisations, Fire, Medical and Emergency Services and Voluntary Workers (including incorporated non-remunerated volunteer management committees carrying out delegated functions, powers and duties of the Participant/Council) all whilst acting in that capacity within the scope of their duties for and on behalf of the Participant.”

It is therefore a policy requirement that each Committee of Council is to have a controlling instrument in place.

One of the following instruments shall be used to establish a Committee of Council:

Classification	Enabling Instrument	Authorisation
Special Committee of Council	S.86 Instrument of Delegation with Schedule prescribing the Role, Composition, Powers, Duties & Function &/or limitations of the Committee	Executed under seal by Council resolution
Incorporated Operational (Works) Committee of Council	Licence & Service Agreement	Executed under delegation by Council Officer pursuant to Instrument of Delegation
Advisory Committee	Terms of Reference	Adopted by resolution of Council OR
User Group	Terms of Reference	Approved by General Manager

Any proposed Terms of Reference providing for Councillor representation must be presented to Council for formal adoption.

A copy of the duly authorised enabling Instrument is to be lodged with Council Operations for inclusion in the *Committees of Council – Terms of Reference Manual*, which shall be stored within the Governance division and be available for public inspection.

Committee Representation and Appointments

The enabling Instrument will establish the composition of a committee and determine Council's representation on that committee. It should also prescribe the level of community representation on the committee and the term of office for community-representative members (if any).

A Councillor or council officer can be personally appointed as Council's delegate on the committee and/or designated by Ward or Position Title. Council can appoint Councillor and officer delegates to a Committee as a stand-alone item of business; or collectively from time to time on a committee by committee basis within the standard *Council Delegates and Committees Instrument of Delegation*.

Council may also appoint a delegate(s) to an Association or to a Working Group, Advisory Group, Consultative Committee or any other form of committee which has been established by an authority, body or entity other than Council. Any committee with Council representation falling within this category will be classified and listed as an **External Committee** within the *Council Delegates and Committees Instrument of Delegation*.

Any proposal to appoint a Council or community representative to a Committee will be the subject of a report to Council and considered as a confidential item of business if necessary. Nomination(s) to fill a vacancy can be the culmination of a public expression of interest process and/or an invitation extended to a suitably qualified person to nominate for the vacant position.

Dissolution

Council may determine and/or prescribe the lifespan for any Committee of Council at the outset on deciding to establish the committee.

In any event, Latrobe City Council reserves the right to formally dissolve, wind up and/or disband any Committee established by Council resolution at any time. The winding up of any other established committee shall be at the discretion of the Chief Executive Officer.

Related Policy:

- Project Governance 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 : ... / ... /2012.

Committees of Council CLASSIFICATION GUIDE

Classification	Category (if applicable)	Definition
Special Committee		Committee bound by and established by Council pursuant to Section 86 of the <i>Local Government Act</i> 1989 with delegated authority to control and operate a strategic recreational, cultural or community facility; or to advise on a strategy, policy or topic.
Operational (Works) Committee of Council	Incorporated Committee of Management	An independent body incorporated under the <i>Associations Incorporation Act</i> 1981 engaged by Council to manage a Council owned / controlled community facility under the provisions and within the scope of a Service Agreement with Council.
	Unincorporated Committee of Management / Operational Committee	A Committee established by Council to manage a Council owned / controlled community facility within the scope of adopted Terms of Reference.
Advisory Committee	"Friends of" Group	A committee / 'Friends of' group of community volunteers established to both advise Council and substantially assist Council to maintain a community facility by undertaking improvement and/or grounds maintenance works which are co-ordinated by Council..
	Council Advisory Committee / Advisory Board / Project Working Group / Consultative Committee / Reference Group	An Advisory Committee, Reference Group, Project Reference Group (under Council's Project Governance Policy) or Working Party established by Council pursuant to Terms of Reference comprising stakeholders, with Councillor and/or Officer representation.
User Group		A group established to provide lessees, licensees, users &/or hirers of multi-use community or commercial facilities that are direct managed by Council with a collective voice & representation.
External Committee	Committee of Management [Crown Controlled Community Facilities]	A Committee established under the <i>Crown Land (Reserves) Act</i> 1978.
	External Representative Committee	An external committee, Working Group, Advisory Group and/or Association to which Council appoints a Council and/or Officer delegate(s).

**11.6.4 POTENTIAL ROAD DISCONTINUANCE AND SALE OF LAND -
PART CATTERICK LANE, TRARALGON**

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to consider a joint request for the discontinuance and sale of part of Catterick Lane, Traralgon, and seek Council's approval to commence the statutory process by giving public notice of the proposal.

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 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Governance

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

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

An active connected and caring community
Supporting all

Strategic Direction – Governance

Support effective community engagement to increase community participation in Council decision making.

Legislation

Local Government Act 1989

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

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

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

Policy

Council has not adopted a policy relating to the discontinuance of roads. Council has previously discontinued and laneways and sold the land to adjoining property owners, Blundell Lane Traralgon being the most recent.

4. BACKGROUND

Council has received a joint application (refer attachment 1) from the owners of 38 Washington Street, and 13 Bernard Avenue, Traralgon to discontinue and acquire part of Catterick Lane, Traralgon. This section of laneway runs between Washington Street and Bernard Avenue, Traralgon as shown on attachment 2.

Catterick Lane was originally created as road reserve in 1950 on Plan of Subdivision LP 20160. The laneway is contained in Certificate of Title Volume 7239 Folio 603, registered in the name of Australian Paper Manufacturers, the original owner and subdivider of the land.

Catterick Lane is three metres wide, fully constructed and is fenced along both sides at a height of approximate 1.83 metres. The laneway provides a pedestrian link from Washington Street to Bernard Avenue, Traralgon.

At the Washington Street end there is a drainage grate and inspection pit lid connected to an underground storm water pipe that runs the length of the laneway. In addition a sewer main crosses the middle of the laneway in a north / south direction (a Gippsland Water asset).

At the Bernard Avenue end a power pole wire stay encroaches into the lane, this is a Sp Ausnet asset.

Recent photographs of the laneway are provided in attachment 3.

5. ISSUES

The applicants have advised that there have been numerous acts of vandalism and anti social behaviour that have occurred in the laneway. There have also been incidents of property damage when neighbouring homes have had rocks thrown on their roofs during the night by people walking through the laneway and items have been stolen from a work vehicle.

Council pursuant to the *Local Government Act* 1989 and also the *Road Management Act* 2004 is the designated Road Management Authority being responsible for the care and management of this section of laneway.

Pursuant to Section 206 and Schedule 10 Clause 3 of *the Local Government Act* 1989, Council is empowered to discontinue a road reserve or part thereof and if it desires sell the land whether or not it is the registered owner. The land vests in the name of Council from the date that the road discontinuance order is published in the Government Gazette. This notice will general free the land of any encumbrances and brings it in under the operation of the *Transfer of Land Act* 1958.

In the event Council discontinues this section of laneway and sells the land, it is considered that this should only cause minor inconvenience to pedestrian traffic that currently acces the laneway. There are a number of alternate routes available for pedestrians that link Washington Street and Bernard Avenue including via Garibaldi Street and also Princes Street.

Should part of Catterick Lane be discontinued, it is proposed that the laneway be transferred to the applicants viz: the eastern end of laneway Transferred to the owner of 13 Bernard Avenue and the western end transferred to the owner of 38 Washington Street.

It is noted that the applicants have previously notified the two other property owners abutting the laneway. Neither of these property owners have expressed interest in acquiring part of the laneway. Should Council proceed, the owners of the properties abutting the laneway will receive formal advice of the proposed closure and sale and be invited to comment as part of the public consultation process.

6. FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

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 Victorian Government Gazette.

Should Council resolve to discontinue part of Catterick Lane 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:

- Public notices in the Latrobe Valley Express in December 2012 and January 2013.
- An A3 size copy of the public notice attached to the paling fence at each end of the section of laneway.
- Letters to residents in the immediate area together with Victoria Police, Gippsland Water and SP Ausnet.
- Details of the proposed closure and sale will be placed on the Latrobe City Council Web Site, and
- A copy of the public notice to be put on display at the Traralgon Service Centre.

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 Council meeting.

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

8. OPTIONS

Council may resolve to either:

1. Commence the statutory process to discontinue part of Catterick Lane, Traralgon, by giving public notice of its intention to consider the discontinuance and seek public comment.
2. Not continue with the statutory process which will require no further action to be taken.

9. CONCLUSION

The applicants claim that Catterick Lane, Traralgon has been subject to numerous acts of vandalism, anti social behaviour and property damage which may pose as a risk to pedestrians and home owners whose property abuts the laneway.

It is considered that the proposed discontinuance of part of Catterick Lane, Traralgon would not have a major impact on pedestrian traffic as there are a number of alternate access routes in the area. It would also eliminate the instances of vandalism, antisocial behaviour and property damage.

10. RECOMMENDATION

That Council:

1. **Gives public notice of its intention to consider the proposed discontinuance and sale by private treaty of part of Catterick Lane, Traralgon pursuant to Section 206 and Schedule 10 Clause 3 of the *Local Government Act 1989*.**
2. **Consider any submissions received in relation to the proposed discontinuance of part of Catterick Lane, Traralgon at the Ordinary Council Meeting to be held Monday 4 February 2013.**

Moved: Cr White

Seconded: Cr Sindt

That the Recommendation be adopted.

For the Motion

Councillor/s White, Sindt, Middlemiss, Gibbons, Rossiter

Against the Motion

Councillor/s Harriman, O'Callaghan, Kam, Gibson

The Mayor confirmed that the Recommendation had been CARRIED

ATTACHMENT ONE
JOINT APPLICATION LETTER

13/06/12

To Whom It May Concern

Over the past two years there has been several incidents involving the laneway next to my property on which two occasions the police were called out.

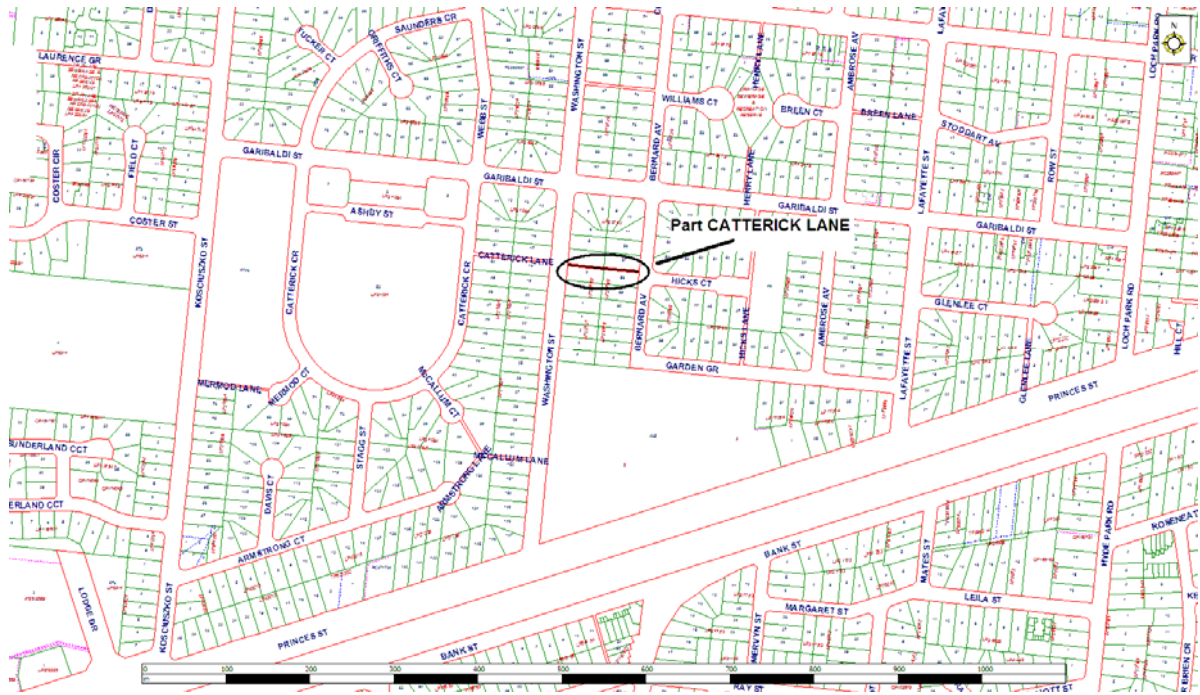
We have had vandalism to the laneway, people drinking in the lane at night, throwing rocks from the lane on our roof were on one occasion my house window was smashed, a drunk person trespassing on our property and tools stolen from my work ute when parked in my drive way alongside the laneway, after speaking to my neighbours they have told me some similar storeys.

Because of these repeated incidents I have spoken to Henry Morrison from Latrobe City Council about applying to have the concerned laneway closed, he was very helpful and informative when speaking to him about this matter.

I have spoken to all neighbours concerned about this matter and the owners of 38 Washington st and 13 Bernard av are happy to share the cost to purchase the land from the council if possible to see the laneway closed.

If there is any questions about this matter you would like to speak to me about please feel free to call me on [redacted] I thank you for your time and look forward to your response.

ATTACHMENT TWO LOCALITY PLAN & AERIAL IMAGE



ATTACHMENT THREE
PHOTOGRAPHS



PHOTO TAKEN FROM WASHINGTON STREET LOOKING EAST.



11.6.5 **PROPOSED ROAD DISCONTINUANCE AND SALE OF LAND - DONALDSON LANE AND FLEMING STREET, MORWELL**

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to consider a request for the discontinuance and sale of part of Donaldson Lane together with the transfer of two parcels of Council land adjoining 1-3A Fleming Street, Morwell, and to seek Council's approval to commence the statutory process by giving public notice of the proposal.

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 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Governance

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

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

An active, connected and caring community
Supporting all.

Strategic Direction – Governance

- Support effective community engagement to increase community participation in Council decision making.
- Delegate appropriately and make sound decisions having regard to legislative requirements, policies, professional advice, sound and thorough research and the views of the community.

- Provide timely, effective and accessible information about Latrobe City Council's activities.

Legislation

Local Government Act 1989

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

- (a) ensure that public notice of the intention to do so is given at least 4 weeks prior to selling or exchanging the land; and
- (b) obtain from a person who holds the qualifications of 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.

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

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

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

Both of these powers are subject to Section 223 of the *Local Government Act* 1989 which requires Council "publish a public notice stating that submissions in respect of the matter specified in the public notice will be considered in accordance with this section."

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

Policy – *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 position that the sale of Council owned property will be via public auction unless circumstances exist that justify an alternative method of sale.

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

4. BACKGROUND

Council has received an application from Anglicare Victoria to acquire part of Donaldson Lane between their offices at 1-3A Fleming Street and 65 Church Street, Morwell, as shown on the attached plan.

Donaldson Lane was originally created in 1933 on LP 13729 and is contained in Certificate of Title Volume 4952 Folio 331 which remains in the name of Neil Chamberlain who acquired the land in 1925.

The laneway is 3.6 metres wide and runs from Church Street through to Fleming Street and provided rear access to residential properties facing Fleming Street. Apart from the section of laneway that Anglicare Victoria currently use for car parking and wish to acquire, the laneway is unconstructed and is unused.

During investigation of this request it was identified that there are two additional parcels of Council owned land that have been incorporated into the Anglicare property as part of the frontage to Fleming Street. These two parcels of land, shown on the attached plan, are described as Lot 1 on Title Plan 142444 and Lot 1 on Title Plan 143992 being the land contained in Certificates of Title Volume 9918 Folio 212 and Volume 9963 Folio 797 respectively.

Both of these parcels of land were acquired in 1989 by the former Shire of Morwell and are 6 metres wide and 16.46 metres in length with a combined area of approximately 200 square metres.

These parcels of land were originally acquired from a previous owner of 1-3A Fleming Street for road widening purposes.

5. ISSUES

Anglicare Victoria are proposing to redevelop the site and this would involve consolidating their two properties with the section of the laneway that separates them, together with the two parcels of land owned by Council.

There are gates at the rear of 7 Fleming Street however the properties at 5 and 9 Fleming Street do not use the lane for access.

Gippsland Water has confirmed that there is a 150mm VC Sewer Main located within the land and it would therefore be a requirement, if the land was to be sold, for it to be encumbered with an easement for pipeline or ancillary purposes to protect this asset. This would have an impact on what would be able to be done with the land should it be transferred.

Anglicare Victoria has been informed of this requirement and it has been indicated that will be taken into account when preparing preliminary designs for their new building.

It is noted that Fleming Street was fully reconstructed (kerb, channel and road pavement) in April 2009 and the land previously acquired for road widening was not required as part of this reconstruction.

Whilst the adopted Sale of Council Owned Property Policy states that the preferred method of sale is by public auction, in this instance Anglicare Victoria would be the only interested purchaser. Accordingly it would be appropriate to consider selling the section of laneway and two parcels of Council land adjoining 1-3A Fleming Street by private treaty.

6. FINANCIAL, RISK AND RESOURCES IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014. No significant risks have been identified.

Costs associated with this statutory process are minimal, being the cost of public notices in the Latrobe Valley Express inviting submissions and an order placed in the Victoria Government Gazette

Should Council resolve to discontinue this part of the laneway and transfer the land all survey and legal costs would be borne by Anglicare Victoria.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Proposed:

- Public notices in the Latrobe Valley Express in November 2121 and late January 2013
- Letters to residents in the immediate area.
- Notices placed at either end of Donaldson Lane.
- Notices placed at Corporation Headquarters and Morwell Library.

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 in 2013.

The proposed road discontinuance has been referred internally to Strategic Planning, Statutory Planning and Infrastructure Development for comment and no objections have been received in response.

The proposal has also been referred to Gippsland Water who, as stated above, has confirmed that they have an asset within the laneway that will need to be protected should it be discontinued.

8. OPTIONS

Council may now resolve to either:

1. Commence the statutory process to discontinue and transfer part of the unnamed laneway off Church Street, Morwell, together with two parcels of Council land adjoining 1-3A Fleming Street by giving public notice of its intention to consider the discontinuance and transfer and consider public comment.
2. Not continue with the statutory process which will require no further action.

9. CONCLUSION

The section of laneway to be discontinued currently forms part of the car park between the properties owned by Anglicare Victoria at 65 Church Street and 1-3A Fleming Street, Morwell, and it may therefore be considered to be surplus to Council's road network requirements.

Furthermore, the two parcels of Council land that were originally acquired by the former Shire of Morwell for road widening are no longer required for that purpose and may likewise be considered to be surplus to Council requirements.

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

10. RECOMMENDATION

- 1. That Council gives public notice of its intention to consider the proposed discontinuance and transfer of part of the unnamed laneway off Church Street, Morwell, together with the transfer by private treaty of two parcels of land in Fleming Street, Morwell, pursuant to Section 189 and Section 206 and Schedule 10 Clause 3 of the Local Government Act 1989.**
- 2. That Council considers any submissions received in relation to the proposed discontinuance and transfer of part of the unnamed laneway off Church Street, Morwell, together with the transfer by private treaty of two parcels of land in Fleming Street, Morwell, at the Ordinary Council Meeting to be held on 18 February 2013.**

Moved: Cr Middlemiss

Seconded: Cr White

That the Recommendation be adopted.

For the Motion

Councillor/s White, O'Callaghan, Sindt, Kam, Gibson, Middlemiss, Gibbons, Rossiter

Against the Motion

Councillor Harriman

The Mayor confirmed that the Recommendation had been CARRIED

ATTACHMENT ONE



ATTACHMENT TWO

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

21st march 2012

Mr Henry Morrison
Coordinator of Property Services
Latrobe City council
141 Commercial Road
Morwell Victoria 3840.

Re:- Anglicare Victoria Properties **65 Church Street Morwell** and **1-2 Fleming Street Morwell**

Dear Mr Morrison

Anglicare Victoria currently own the two properties listed above, between the two properties is a "Easement" as indicated on the attached titles. We would like to seek Councils approval to purchase this Easement to facilitate expansion of our current buildings.

Could you review any information that Council may have and advise if our request may be possible and what steps we will need to commence this process

Regards

Garry Dalton
Project Manager – Property & Fleet

Anglicare Victoria

Supporting families, building communities

ATTACHMENT THREE

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
(6-40)	RECEIVED 18 JUN 2012
R/O:	Doc No:
Comments/Copies Circulated to:	
<input type="checkbox"/> Copy registered in DataWorks	<input type="checkbox"/> Invoice forwarded to accounts

15th June 2012

Mr Peter Schulz
Property and Statute Officer
Latrobe City council
141 Commercial Road
Morwell Victoria 3840.

Re:- Proposed Road Discontinuance – Church Street Morwell

Dear Mr Schulz

I refer to your correspondence dated 13 June 2012 whereby you request Anglicare Victoria to consider the purchase of parcels of land located adjacent to our Fleming street property.

I wish to advise that Anglicare Vic is very interested in this proposal and would like to receive a proposal for the purchase of these 3 plots of land.

Could you contact me when appropriate to discuss this option.

Regards

Garry Dalton
Project Manager – Property & Fleet

Anglicare Victoria

11.6.6 REVIEW OF DESIGNATED SPECIAL AREAS - BUILDING

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to seek Council's designation of special areas within the municipality where buildings may be subjected to flooding as identified in Latrobe Planning Scheme Amendment C9 and note that the determination of designated bushfire prone areas is now the responsibility of the Minister for Planning. Council has the responsibility to make these designations pursuant to the Building Regulations Act 2006.

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 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

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

Latrobe City Council Plan 2012 - 2016

Strategic Direction – Built Environment (City Planning)

Protect public and private infrastructure against disaster, deterioration and pests through the application of appropriate building and planning controls.

Service Provision – Built Environment (City Planning)

Provide advice, statutory services and enforcement action in accordance with the Building Act.

Legislation –

Regulation 807 of the *Building Regulations Act 2006* (as amended) requires council to designate special areas within the municipal district and prepare maps of those areas which require special consideration in the issuing of building permits.

4. BACKGROUND

Planning and building regulations are necessary to ensure appropriate development. Planning permits control use and development of land, while building permits ensure buildings meet structural and safety requirements.

In considering whether or not to issue a building permit, a building surveyor must consider whether the property would be affected by special conditions, as designated under the Building Regulations. Pursuant to previous regulations, certain designations were declared by Council with respect to land subject to flooding, bushfire, termite infestations, areas subjected to significant snowfalls and land or works subjected to uncontrolled overland flooding.

In respect of designated special areas under the *Building Act 1993* and the *Building Regulations Act 2006*, Council at its Ordinary Meeting of 2 March 2009 resolved:

1. *That Council designates the specified land as shown on the labelled Flood Areas map, within Latrobe City, as areas liable to flooding pursuant to the Building Act 1993 and regulation 802 of the Building Regulations Act 2006.*
2. *That Council designates that all the land, within Latrobe City is likely to be subjected to attack by termites pursuant to the Building Act 1993 and regulation 803 of the Building Regulations Act 2006.*
3. *That Council designates the specified land as shown on the labelled Bushfire Prone Areas map, within Latrobe City, as bushfire prone areas pursuant to the Building Act 1993 and regulation 804 of the Building Regulations Act 2006.*
4. *That Council declares that no areas within Latrobe City are likely to be subjected to significant snowfalls pursuant to the Building Act 1993 and regulation 805 of the Building Regulations Act 2006.*

5. *That Council declares that no areas within Latrobe City are designated land or works subjected to uncontrolled overland drainage pursuant to the Building Act 1993 and regulation 806 of the Building Regulations Act 2006.*

The aim of these designations is to ensure appropriate building development in consideration of the specific environment in which buildings are to be constructed. These designations are a critical component enabling a building surveyor to make an informed decision in respect of determining an application for a building permit.

5. **ISSUES**

Three of the five designations as outlined in the above Council resolution remain current however two require modification.

The three designations that remain in place are that all land within in Latrobe City is likely to be subjected to attack by termites, the designation in respect of significant snowfalls and that no areas within Latrobe City are designated land or work subjected to uncontrolled overland drainage.

The two designations that require modification are in respect of land identified as areas liable to flooding and areas designated as bush fire prone areas within Latrobe City.

5.1 Flood Areas

Building on land that is designated as subject to flooding is not prohibited but requires that the applicant seek consent of Council and consider the potential flooding conditions. Generally building in areas subject to flooding requires that the minimum floor level to be 300mm above the specified flood height. The flood height is set by the West Gippsland Catchment Management Authority.

The levels of individual flood events vary considerably so in establishing a flood level, the degree of risk must be established. Habitable buildings are nominated as an extreme risk; hence a one in a hundred year flood level must be specified.

Amendment C9 introduced new flood provisions into the Latrobe Planning Scheme. Amendment C9 used information from several sources to define flood overlay areas and map them for different areas in the municipality. This information included updated data from four flood studies carried out in Latrobe City between 2000 and 2007, together with revised mapping for three smaller towns provided by the West Gippsland Catchment Management Authority.

Amendment C9, gazetted on 29 March 2012 by the Minister for Planning, modified the Land Subject to Inundation Overlay maps and introduced Floodway Overlay maps into the Latrobe Planning Scheme to reflect updated flood information.

A map illustrating the estimated one in a hundred year flood level for Latrobe City is included in, Attachment 1. This map designates the areas that would require Council consent before issuing a building permit, pursuant to section 24 of the Building Act 1993.

5.2 Bushfire Prone Areas

In 2009 the Black Saturday bushfires affected areas of Latrobe City. Following this event the Victorian Government amended the *Building Regulations 2006* to introduce the *Building Amendment (Bushfire Construction) Regulations 2011* which came into force on 8 September 2011.

The objective of the *Building Amendment (Bushfire Construction) Regulations 2011* was to provide the Minister for Planning with the responsibility to determine designated bushfire prone areas. This brought in uniformity for designation of bushfire prone areas across Victoria. As a consequence, local government has no responsibility for designation of bush fire prone areas or for mapping these areas.

The Minister for Planning must provide each Council with a bushfire prone area map for its area. Attachment 2 provides a map of bushfire prone areas in Latrobe City. These maps were developed as the result of a multi-agency approach from the Department of Planning and Community Services, Department of Sustainability and Environment, Country Fire Authority and the Building Commission of Victoria. These maps can be accessed by the public via an internet enquiry and the maps are also available to the public at Council offices, without charge, during business hours.

The *Building Amendment (Bushfire Construction) Regulations 2011* requires all buildings constructed in a designated bushfire prone area to be constructed to at least the standard applicable to a bushfire attack level determination of 12.5 which is a measurement of radiant heat.

Despite anything to the contrary in the National Construction Code Australia, if a building is to be constructed in a designated bushfire prone area and the bushfire attack level for the site is specified in a planning scheme applying to that site, the relevant building surveyor must accept that bushfire attack level for the purpose of determining the construction requirements that are applicable to the building.

Construction in a designated bushfire prone area requires special features incorporated into the building. Typically these features comprise sealing the roof at the ridge, leaf guards in the gutters, cement sheet lined eaves, wire mesh fly screens, spark guards on the brickwork weepholes, wider gaps in the timber decking and in some extreme situations a restriction on the use of timber.

6. FINANCIAL, RISK AND RESOURCES IMPLICATIONS

There are no financial implications for Council associated with the amended flood provisions for the guidance of building surveyors outlined in Amendment C9 of the Latrobe Planning Scheme. The change of responsibility from Council to the Minister for Planning for the designation of bush fire prone areas including mapping and their respective maintenance.

7. INTERNAL / EXTERNAL CONSULTATION

Flood data is a result of adoption by Council and subsequent gazettal by the Department of Planning and Community Development of Amendment C9 into the Latrobe Planning Scheme.

Further public consultation is not considered necessary in this instance as the locations covered by land subject to flooding were the subject of extensive exhibition and community consultation in the preparation of Amendment C9 prior to its adoption and insertion into the Latrobe Planning Scheme.

The designation for Bush Fire Prone Areas now rests with the Minister for Planning under the *Building Amendment (Bushfire Construction) Regulations 2011*.

8. OPTIONS

Council has the following options:

1. That Council designate the specified land pursuant to the *Building Act 1993*, the *Building Regulations 2006* and the *Building Amendment (Bushfire Construction) Regulations 2011* as follows:
 - Areas liable to flooding as shown on the labelled Flood Areas map in accordance with Amendment C9 of the Latrobe Planning Scheme;
 - Note that the designation and mapping of Bushfire Prone Areas within the municipality is now the responsibility of the Minister for Planning;
2. That Council not adopt the proposed changes or seeks further advice.

9. CONCLUSION

The designation of special areas in the municipality is an important statutory responsibility in accordance with the *Building Act 1993*, the *Building Regulations 2006* and the *Building Amendment (Bushfire Construction) Regulations 2011*. The designation of land ensures that important information in relation to fire, flood, termites, snowfall and overland drainage is formally provided to those who may be affected, during the process of applying for building permits.

The designation area in respect of termites, snowfall and overland drainage remains unchanged. The data for flooding has been reviewed, mapped and prepared in alignment with Amendment C9 of Latrobe Planning Scheme. The designation of Bush Fire Prone Areas is the responsibility of the Minister for Planning.

10. RECOMMENDATION

- 1. That Council designates the specified land as shown on the labelled Flood Areas map, within Latrobe City, as areas liable to flooding pursuant to the Building Act 1993 and regulation 802 of the Building Regulations Act 2006.**
- 2. That Council notes that the designation of land as Bushfire Prone Areas within Latrobe City is the responsibility of the Minister for Planning in accordance with the Building Amendment (Bushfire Construction) Regulations 2011 and revokes the previous designation maps prepared by Latrobe City Council.**

Moved: Cr Sindt

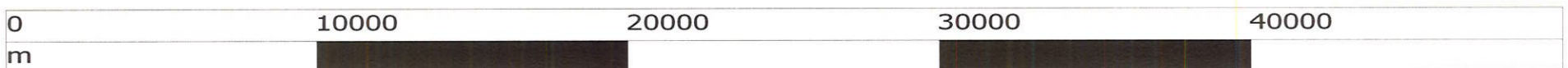
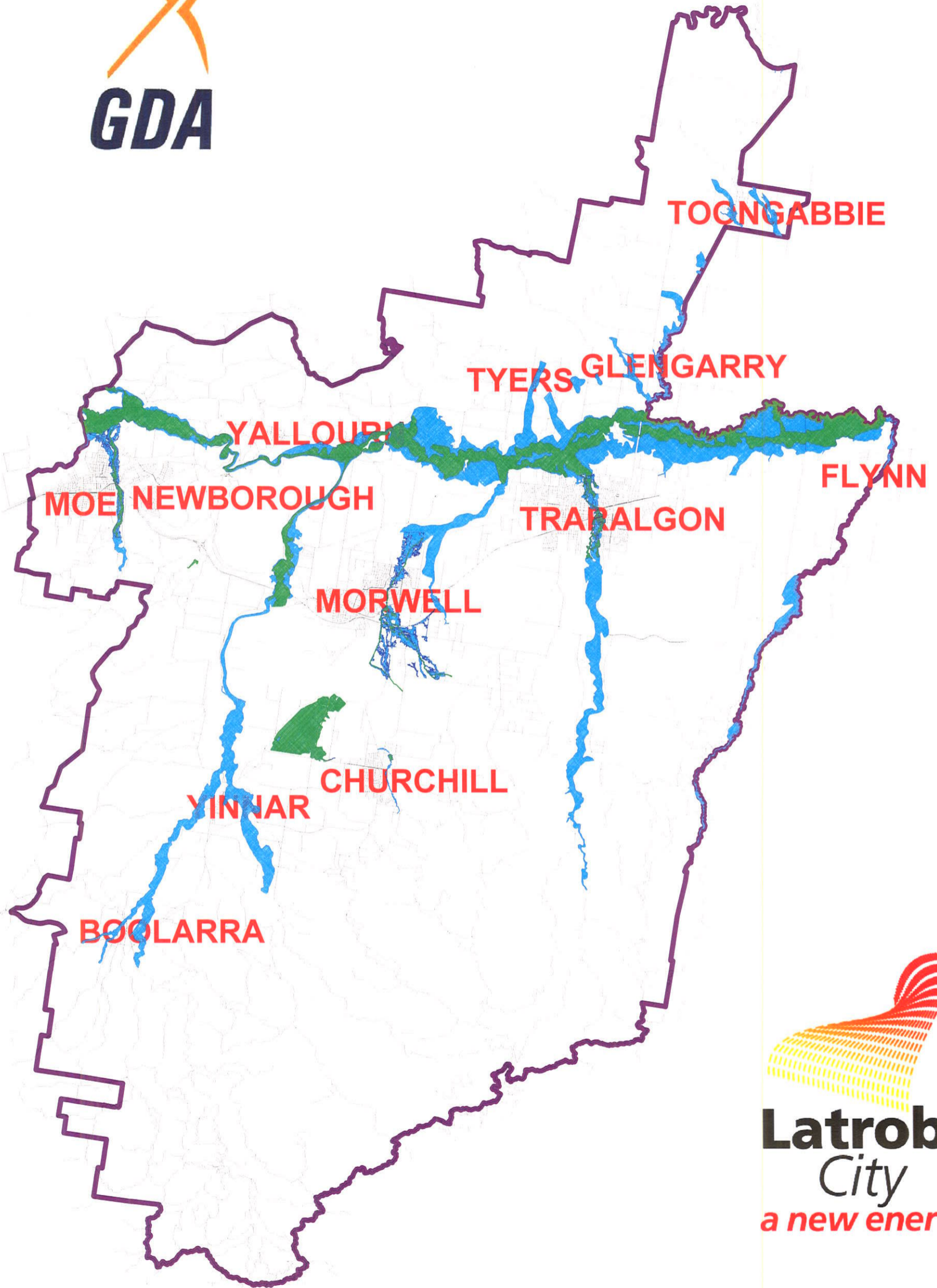
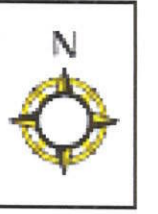
Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT ONE

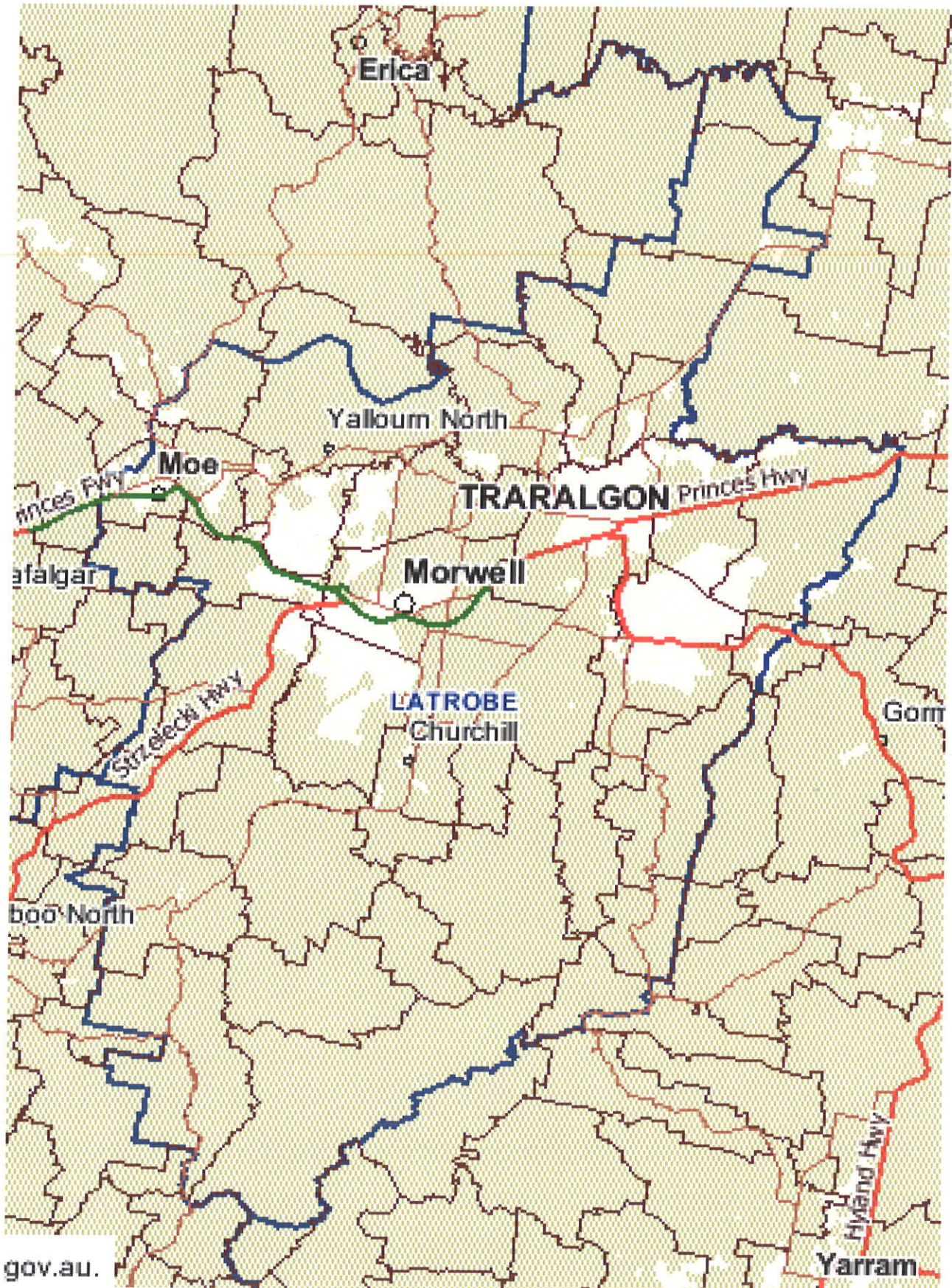
Attachment 1 - Flood Areas Map



ATTACHMENT TWO

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Attachment 2 - Bushfire Prone Areas Map



11.6.7 SETTING OF MAYORAL & COUNCILLOR ALLOWANCES 2012 TO 2016

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to review and determine the level of Councillor and Mayoral allowances for the 2012 to 2016 term, and to seek Council's approval to release the allowances for community comment.

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 2012-2016.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Governance

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

Latrobe City Council Plan 2012 - 2016

Shaping Our Future

An active connected and caring community
Supporting all

Strategic Direction – Governance

Ensure that Latrobe City continues to meet the highest standards of financial probity.

Service Provision – Financial Services

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

Legislation

Local Government Act 1989 – section 74 states “A Council must review and determine the level of the Councillor allowance and the Mayoral allowance within the period of 6 months after a general election or by the next 30 June, whichever is later.”

4. BACKGROUND

Mayoral and Councillor Allowance limits and ranges are reviewed on an annual basis by the Minister for Local Government and are published by notice in the Victorian Government Gazette.

In accordance with section 73A of the *Local Government Act 1989* (the Act) the Minister on an annual basis reviews the allowance category for each Council taking into regard the number of residents and total recurrent revenue. Latrobe City Council is currently classified as a Category 2 council.

The current gazetted allowances range for a Category 2 council are;

Mayoral	Up to \$69,325 per annum
Councillor	\$9,317 to \$22,405 per annum

In addition, an amount equivalent to the superannuation guarantee under Commonwealth taxation legislation is also payable.

The most recent review of allowance limits was undertaken by the Minister on the 25 October 2012, as notified in the Victorian Government Gazette S 360, and incorporated a 2.5% increasing adjustment factor effective from the 27 October 2012 (attached).

The previous Council set the Mayoral and Councillor Allowance at the maximum level for a Category 2 Council.

5. ISSUES

In accordance with section 74 (1) of the Act, “A Council must review and determine the level of the Councillor allowance and the Mayoral allowance within the period of 6 months after a general election or by the next 30 June, whichever is later.”

As the election was held on the 27 October 2012, this review and determination must be completed by the 30 June 2013.

In addition, section 74 (4) requires that “A person has the right to make a submission under section 223 in respect of a review of allowances.”

Section 223 (1)(a)(iii) stipulates that the Council must publish a public notice “specifying the date by which submissions are to be submitted, being a date which is not less than 28 days after the date on which the public notice is published.” Given that the notice period includes Christmas it is proposed to extend the period beyond the 28 days stipulated to Friday 11 January 2013.

Therefore Council will be required to provide due consideration to any submissions received and consider the adoption of the Mayoral and Councillor Allowances at an Ordinary Council Meeting to be held on 4 February 2013.

6. FINANCIAL, RISK AND RESOURCES IMPLICATIONS

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

Failure to review Mayoral and Councillor allowances by the 30 June 2013 will result in the Council being in breach of the *Local Government Act 1989*.

There are sufficient budget funds in the 2012/2013 budget to enable the Mayoral and Councillor allowances to be set at the maximum level.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Public submissions will be invited through the Latrobe Valley Express on Thursday 6 December 2012 and Monday 17 December 2012

Details of Community Consultation / Results of Engagement:

Submissions will be reported to the Council at the Ordinary Council Meeting to be held on 4 February 2012.

8. OPTIONS

Council is required to set the allowance levels within the limits imposed by the Order in Council for a Category 2 Council, therefore

Council may set the allowance at;

The maximum level for a Category 2 Council of;

Mayoral \$69,325 per annum

Councillor \$22,405 per annum

Or

Any other value between the minimum and maximum level for a Category 2 Council of;

Mayoral \$9,317 to \$69,325 per annum

Councillor \$9,317 to \$22,405 per annum

Council is required by legislation to invite submissions pursuant to Section 223 of the Local Government Act.

9. CONCLUSION

It is recommended that Council gives public notice and invite submissions concerning its intention to set the following allowances:

Mayoral \$69,325 per annum

Councillors \$22,405 per annum

10. RECOMMENDATION

1. That Council in accordance with Section 74 of the Local Government Act 1989 give public notice of its intention to set the following allowances :
Mayoral \$69,325 per annum
Councillor \$22,405 per annum
for the next four financial years.
2. That Council consider submissions received in accordance with Section 223 of the Act at the Ordinary Council Meeting to be held on 4 February 2013

ALTERNATE MOTION

1. That Council in accordance with Section 74 of the Local Government Act 1989 give public notice of its intention to set the Mayoral and Councillor allowances for the next four financial years at the same level as the 2012 allowances, that being;
Mayoral \$67,634 per annum
Councillor \$21,859 per annum
2. That Council consider submissions received in accordance with Section 223 of the Act at the Ordinary Council Meeting to be held on 4 February 2013

Moved: Cr Harriman

Seconded: Cr Gibson

That the Motion be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

.



Victoria Government Gazette

No. S 360 Friday 26 October 2012
By Authority of Victorian Government Printer

Local Government Act 1989

MAYORAL AND COUNCILLOR ALLOWANCES ADJUSTMENT

In accordance with section 73B(4)(a) of the **Local Government Act 1989**, notice is hereby given that an adjustment factor of 2.5% applies to Mayoral and Councillor allowances.

In accordance with section 73B(4)(b) of the **Local Government Act 1989**, the new limits and ranges of Mayoral and Councillor allowances, adjusted in accordance with the adjustment factor, are:

Category 1	Councillors: \$7,542 – \$17,969 per annum	Mayors: up to \$53,684 per annum
Category 2	Councillors: \$9,317 – \$22,405 per annum	Mayors: up to \$69,325 per annum
Category 3	Councillors: \$11,204 – \$26,843 per annum	Mayors: up to \$85,741 per annum

This notice does not apply to the Lord Mayor, Deputy Lord Mayor and Councillors of the Melbourne City Council, and the Mayor and Deputy Mayor of the Greater Geelong City Council.

The new adjusted limits and ranges take effect on 27 October 2012.

Dated 25 October 2012

JEANETTE POWELL MP
Minister for Local Government

City of Melbourne Act 2001

MELBOURNE CITY COUNCIL – LORD MAYORAL, DEPUTY LORD MAYORAL AND COUNCILLOR ALLOWANCES – ALTERATION

In accordance with section 26A(3) of the **City of Melbourne Act 2001**, notice is hereby given that the following new allowance amounts for the Lord Mayor, Deputy Lord Mayor and Councillors of the Melbourne City Council are:

Lord Mayor:	\$171,482 per annum
Deputy Lord Mayor:	\$85,741 per annum
Councillors:	\$40,264 per annum

The new allowance amounts take effect on 27 October 2012.

Dated 25 October 2012

JEANETTE POWELL MP
Minister for Local Government

City of Greater Geelong Act 1993

GREATER GEELONG CITY COUNCIL – MAYORAL AND DEPUTY MAYORAL ALLOWANCES – ALTERATION

In accordance with section 13(3) of the **City of Greater Geelong Act 1993**, notice is hereby given that the following new allowance amounts for the Mayor and Deputy Mayor of the Greater Geelong City Council are:

Mayor:	\$162,908 per annum
Deputy Mayor:	\$51,001 per annum

The new allowance amounts take effect on 27 October 2012.

Dated 25 October 2012

JEANETTE POWELL MP
Minister for Local Government

SPECIAL

11.6.8 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

PP 05222/H	<p>Section 173 Agreement under the Planning and Environment Act 1987 between Latrobe City Council and Traralgon Land Company Pty Ltd as the Owner of the Land more particularly described as Lot 1 TP 843246, Lot 1 LP 116279, Lot A PS 546354, Lot B PS 603046, Lot C PS 603052, Lot F PS 603056, Lot G PS 613424 and Lot H PS 614938 situated at Park Lane, Traralgon pursuant to PP 05222/H for a Staged Multi-Lot Subdivision (known as "The Strand") issued on 9 December 2005 which provides that:</p> <ul style="list-style-type: none"> the owner will pay for the costs of the works set out in Conditions 9(b) and 9(c) of the Permit requiring the widening of Marshall's Road, Traralgon and associated works.
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3. RECOMMENDATION

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 Traralgon Land Company Pty Ltd as the Owner of the Land more particularly described as Lot 1 TP 843246, Lot 1 LP 116279, Lot A PS 546354, Lot B PS 603046, Lot C PS 603052, Lot F PS 603056, Lot G PS 613424 and Lot H PS 614938 situated at Park Lane, Traralgon pursuant to PP 05222/H for a Staged Multi-Lot Subdivision (known as "The Strand") issued on 9 December 2005.

Moved: Cr White
Seconded: Cr Gibbons

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

URGENT BUSINESS

12. URGENT BUSINESS

Moved: Cr Gibson
Seconded: Cr Gibbons

CARRIED UNANIMOUSLY

Cr Rossiter left the Chamber at 7.04 pm.

Moved: Cr Harriman
Seconded: Cr Gibson

Councillor Sindt abstained.

That Council investigate options available to Hughe's Plant to continue operating their industrial reclamation business in Swan Road, Morwell until such time as their permit is decided.

CARRIED UNANIMOUSLY

Cr Rossiter returned to the Chamber at 7.05 pm.

MOTION FOR REPORT TO BE BROUGHT FORWARD

ITEM 15.11 SALE OF LAND UPDATE – FORMER MOE EARLY LEARNING CENTRE, 38 FOWLER STREET, MOE TO BE BROUGHT FORWARD TO OPEN ITEMS

CARRIED UNANIMOUSLY

15.11 **SALE OF LAND UPDATE - FORMER MOE EARLY LEARNING CENTRE, 38 FOWLER STREET MOE**

**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 provide Council with details of the negotiations between Latrobe City Council and Latrobe Community Health Services regarding the sale of the former Moe Early Learning Centre for Councils consideration.

2. DECLARATION OF INTERESTS

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

3. STRATEGIC FRAMEWORK

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.

Shaping Our Future

*An active connected and caring community
Supporting all*

Latrobe City Council Plan 2012 - 2016

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 given to it by Sections 43 and 44 of the Planning and Environment Act 1987-

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

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

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

Policy – Sale of Council Owned Property Policy

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.

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 building was used for 37 years as a Childcare space and has been redesigned and adjusted on several occasions to suit the very specific requirements in order to meet licensing obligations. Originally owned and managed as a private childcare facility Council acquired ownership of this land, and assumed responsibility for management of the service in 2003 when the business went into liquidation. This acquisition allowed Council to provide support to the community of Moe in ensuring that childcare facilities would remain available.

With the development of the Moe Southside Community Precinct including the new Moe PLACE, and the new Moe Early Learning Centre (MELC), it has been determined that the former MELC is surplus to Latrobe City Council needs for use as a childcare facility.

Following extensive community consultation and investigation leading up to the 4 June 2012 Ordinary Council Meeting, Council considered whether to retain and refit the former Moe Early Learning Centre (MELC) for use by not for profit community groups or to offer the property for sale to the Latrobe Community Health Service. A copy of this Council Report (Attachment Four) is provided for the information.

At the 4 June 2012 Ordinary Council Meeting, Council subsequently resolved:

1. *That Council, having considered the written submissions received regarding the sale of the former Moe Early Learning Centre at 38 Fowler Street, Moe, and in accordance with the Sale of Council Owned Property Policy, forms the opinion that the former Moe Early Learning Centre is surplus to both community and Council requirements.*
2. *That, pursuant to Section 189 of the Local Government Act 1989, Council resolves to sell the former Moe Early Learning Centre at 38 Fowler Street, Moe, being the land contained in Certificate of Title Volume 8654 Folio 639 and described as Lot 1 on Title Plan 549920F, to Latrobe Health Services by private treaty.*
3. *That Council obtain a current valuation in accordance with Section 189 of the Local Government Act 1989.*
4. *That Council authorises the Chief Executive Officer to enter into a Contract of Sale and, when prepared, sign and seal a Transfer of Land document allowing the transfer of the former Moe Early Learning Centre at 38 Fowler Street, Moe.*

5. *That all submitters be advised of Councils decision in relation to the sale of the former Moe Early Learning Centre at 38 Fowler Street, Moe.*

Having determined that the former MELC was surplus to community and Council requirements, an independent valuation report was obtained from CJA Lee Property Valuers and Consultants.

The Valuer determined that the current market value of MELC as at 18 June 2012 was \$155,000 exclusive of GST. Latrobe Community Health Service (LCHS) was provided with a copy of this valuation on 10 July 2012.

In response to receiving the valuation report, LCHS offered to purchase the property for \$73,100 (attachment 1). This figure is based upon the land value of \$90,600 less Council allowing \$17,500 as an equal share of the \$35,000 demolition and removal cost of the building and fixtures, as estimated by LCHS.

5. **ISSUES**

In accordance with point 4 of the 4 June 2012 Council resolution, the Chief Executive Officer is authorised to enter into a Contract of Sale to allow the LCHS to purchase MELC building.

Pursuant to the *Sale of Council Owned Property Policy*, when Council authorises the Chief Executive Officer to enter into a contract for the sale of a property, *“the Chief Executive Officer must not accept a sale price less than 90% of a sworn valuation obtained in accordance with Section 189 of the Local Government Act 1989”*.

Based on the above policy authorisation, the extent of the Chief Executive Officer power to accept a purchase offer lower than the 18 June 2012 current market value of \$155,000 would be limited to \$139,500. Accordingly the purchase price of \$73,100 offered by LCHS is outside the Chief Executive Officers authorisation and the offer is referred to Council for consideration.

In support their offer of \$73,100 LCHS state that the real value of the property is the land only. LCHS further state that the option of upgrading the existing building to a usable standard would require substantial capital input and it is therefore their intention to demolish the building to enable future redevelopment.

To further justify the reduction in purchase price, LCHS also refer to the long association between LCHS and Council. In particular LCHS mention the parcel of land Council leased from LCHS at the rear of the site for the sole use of the former MELC. This additional land (refer attachment 3) provided increased space for outdoor play activities and centre equipment. Council has occupied the land for around 15 years and paid a peppercorn rental of \$10.00 per annum.

It is noted that LCHS have previously advised that it has been successful in gaining Federal Government funds in order to complete the proposed redevelopment of the Moe Community Health Centre. It is understood that by acquiring the MELC property the land would be incorporated into the proposed 5 year redevelopment of the Moe Community Health Centre.

The LCHS expect that it will commence the \$8.3 million project in the near future. The redevelopment will support high quality inter-professional care, attract and retain staff, provide a learning environment and create community spaces, all in an accessible location.

6. FINANCIAL, RISK AND RESOURCES IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014. In the event that Council does not sell this property the potential risk of holding a vacant building include continued minor ground and building maintenance costs, utility service costs, security costs and potential property vandalism.

As detailed in the *“Financial, Risk and Resources Implications”* section of the 4 June 2012 Ordinary Council Meeting Report (Attachment 4), in the event that Council elected to retain the building, Council would incur the following financial obligations:

Building upgrade – Works required	\$159,000.00
Yearly Maintenance (approx)	\$ 4,000.00
Yearly operational costs (approx)	\$ 8,000.00
Admin/support	\$ 1,500.00
Total Outgoings per year	\$ 13,500.00

There is currently no budget allocation for estimated building or ongoing costs associated with the retention of the former MELC building.

The proceeds that would be generated from the sale of this building have not been considered in the current 2012-2013 Budget.

In light of the difference in the current market value of the property of \$155,000 and LCHS offer of \$73,100, Council may consider it appropriate to discount the purchase price and accept a figure of \$125,000 exclusive of GST. The reduction in purchase price reflects past rental concession for the lease of the LCHS land, the existing limitations of the building, LCHS stated position that it would demolish the building and that the additional land will incorporate in it's 5 year redevelopment of the Moe Community Health Centre.

7. INTERNAL / EXTERNAL CONSULTATION

Engagement Method Used:

Extensive internal and external consultation took place prior to the Ordinary Council Meeting held the 4 June 2012 when Council resolved to offer the property for sale to LCHS. Refer copies of the submissions previously received in Attachment 4 – Extract of the 4 June 2012 Ordinary Council Meeting.

Details of Community Consultation / Results of Engagement:

Since the above mentioned Council resolution, Council has been engaging with LCHS and a copy of this correspondence is attached for information, refer attachment 2.

8. OPTIONS

The following options are available to Council:

1. Accept the LCHS offer of \$73,100 or
2. Reject the LCHS offer of \$73,100 and advise LCHS that Council is only prepared to accept the current market property valuation of \$155,000, or
3. Reject the LCHS offer of \$73,100 and advise LCHS that Council will accept a minimum sale price of 90% of the current market value, being \$139,500, or
4. Advise LCHS that in recognition of the past rental concession, the cost to demolish and remove the building and benefits to the community through redevelopment of the Moe Community Health Centre, Council is prepared to sell the property at a reduced purchase price (say \$125,000), or
5. Offer the property for sale by public auction or list it with a Real Estate Agent.

9. CONCLUSION

The former MELC building has been used as a child care centre for 37 years and as such is only fit for this purpose. Council have identified that with the development of the Ted Summerton reserve and the Moe PLACE building the former MELC is now superfluous to the needs of the community and Council as a child care space.

In accepting that the MELC building has limited use options and there is a significant cost to completely refurbish or demolishing the building, it is suggested that these constraints should be reflected by discounting the purchase price payable by LCHS. An amount of \$125,000 exclusive of GST is considered be a fair and equitable purchase price.

In reaching this position, Council acknowledges the substantial benefit the community will derive through the provision of increased and improved services delivered through the redevelopment of the existing Moe Community Health Centre.

10. RECOMMENDATION

1. That Council resolve to sell the former Moe Early Learning Centre to the Latrobe Community Health Service at the reduced purchase price of \$125,000 exclusive of GST.
2. That Council authorises the Chief Executive Officer to enter into a Contract of Sale for \$125,000 exclusive of GST and, when prepared, sign and seal a Transfer of Land document allowing the transfer of the former Moe Early Learning Centre at 38 Fowler Street, Moe.
3. That subject to Latrobe Community Health Service agreeing the purchase price of \$125,000 exclusive of GST, the Council authorise a press release providing details of the proposed sale of the former Moe Early Learning Centre to the Latrobe Community Health Service.

ALTERNATE MOTION

1. That Council retain ownership of 38 Fowler Street, Moe as a community organisation centre providing office accommodation, meeting and storage space in recognition of identified community need.
2. That a further valuation be sourced as Council believes the valuation is too low and that \$125,000 is unacceptable.
3. That an approach be made to MLA for Narracan, Gary Blackwood, to access funding for refurbishment and that such an approach occur immediately.
4. To that effect, that this issue be placed on the agenda of the meeting between Council and parliamentarians to occur on 4th December 2012.

Moved: Cr Gibbons

Seconded: Cr Gibson

That the Recommendation be adopted.

For the Motion

Councillor/s Harriman, O'Callaghan, Sindt, Kam, Gibson, Gibbons

Against the Motion

Councillor/s White, Middlemiss

Councillor Rossiter abstained

The Mayor confirmed that the Recommendation had been CARRIED

ATTACHMENT ONE

Better health, Better lifestyles, Stronger communities



20 September 2012

Paul Buckley
Chief Executive Officer
Latrobe City Council
PO Box 264
MORWELL VIC 3840

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Fax: (03) 5136 5450

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Fax: (03) 5654 8131

Wellington
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Sale 3850
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Fax: (03) 5143 0988

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Fax: (03) 5152 0531

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Dear Paul

Moe Early Learning Centre

Thank you for your letter of the 10 July 2012 regarding Latrobe Community Health Service (LCHS) expression of interest in the Moe Early Learning Centre, 38 Fowler Street Moe and the offer by the Council to enter into a Private Treaty Sale (PTS) with LCHS for the said property.

I note the independent valuation of the property by CJALee property Valuers and the assessed current market value of \$155,000 for the property including the land, building and fixtures.

LCHS understands that the property is surplus to Council requirements and for LCHS the real value in the proposal is the land. The existing building and associated fixtures would require either substantial capital input to meet current building regulations to be usable for LCHS or the community, or demolition to enable future development. It is unlikely any capital input would be realised in future sale of the property.

LCHS and Latrobe City have a long history of partnership relating to this site as LCHS has provided its land at the rear of the site for the sole use of the Early Learning Centre for around 15 years for the peppercorn rental of \$10.00 per annum.

To this end LCHS wishes to continue its partnership with council in order to retain this site for the public good by incorporating it into the redevelopment of the Moe Community Health Centre.

Therefore I propose that LCHS recognize the sum of \$90,600 for the land value assessed by the independent valuer, in their report dated 18 June 2012.

In addition LCHS would also wish to continue its partnership approach with Council and equally share the demolition costs to remove the building and fixtures which are currently estimated at \$35,000 resulting in a net consideration to council from LCHS of \$73,100

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LCHS considers this proposal would be a good outcome for council, LCHS, and the community given the timeframe the property has been owned by the Council,

and the depreciation rates which would have operated during that period and the likely current book value to the Council, the rental concessions provided by LCHS to Council over the years, the current liability associated with the dilapidated buildings and fixtures and the shared desire to retain this property for community use.

Should you wish to discuss this proposal further please contact me on 5136 5461 or email ben.leigh@lchs.com.au

Yours sincerely

Ben Leigh
Chief Executive Officer

Gippsland Wide

ATTACHMENT TWO
CORRESPONDENCE TO LCHS

PLB:hjm

10 July 2012

Mr Ben Leigh
Chief Executive Officer
Latrobe Community Health Service
PO Box 63
MOE VIC 3825

Dear Mr Leigh

**EXPRESSION OF INTEREST – MOE EARLY LEARNING CENTRE,
38 FOWLER STREET MOE**

I refer to the Latrobe Community Health Service recent expression of interest in acquiring the Moe Early Learning Centre, 38 Fowler Street Moe.

Council considered the potential sale of this property at the Ordinary Council Meeting held 4 June 2012 and subsequently resolved:

- “1. That Council, having considered the written submissions received regarding the sale of the former Moe Early Learning Centre at 38 Fowler Street, Moe, and in accordance with the Sale of Council Owned Property Policy, forms the opinion that the former Moe Early Learning Centre is surplus to both community and Council requirements.
2. That, pursuant to Section 189 of the Local Government Act 1989, Council resolves to sell the former Moe Early Learning Centre at 38 Fowler Street, Moe, being the land contained in Certificate of Title Volume 8654 Folio 639 and described as Lot 1 on Title Plan 549920F, to Latrobe Health Services by private treaty.
3. That Council obtain a current valuation in accordance with Section 189 of the Local Government Act 1989.
4. That Council authorises the Chief Executive Officer to enter into a Contract of Sale and, when prepared, sign and seal a Transfer of Land document allowing the transfer of the former Moe Early Learning Centre at 38 Fowler Street, Moe.
5. That all submitters be advised of Councils decision in relation to the sale of the former Moe Early Learning Centre at 38 Fowler Street, Moe.”

In accordance with part 3 of the above Council resolution, an independent valuation report was obtained from CJA Lee Property Valuer. A copy of this valuation report with “sales evidence” deleted in accordance with privacy legislation is enclosed for your information.

Please consider the information provided in this valuation report. If you wish to discuss this matter or require any further information please do not hesitate to contact me.

Yours sincerely

PAUL BUCKLEY PSM
Chief Executive Officer

Encl.

ATTACHMENT FOUR
EXTRACT FROM THE 4 JUNE 2012 ORDINARY COUNCIL MEETING – ITEMS
REFERRED:

ITEMS REFERRED	20	04 June 2012 (CM377)
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7.1 **PROPOSED SALE OF LAND - FORMER MOE EARLY LEARNING CENTRE, 38 FOWLER STREET MOE**
AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to provide Council with the results of the investigation into the future use of the former Moe Early Learning Centre.

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.

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Latrobe City Council Plan 2011 - 2015

Strategic Direction

- *Support effective community engagement to increase community participation in decision making*

ITEMS REFERRED

21

04 June 2012 (CM377)

- *Delegate appropriately and make sound decisions having regard to legislative requirements, policies, professional advice, sound and thorough research and the views of the community.*
- *Provide timely, effective and accessible information about Latrobe City Councils activities.*

Service Provision – Property and Statutory

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

Legislation

Local Government Act 1989

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

- (a) ensure that public notice of the intention to do so is given at least 4 weeks prior to selling or exchanging the land; and*
- (b) obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the Valuation Land Act 1960 a valuation of the land which is made no more than 6 months prior to the sale or exchange.*

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

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

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

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

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

4. **BACKGROUND**

The Moe Early Learning Centre was originally 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 (Refer Attachment 1).

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 in the Moe area.

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. as shown in attachment 1. 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 relocation of the Moe Early Learning Centre to its new site at the Moe PLACE facility, which is approximately 600 meters away, the property at 38 Fowler Street has remained vacant.

Council considered the proposed sale of the former Moe Early Learning and Care Centre (MELC) at its meeting held on Monday 5 December 2011 and resolved as follows:

1. *That Council, in accordance with 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.*

ITEMS REFERRED

23

04 June 2012 (CM377)

Public notices were placed in the Latrobe Valley Express on Thursday 15 and Monday 19 December 2011. Letters were also sent to adjoining landowners.

Council received five submissions in response to the advertisement. Submissions were received from (refer to attachments 2-6):

1. Moe and District Residents Association Inc.
2. Maree Hall
3. Lions Club of Moe Inc.
4. Moe Probus Club
5. Latrobe Community Health Service

Three of the submissions were in support of Council retaining the former MELC at 38 Fowler Street, Moe for use by community organisations as meeting, storage and office space. Two of the submissions were in support of Council selling the building.

At the ordinary Council meeting held on Monday 6 February 2012 the following submitters attended and spoke in support of their submission:

1. Moe and District Residents Association Inc.
2. Lions Club of Moe Inc.
3. Moe Probus Club
4. Latrobe Community Health Service

At that meeting Council resolved:

1. *That Council note the submissions in relation to the proposed sale of the former MELC at 38 Fowler Street, Moe*
2. *That a further report be presented to Council of 5 March 2012*

On 3 March 2012 an email was sent to the Chief Executive Officer from the Member for Narracan Gary Blackwood stating that he would be happy to assist in identifying potential State Government funding opportunities regarding the future use of the site. (Attachment 9)

At the ordinary Council meeting 5 March 2012 a report was presented to Council seeking an extension of time to collate and present to Council the information relevant to the potential sale of the former Moe Early Learning Centre.

ITEMS REFERRED

24

04 June 2012 (CM377)

This extension was requested to allow officers time to investigate the matters raised during the presentation of submissions at the Ordinary Council meeting of 6 February 2012 in order to be able to make recommendations regarding the future use of the former Moe Early Learning Centre, located at 38 Fowler Street Moe.

At this meeting Council resolved as follows:

That the final report regarding the proposed sale of the former Moe Early Learning and Care Centre be presented at a future council meeting, prior to June 2012.

Since this meeting an additional submission has been received from Latrobe Community Health Service (LCHS) advising of their recent success in obtaining funds from the Federal Government to undertake a 8.3 million dollar redevelopment of the Moe Community Health Centre (provided as Attachment 7). The submission provided indicates that the land currently owned by Latrobe City Council (LCC) at 38 Fowler Street Moe is of strategic importance to this redevelopment, which would be of significant benefit to the community.

Officers have now completed the investigations regarding the matters raised as part of the submission process, the results of which are contained in this report.

5. ISSUES

With the development of the Moe Southside Community Precinct including the new Moe PLACE, and the new Moe Early Learning Centre (MELC), it has been determined that the former MELC is surplus to Latrobe City Council needs for use as a childcare facility.

Following input received as part of the community consultation and the additional submission made by LCHS, the following options have been considered regarding the proposed sale of this land:

Retention of the land for use by community groups:

In order for the former MELC to be made available for use by community groups as office space significant works will need to be undertaken.

Consultation has been undertaken with independent builders, along with the Latrobe City Council Infrastructure Operations Department regarding the requirements for the use of the former MELC as office and storage space and the cost of working towards these requirements.

This building has been used for 37 years as a Childcare space and has been redesigned and adjusted on several occasions to suit the very specific requirements in order to meet licensing obligations. Originally owned and managed as a private childcare facility Council acquired ownership of this land, and assumed responsibility for management of the service in 2003 when the business went into liquidation. This acquisition allowed Council to provide support to the community of Moe in ensuring that childcare facilities would remain available.

With the knowledge over the last few years that the service was no longer going to be used for the delivery of childcare on an ongoing basis; building and yard maintenance was reduced to a minimum. This has resulted in the requirement of a significant amount of works being required for it to be considered fit for alternate purposes. These include removal of fixed furnishings designed specifically for use by children, the return of bathrooms to private spaces, removal of fixed play equipment and refixing and painting of the entire internal space.

The retention of the former MELC and the works required to return this building to a level that would allow its use as office space would total approximately \$159,000.00 (Refer to attachment 8 for detailed quote and building works analysis).

The rear parcel of land, as identified in attachment 1, is owned by LCHS. This parcel of land has been used by MELC as play space and would need to be returned to LCHS for use by them. To allow this to occur Council must remove the play equipment and build an appropriate fence which has been included in the quote received at attachment 8.

The estimated costs for the maintenance of this building are approximately \$4,000.00 per year, inclusive of building and garden maintenance. The estimated running costs for this building are approximately \$8,000.00 per year inclusive of utility and security charges.

There is no budget allocation currently available for the proposed building works or the ongoing costs associated with the building being maintained. Proposed works would need to be funded from a future capital budget.

As advised in the email from Mr Blackwood, Member for Narracan, it may be possible to access State Government funding support for part of the potential capital costs of refurbishing the building.

ITEMS REFERRED

26

04 June 2012 (CM377)

During the submission process three community groups (being Moe and District Residents Association Inc, Lions Club of Moe Inc and Moe Probus Club) advised Council that they had a number of requirements in order to continue to operate effectively. In addition to space for meetings, groups suggested that they required permanent secure storage space and office space for administration.

The retention of this building for use by not for profit groups as office, meeting and storage space would provide community benefits. The costs of accessing meeting space inhibits not for profit groups ability to hold meetings and many of their members are unable to pay fees that would assist in the covering of these costs. Having a place to 'call home' would allow community groups to focus on the purpose for which they were formed and probably result in improved community outcomes.

In the event that Council resolved to provide meeting and storage space for community groups it is envisaged that Council would seek to recover the operating costs from the respective users of the former MELC on a proportional basis. This is consistent with several models applied across Latrobe City to support community groups in their quest for accessible accommodation.

These include models such as those applied at the Kath Teychenne Centre ('KTC'), Traralgon and Moe PLACE. A range of community groups occupy the KTC under various lease agreements and have representation on a user group that meets quarterly. Meeting rooms are made available to other not for profit community groups in this space with bookings being managed by the Traralgon Neighbourhood House.

The Southside Community Precinct (which includes Moe PLACE) was redeveloped as a community precinct on the basis that it would be accessed by the whole Moe community as a shared space. Council oversaw an \$11 million dollar upgrade to these facilities in 2010/11.

A joint agreement between Council and the State Government was implemented to reflect the importance that the Government places on Early Childhood development and the community sector. This agreement strengthens the underlying view that this was to be a facility that allowed and encouraged use by the entire community.

The draft 2012/13 budget indicates that the community meeting room at Moe PLACE will be made available to not for profit community groups at no charge.

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This meeting room is proposed to be available to other organisations at a minimal cost (\$28.00 per hour). This figure is designed to assist in the covering of costs associated with the use of the facility.

Both the KTC and Moe PLACE are managed by prime tenants and there is an understanding and agreement that these spaces will be available for use by community groups and other organisations at a cost that will not be inhibiting to them.

While the Moe PLACE facility does not allow each of the represented community groups access to dedicated office/storage space it does allow access to meeting spaces. It may also be possible for some community groups to utilise storage space at Moe PLACE.

It is well recognised that the availability of storage space for important records and working documents is an issue faced by many community groups who do not have dedicated office space. Many groups use individual homes for the maintenance of important records. The Moe PLACE building was designed with the need for storage in mind and allows enough space for the placement of filing cabinets and appropriate storage facilities to be accessed as negotiated. A user agreement would need to be negotiated with not for profit groups in this space and this would be managed by the Latrobe City Council Child and Family Service department as the prime tenant of the building.

The draft Fees and Charges for 2012/13 also allow for the meeting space at the Moe Library to be accessed by not for profit community groups without an associated fee. It should be noted that at this time this facility is not available for after hours use.

Sale of the land to LCHS by private treaty or long term lease:

The initial submission provided to Council by LCHS indicated a strong interest in this parcel of land. A second submission from the same organisation advises that LCHS have recently been successful in gaining Federal Government funds in order to complete the proposed redevelopment of the Moe Community Health Centre.

The \$8.3 million project that is due to begin immediately will support high quality inter-professional care, attract and retain staff, provide a learning environment and create community spaces, all in an accessible location.

LCHS currently owns the rear of the Fowler Street site and has leased this to Council on a peppercorn agreement for many years in order to assist Council in their successful provision of quality child care services in the Moe area.

The LCHS integrated community health redevelopment in Morwell is an example of the type of facility that would be constructed in Moe. It is envisaged that community groups would be able to access this facility on a regular basis. Such a development would result in positive outcomes for the entire Moe community with an increase in service delivery options and partnership opportunities.

Sale of the former MELC by public auction:

Consultation with independent Real Estate agents has resulted in an understanding that the sale of the former MELC would result in proceeds to Council. The Council currently values the property at a Capital Improved Value of \$208,000.00. This should not be interpreted as a potential market value to a willing purchaser.

If sold there would be no ongoing maintenance or running costs associated with the former MELC.

The proceeds that would potentially be generated from the sale of this building have not currently been considered in draft budget projections.

6. FINANCIAL, RISK AND RESOURCES IMPLICATIONS

In the event that Council elect to retain the building:

• Works required	\$159,000.00
Total one off costs (quote only)	\$159,000.00
• Yearly Maintenance (approx)	\$ 4,000.00
• Yearly ongoing (approx)	\$ 8,000.00
• Admin/support	\$ 1,500.00
Total outgoings per year	\$ 13,500.00

In the event that Council elect to sell the building

• Sale (estimated)	\$ unknown
• No ongoing costs	
Total incoming (one off – up to)	\$ unknown

Risk has been considered in relation to this report. There have been a number of risks identified, including:

Budget:

There is currently no budget allocation for estimated building or ongoing costs associated with the retention of the former MELC building. It is noted that State Government financial support may be available to offset up to two thirds of the refurbishment costs through the Putting Locals First Program

Ongoing costs associated with the running of the KTC are currently passed onto the existing users, based on the proportion of the building space that they lease. While this sets an expectation of passing on costs to users, it is important to note that community groups that have made submissions to Council regarding the use of the former MELC building indicated their limited financial ability to rent meetings rooms and storage space, therefore it should be considered that their ability to contribute to the ongoing running costs would also be limited.

In addition, there is concern from an ongoing financial and investment point of view regarding expending the amount of money required to make sure that the former MELC is ready to use as office space in comparison to the current estimated value of the building.

This level of capital investment in a building that is only worth a small amount could be seen as an unnecessary investment by the community and is unlikely to ever recoup the original investment for Council and/or the State Government.

In the event of a sale, any income generated from the sale of the land could be reinvested into the Moe Rail Precinct development, allowing further improved outcomes for the entire Moe and surrounding communities.

Support for community groups:

In the event that Council does not retain and refit the former MELC for use by not for profit community groups there is a risk that these groups may not feel supported and there is inequity in how Council supports community groups across the municipality.

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This risk would be significantly reduced once work has begun in earnest with other groups within the Moe area, including LCHS and Council representatives, to ensure that community space that is currently available is used to its maximum potential and that community space that is developed into the future is developed to maximise community benefit in coming years.

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.

Public notices were placed in the Latrobe Valley Express on Thursday 15 and Monday 19 December 2011 together with letters sent to Latrobe Community Health Service Inc. and the owners of the adjoining properties at 36 and 40 Fowler Street inviting comment on the proposal.

Details of Community Consultation / Results of Engagement:

Representatives of MADRA, Moe Lions and Moe Probus inspected the building on two occasions. Representatives from Latrobe Community Health Service also inspected the premises.

In response to the public notices and correspondence five submissions were received from the public and four of the submitters attended the Ordinary Council meeting Monday 6 February 2012 to speak in support of their submission.

Following the Ordinary Council meeting of 5 March 2012 significant internal and external consultation has taken place in order to ensure that information has been sourced in response to the concerns raised by community groups. This consultation has included:

External:

- Parnall Builders (regarding costs associated with refitting the building to a space that can be used as office space)
- Latrobe Community Health Services (additional consultation as a result of further information regarding successful funding application and plans for the redevelopment of their integrated community health service in Moe)

Internal:

- Child and Family Services Department (regarding the potential use of space at Moe PLACE)
- Ted Summerton Precinct user group Committee
- Infrastructure
- operations Department (regarding costs associated with refitting the building to a space that can be used as office space)
- Infrastructure Development department (regarding the the development and funding associated with the redevelopment of the Ted Summerton Precinct and the proposed Moe rail Precinct redevelopment)

8. OPTIONS

The following options are available to Council:

1. Not proceed with the sale of the former MELC site at 38 Fowler Street, Moe, and retain the building for future community use.
2. Invite expressions of interest from registered real estate agents for sale of the property by public auction.
3. Sell the former MELC site to Latrobe Community Health Services by private treaty.
4. Seek further information regarding alternate uses for the former MELC.
5. Seek further public comment on the proposed sale or future use of the former MELC site.

9. CONCLUSION

It is important to note that the former MELC building has been used as a child care centre for 37 years and as such is fit for only this purpose at the present time. Council have identified that with the development of the Ted Summerton reserve and the Moe PLACE building the former MELC is now superfluous to the needs of the community and Council as a child care space.

Council received five submissions from the public during the exhibition period. Three of the submissions were in support of Council retaining the former MELC at 38 Fowler Street, Moe for use by community organisations and two of the submissions were in support of Council selling the building. Four of the submitters attended the Ordinary Council meeting on Monday 6 February 2012 and spoke in support of their submissions. There does not appear to be overwhelming public support for either the sale or retention of the former MELC building.

The refurbishment of this building to be fit for the purpose of office and storage space for not for profit community groups would result in significant costs to Council that have not been considered in current budget projections.

Council has made a strong commitment to investment in the Moe and surrounding area, with the development of the Moe Southside Community Precinct and the future proposed development of the Moe Rail Precinct.

10. RECOMMENDATION

1. That Council, having considered the written submissions received regarding the sale of the former Moe Early Learning Centre at 38 Fowler Street, Moe, and in accordance with the Sale of Council Owned Property Policy, forms the opinion that the former Moe Early Learning Centre is surplus to both community and Council requirements.
2. That, pursuant to Section 189 of the Local Government Act 1989, Council resolves to sell the former Moe Early Learning Centre at 38 Fowler Street, Moe, being the land contained in Certificate of Title Volume 8654 Folio 639 and described as Lot 1 on Title Plan 549920F, to Latrobe Health Services by private treaty.
3. That Council obtain a current valuation in accordance with Section 189 of the Local Government Act 1989.

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4. That Council authorises the Chief Executive Officer to enter into a Contract of Sale and, when prepared, sign and seal a Transfer of Land document allowing the transfer of the former Moe Early Learning Centre at 38 Fowler Street, Moe.
5. That all submitters be advised of Council's decision in relation to the sale of the former Moe Early Learning Centre at 38 Fowler Street, Moe.

ALTERNATE MOTION

1. That Council resolves not to sell the former MELC being the land contained in Certificate of Title Volume 8654 Folio 639 and described as Lot 1 on Title Plan 549920F, to Latrobe Community Health Service by private treaty.
2. That Council work with the member for Narracan Mr Gary Blackwood to obtain State Funding to fund the upgrading of the former MELC to cater for the needs of the community.
3. That progress reports of this work be periodically brought back to Council to inform the community.

For the Motion

Councillor/s Harriman, O'Callaghan, Kam, Gibson

Against the Motion

Councillor/s White, Price, Middlemiss, Lougheed, Vermeulen

The Mayor confirmed that the Motion had been LOST

The original Recommendation became the Motion before the chair.

Moved: Cr Price

Seconded: Cr Lougheed

1. That Council, having considered the written submissions received regarding the sale of the former Moe Early Learning Centre at 38 Fowler Street, Moe, and in accordance with the Sale of Council Owned Property Policy, forms the opinion that the former Moe Early Learning Centre is surplus to both community and Council requirements.

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2. That, pursuant to Section 189 of the Local Government Act 1989, Council resolves to sell the former Moe Early Learning Centre at 38 Fowler Street, Moe, being the land contained in Certificate of Title Volume 8654 Folio 639 and described as Lot 1 on Title Plan 549920F, to Latrobe Health Services by private treaty.
3. That Council obtain a current valuation in accordance with Section 189 of the Local Government Act 1989.
4. That Council authorises the Chief Executive Officer to enter into a Contract of Sale and, when prepared, sign and seal a Transfer of Land document allowing the transfer of the former Moe Early Learning Centre at 38 Fowler Street, Moe.
5. That all submitters be advised of Council's decision in relation to the sale of the former Moe Early Learning Centre at 38 Fowler Street, Moe.

For the Motion

Councillor/s White, Price, Middlemiss, Lougheed, Vermeulen

Against the Motion

Councillor/s Harriman, O'Callaghan, Kam, Gibson

The Mayor confirmed that the Recommendation had been CARRIED

ITEMS REFERRED

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ATTACHMENT ONE



ITEMS REFERRED

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04 June 2012 (CM377)

ATTACHMENT TWO

22a Saxtons Drive
MOE 3825

Email: mareehall@hotmail.com

January 3, 2012

Mr Peter Schulz
Latrobe City Council
P.O. Box 264
MORWELL 3840

Dear Sir

Re: Proposed Sale of 38 Fowler Street, Moe.

I wish to submit my short submission regarding the proposed sale of the former Moe Early Learning Centre.

I feel that if the property was not sold, it would be left to sit idle without tenants or maintenance demands being kept up to it which then, in all probability, it would become an unsightly, derelict building also open to vandalism. At that point, to me, it would certainly have become a surplus property.

However, should the building be tenanted (creating a regular income source) and fully maintained then, yes, it would be in the community's best interest in retaining it.

Council discussions on the possibilities of revenue-raising uses in the interim could determine whether it remains viable or not, at least in the short term future.

Yours faithfully

Maree Hall

Maree Hall

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04 June 2012 (CM377)

ATTACHMENT THREE***Moe and District Residents Association Inc.***No. A0052091G
ABN 67 968 298 7343rd January, 2012Mr. Paul Buckley
CEO
Latrobe City Council
PO Box 256
MORWELL, Vic. 3840
Attention: Peter Schultz

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Dear Mr. Buckley,

Re: ex-Early Learning Centre Building, 38 Fowler Street, Moe

We write in response to a public notice appearing in the *Latrobe Valley Express* on 15th December, 2011 calling on community submissions to identify whether the above noted property is surplus or not to community requirements.

On the basis of community need we assert that the Fowler Street property is not surplus to community requirements. We ask that the building be kept in Council ownership and be turned over to community use. We ask Council to make recommendation to Councillors at its February meeting to retain the building and to help facilitate it to become a community organisation centre in Moe. The MACP is not yet funded or built. We recommend that after the MACP is built and operational, LCC could review the Fowler street property to identify any continuing need unmet by the MACP.

On the basis of our direct experience and after discussions with other organisations, we confirm an acute, ongoing shortage of affordable and stable office accommodation and meeting facilities for community organisations in Moe and surrounding district.

In particular, there is a need for:

1. stable office accommodation serviced with meeting room/s and kitchen;
2. meeting facilities available for regular use by community organisations supported with kitchen and lock up storage facilities;
3. casual meeting facilities.

These community spaces need to be available during the day and evenings, seven days per week. They need to be supported with public liability, fire and theft insurance coverage. Insurance has become prohibitively expensive for unfunded community organisations. Community organisations are unable to use those venues where the owners/managers require community organisations to take out public liability insurance.

Since the establishment of MADRA in 2008, we have not been able to find any appropriate, available pro bono office accommodation in Moe. We rent meeting facilities on a casual basis at a church. While just affordable, the cost is still a burden on our organisation given that we do not have a fund raising focus and are not a tax deductible charity. Our office operates from a private home.

The Moe Library meeting room is being used to capacity and turning away organisations, particularly those who need storage space. The meeting room in the Moe-Newborough Recreation Centre is not serviced with office accommodation or storage space: neither is the Ted Summerton reserve facility. Both the latter venues charge a meeting room hire fee.

Like MADRA, many community organisations do not have a fund raising focus and have extremely limited operating funds. While \$10-\$20 meeting room fees may seem a small cost from Council's perspective, even these small fees can prove prohibitive and burdensome for unfunded, voluntary community organisations including MADRA. We ask that Council recognise the need in the community for no cost office and meeting facilities. While community organisations may be cash poor, our members make significant voluntary contributions of their time, expertise and in-kind donations to the civic life of our community.

MADRA Requirement

MADRA needs a secure, lock up office space that can accommodate two people, and a meeting space serviced with a kitchen that can comfortably accommodate ten to forty people. We meet a total of fifteen times per annum and hold up to six additional meetings per annum. We need ramp access into the building, disability toilet access and car parking, on or off street. We need these facilities at a maximum total cost of \$250 per annum.

Fowler street building

A MADRA delegation has twice inspected the Fowler street building. We believe it would be ideal for the purpose of a community organisation building providing office space, meeting rooms with kitchen and storage space, and casual meeting space. *We appeal to LCC to leave all kitchen appliances and office equipment in the building until such time as its overall fate is decided.*

The two front rooms could be used as meeting space holding up to twenty people each. They are well serviced with storage space. The back room could readily become an excellent meeting space and is already serviced with a fully equipped kitchen. Although this space could comfortably hold forty people, the room could be readily extended into the back yard area to double its seating capacity.

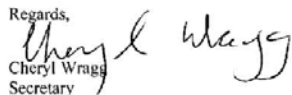
There are two office spaces in the building. Potentially two more offices could be created with the removal of some redundant child bathroom, laundry and bathing facilities.

There is a good sized outdoor storage shed and the potential to create a community garden, serviced with a barbeque for community organisation use.

We would support the establishment of a Management Committee to help manage the facility and we would happily volunteer to participate on such a Committee. In addition to it becoming an incorporated association, it could also apply to the ATO for the facility to be awarded Deductible Gift Recipient status (DGR). This would help facilitate donations as well as enable applications to philanthropic organisations for funding to assist with the ongoing costs associated with the running of the building, and one off purchases (e.g. volume photocopier).

We note that the Kath Teychenne centre in Traralgon has operated for many years under the auspice of LCC and, before that, Traralgon City Council. It provides something of a model for a successful community organisation centre. There is no reason why Moe could not have its own successful, community organisation centre given the long standing need to develop such a centre. We would like to speak at the Council meeting of 6th February, 2012 in support of this submission.

Regards,


Cheryl Wrags

Secretary

MADRA Inc.

On behalf of MADRA Committee of Management and members

Correspondence to:
MADRA Inc. c/- 10 Dwyer Street, MOE, Vic. 3825

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ATTACHMENT FOUR**PROBUS CLUB OF MOE INC.**

A0029528U
 Reg No: 58235 Date: 10th January 2012

Mr. Paul Buckley
 CEO
 Latrobe City Council
 PO Box 264
 MORWELL, Vic. 3840

PO Box 964 Moe, Vic. 3825 Ph: 03 5126 2712 j.pampy41@gmail.com	
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Dear Mr. Buckley,

Re: ex-Early Learning Centre Building, 38 Fowler Street, Moe

We wish to register our concern in regard to councils advertised intention to sell a community asset known as the Early learning Centre, Fowler Street Moe on the assumption that the facility is "surplus" to community requirements.

We disagree with that view and would ask that the council reconsider any such concept that the property be sold, for the following reasons.

We as a local community group have for some years had great difficulty in finding and using suitable meeting venues for both our small "Committee" meetings – 8 to 12 people and to a lesser extent a suitable venue for our "Club General" meetings – 70 to 100 people.

Our past experience with using local community facilities for our "Committee" meetings is that :-
 The Moe Library is heavily booked, lacks flexibility in transfer of occupancy, has no kitchen, limited parking, albeit FOC.

The Newborough Rec Centre whilst suitable in most aspects is expensive for a small not for profit group such as ours.

The Ted Summerton Reserve new club rooms were offered to our Club initially FOC, but turned out to be expensive at your nominated charge out rate of \$14 p/hour, but more importantly, dependent on the goodwill of the principal tenants – the Moe Football Club and the Moe Cricket Club. Whilst we are sure that both are worthy and upstanding organisations, we perceive some instability of tenure for us with a prospective ongoing sub-tenancy arrangement with two different commercial organisations.

We also are inconvenienced with the above mentioned facilities in that **none of them** offer any storage space, small as it is that we require, for records and a small amount of equipment.

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Some of our committee executive have already inspected the rooms at the "Ex-Learning Centre" and can see enormous potential for multi purpose and shared use of the facility.

During our inspection tour we determined that the existing facility has the potential to meet our urgent needs in one of the following ways.

1. Min. requirement = A committee meeting room for 10, 6 times P/Annum (bi-monthly)
2. Med. requirement = As in 1. plus use of small office/space with some storage space .
3. Max. requirement = 1. plus 2. plus a group meeting room to seat 90 to 100 people.

We would see the retention of the Fowler Street asset as essential in that it would provide, with some limited alteration or renovation, a valuable and useful amenity for our and other community groups at little or no cost.

When one considers councils plans for the developmental of the MACP on the northern side of the railway line, and the intended concept of linking George Street and Lloyd Street as an open walk through environment, and the combined use of private and public land on the south side of the railway line, along with the fact that the MACP was presented in its final stage at the "new" Ted Summerton Reserve, and we note the attention placed by the local Council Executive and Councillors and State politicians, at the recent opening of the "South Street Child and School Facility" to the importance of the south side location.

We suggest that the concept of a new Office complex in Fowler Street, actively in use by local groups would add to the lifeblood of the "downtown" side of the line and would perhaps provide a catalyst for a new and vibrant asset to the MACP well before its completion.

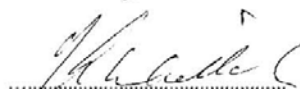
In line with our expressed opinion we strongly recommend that indeed the existing Fowler Street Learning Centre property is not "surplus to community needs".

Consequently further to this submission of request to Council, we will also be lobbying our local councillors to vote in favour of retention of public ownership ,and the prospect of renovation and subsequent low cost use, by our Probus organisation, along with other community groups who could no doubt also make use of such a valuable property.

Consequently we formally request that you as CEO also ask Councillors to retain ownership of the Fowler Street property, for the community.

Would you please advise us to the above address or email, to let us know when this matter will be considered at a Council meeting so that we may present our submission.

Yours sincerely,



Ken Whittaker
President

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ATTACHMENT FIVE

Lions Club of Moe Inc.

Please address all correspondence to the Secretary
P O Box 262, Moe 3825Mr. Peter Schultz
Latrobe City Council,
P O Box 264
Morwell 384021st December 2011

Dear Mr. Schultz,

Re Proposed sale of the Former Moe Early Learning Centre

WE the members of the Moe Lions Club have inspected the above mentioned facility and have discussed different options and uses for this building.

We believe that it would be an excellent venue for different Community Groups to use for their associated activities.

Some suggestions put forward were to approach groups such as the Scouts, Guides and the Moe Soup Kitchen, just to name a few.

We understand that the Halls that these groups use currently are in a very bad state of repair and too old for any renovations. There may be some groups who just need a place to hold their meetings.

We would be interested in listening to all suggestions that may be put forward.

This facility has a lot of potential and to sell it off would be a disgrace without further investigations.

The issue of cost to any of these Groups would be a consideration.

If the decision is to sell off the building/land then we would be interested in discussing the Playground equipment and perhaps relocating it to Lions Park in Moe.

We were a bit surprised at that way the equipment/toys had been left after the Children moved to the new Centre.

Would appreciate some feed back from your proposed meeting that is to be held on February 6th 2012.

Regards Barbara Cameron



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ATTACHMENT SIX

Better health, Better lifestyles, Stronger communities



23 January 2012

Free Call:
1800 242 696
www.lchs.com.au

Paul Buckley
Chief Executive Officer
Latrobe City Council
PO Box 264
MORWELL VIC 3840

Commonwealth
Respite and
Carelink Centre
Ph: 1800 052 222

Veterans
Home Care
Ph: 1300 550 450

Morwell Centre
PO Box 960
Morwell 3840
Ph: (03) 5136 5400
Fax: (03) 5136 5450

Churchill Centre
PO Box 3
Churchill 3842
Ph: (03) 5122 0444
Fax: (03) 5122 0433

Moe Centre
PO Box 63
Moe 3825
Ph: (03) 5127 9100
Fax: (03) 5127 7002

Traralgon Centre
PO Box 1488
Traralgon 3844
Ph: (03) 5171 1400
Fax: (03) 5171 1470

ASN 74 136 502 022

Dear Mr Buckley

Expression of Interest - Moe Early Learning Centre, 38 Fowler Street, Moe

LCHS wishes to express an interest for the long term use of both the Moe Early Learning Centre (MELC) facility and site. Latrobe Community Health Service (LCHS) proposes to utilise the MELC facility and site to provide an increased level of support to the community by expanding existing consulting and counselling services as well as providing new services, particularly in the areas of chronic disease, mental health and dental health. The facility will also enable LCHS to provide community groups with meeting rooms and health programs.

The facility will also provide the opportunity to maintain continuity of service and community access during the current 5 year redevelopment of the Moe site.

The proximity of the MELC site to LCHS provides high levels of accessibility and the opportunity to incorporate the infrastructure into our footprint. The well-developed disabled access for clients and on street parking both are important to provide the community with greater opportunity to obtain health care services.

The vision of LCHS for *Better health, Better lifestyles, Stronger communities* provides a strong basis for the expansion of services which further support the community needs in Moe. With a budget of \$35 million; over 430 staff and 160 contractors, we provide 120 programs ranging across health, disability, families and aged care. We operate from 14 sites, client homes or other health services, reaching 18,521 clients.

Moe is an important service delivery site for LCHS. It provides a full range of primary health services including General Practice (GP) After Hours, Allied Health including Physiotherapy, Occupational Therapy, Speech Therapy, Podiatry, Koorie Health, Family Violence, Men's Behaviour Change, Counselling, Social Work Gamblers Help, Community Aged Care, Dental, Respite and Emergency Relief.



Gippsland Wide

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Nearly 6,000 clients from Moe and Yallourn utilised LCHS general primary health services and nearly 9,000 GP consultations were provided to the wider community by the 7 day a week Moe After Hours Medical Service (MAHMS) during 2010-11.

To support our application LCHS requests the opportunity to address Council at the 6 February 2012 council meeting, to describe in greater detail the proposed long term use for the MELC site and facility.

Yours sincerely



Ben Leigh
Chief Executive Officer

ATTACHMENT SEVEN

Better health, Better lifestyles, Stronger communities



22 May 2012

Mr Paul Buckley
Chief Executive Officer
Latrobe City
PO Box 264
MORWELL VIC 3840

Free Call:
1800 242 696
www.lchs.com.au

Dear Paul

Commonwealth
Respite and
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Ph: (03) 5122 0444
Fax: (03) 5122 0433

Moe Centre
PO Box 63
Moe 3825
Ph: (03) 5127 9100
Fax: (03) 5127 7002

Traralgon Centre
PO Box 1488
Traralgon 3844
Ph: (03) 5171 1400
Fax: (03) 5171 1470

ABN 74 136 502 022

Moe Early Learning Centre Site, 38 Fowler Street Moe

Latrobe Community Health Service (LCHS) has been successful in obtaining funds from the Federal Government in order to complete its redevelopment of the Moe Community Health Centre. Work on this development will begin almost immediately and we anticipate that the works will be completed within two years.

This \$8.3 million project will completely redevelop the existing 30 year old building into a purpose built community facility which will support high quality inter-professional care, attract and retain quality staff, provide a learning environment and create community spaces, whilst maintaining the existing accessible location.

Nearly 6000 clients from Moe and Yallourn utilise a full range of Primary Health Care Services each year at this Centre, including general practice, physiotherapy, occupational therapy, speech therapy, podiatry, dietetics, health promotion, Koorie health, family violence, counselling, social work, gambler's help, community aged care, dental, respite, emergency relief, exercise classes and many community run groups.

The Moe Early Learning Centre site is of strategic importance to this development given its immediate proximity, being directly adjacent to the community health centre. In fact LCHS owns the rear of this site which it has been leasing to the council, on a peppercorn rent for many years.

We are now presented with a rare opportunity to add significant value to this important community site by including the Moe Early Learning Centre site into the Community Health Centre development. This is an important community health facility which LCHS is committed to continually enhancing in order to meet the many and varied current and future needs of the Moe community. As has been the case with all our site redevelopments we will be including spaces within the development for community use.

The Moe Community Health Centre site has the potential to become the centre of community activity in Moe and we request that council give serious consideration to making this important community site available for inclusion into the Moe Community Health Centre redevelopment.

Yours sincerely

Ben Leigh
Chief Executive Officer



Gippsland Wide

ITEMS REFERRED

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04 June 2012 (CM377)

ATTACHMENT EIGHT

PO Box 144 7-11 Cozens Street
Wangaratta VIC 3676
Ph : 03 5721 6480
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Email : admin@parnall.com.au
ABN : 65 103 086 737

PARNALL

21st March 2012

PREPARED BY: DAMIAN GRUNDY
 ESTIMATOR

Parnall Pty Ltd have pleasure in submitting the following cost assessment for the proposed works at the Moe Child Care & Community Centre, at 38 Fowler St, Moe.

Our estimate for the cost of works has been based on the scope of works prepared by Tony DiBianco of Parnall Pty Ltd following a meeting on-site with Jody O'Kane, Jody Pitkin & Henry Morrison from Latrobe City Council and as detailed here with references to the attached photographs.

The basic principal of the works is to convert the old Child Care facility into separate office spaces.

Dimensions for works have been interpreted from the supplied drawings as attached.

Attached photographs and descriptions of works defined by Tony DiBianco are as follows:

- Pic 1 - Remove tyres, metal fencing, trees, play equipment & mulch. Import top soil & grass
- Pic 2 - As above, the new timber fence is to be located in front of the side gate (left on pic) across the boundary. The building in the background is Latrobe Community Health Service where we performed internal renovations at an earlier date, the land beyond the tree apparently belongs to LCHS not LCC ?
- Pic 3 - Remove cubby house, trees, etc
- Pic 4 - remove metal fencing, trees, clothes line, shed on RHS stays
- Pic 5 - Remove sand pit & structure
- Pic 7 - Remove Cement sheet shed . It is approx 4 x 4
- Pic 8 /R4 - Remove glass panel, frame up, plaster & paint
- Pic 9 /R4 - Remove fittings & fixtures & make good
- Pic 10/R4 - same room - as above
- Pic 11/ R3 - Remove all fittings & fixtures, make good , re paint & new carpets
- Pic 12 & 13/ R3 - same room - as above
- Pic 14 & 15/ R3 - same above & replace door
- Pic 16 - Remove glass panel, frame up & plaster, replace door, remove fittings & fixtures, make good & re paint
- Pics 17 - 22 / as above (if you look at the floor plan these rooms are on the left of R3
- Pics 23 - 24 / R6 as above
- Pics 25 - 28 / R13 area as above
- Pic 29 - R14 disabled toilet / replace fittings & fixtures bring room up to code for re use

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- Pics 30 - 32 - R8 / remove all fittings & fixtures, remove gas heaters x 3, make good, re paint & new carpets
- Pic 33 - remove old kitchen & replace with new benches & cupboards, frame up servery & plaster, re paint, new vinyl
- Pics 34 - 35 R9 / remove fittings & fixtures, remove glass & plaster & re paint.

In our estimate we have allowed the following:

- External works including removal are children's playground equipment and clothesline, removal of an existing shed, rectification of broken ground, reinstatement of grass and installation of a new paling fence to the width of the block.
- The shed identified for removal may contain asbestos. We have therefore allowed an Asbestos Audit, asbestos removal and air monitoring during demolition.
- The internal removal of all existing fittings and fixtures including vanity basins, toilets and existing gas heaters.
- The full removal of existing floor coverings throughout in preparation for new floor coverings.
- A plumber and electrician to decommission all redundant services connected to fittings identified for removal.
- Carpentry work to make good in all areas of removed fittings and fixtures.
- Carpentry work to repair and patch any structural changes required through required works identified in Tony DiBianco's notes.
- Plaster work to repair walls and ceilings where existing windows have been removed, where fittings and fixtures have been removed and generally to make good.
- A sum of \$22,950 has been allowed for the supply and installation of new floor coverings throughout. In the absence of a detailed electrical specification this might best be included as a provisional sum. In the absence of a detailed scope of works and specification for floor coverings this might best be included as a provisional sum.
- For the installation of 2 Split system air conditioning units.
- A sum of \$8,500 has been allowed for electrical works to update and make good to match new layout. In the absence of a detailed scope of works and specification for electrical works this might best be included as a provisional sum.
- For plumbing works to upgrade the Disability WC.
- Works associated with the upgrade to the Disability WC including new sanitary fittings and fixtures, wall tiling and flooring.
- New kitchen joinery with the reinstatement of the existing stove and refrigerator.
- Tiled splash back in the kitchen.
- Replacement of one internal door as detailed.
- We have allowed repainting for all internal areas.
- We have allowed for Builders Preliminary Costs and Profit Margin.

We have made no allowance for the following items:

- Removal of asbestos materials internally.
- New whitegoods. We have assumed the existing will be re-used.

We estimate the building costs will be \$159,000-00

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ATTACHMENT 9

From: Gary.Blackwood@parliament.vic.gov.au [mailto:Gary.Blackwood@parliament.vic.gov.au]
Sent: Saturday, 3 March 2012 10:10 AM
To: Paul Buckley
Cc: Sharon Gibson; Lisa Price
Subject:

Hi Paul, I have been approached by a number of Moe people and the Moe Probus Club about the possibility of gaining some State Government assistance with the refurbishment of 38 Fowler St if it is retained by Council for community use. I have been told that a motion may be put to Council on Monday night requesting a decision on the future use of the site be held over until June. If it is Councils decision to hold this decision over until June I would be more than happy to work with Council to try and identify a funding option or Government Grant that could be applied for. While I am not in a position to guarantee that an application would be successful, I am prepared to do all I can to assist. Kind Regards. Gary.

**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	2013 AUSTRALIA DAY AWARD NOMINATIONS	(h) other
15.5	APPOINTMENT OF A PANEL OF PROVIDERS FOR APPROVED ENERGY EFFICIENT STREET LIGHTING HARDWARE	(d) contractual matters

ITEMS		NATURE OF ITEM
15.6	CONTRACT FOR SALE OF LODGE DRIVE, TRARALGON	(d) contractual matters
15.7	COUNCILLOR QUARTERLY EXPENSES REPORT – JULY - SEPTEMBER 2012	(h) other
15.8	GEOTECHNICAL INVESTIGATION AND DETAILED DESIGN REMEDIATION TREATMENTS OF LANDSLIPS	(d) contractual matters
15.9	LCC- 8 CONSTRUCTION OF RETAINING WALL AT COALVILLE ROAD, MOE	(d) contractual matters
15.10	LCC-10 YALLOURN NORTH TOWN HALL REDEVELOPMENT	(d) contractual matters
15.11	SALE OF LAND UPDATE - FORMER MOE EARLY LEARNING CENTRE, 38 FOWLER STREET MOE (ITEM BROUGHT FORWARD TO OPEN ITEMS)	(d) contractual matters

Meeting Closed to the Public

The Meeting closed to the public at 7.48 pm.

14. TEA BREAK**Adjournment of Meeting**

The Mayor adjourned the Meeting at 7.48 pm for a tea break.

Resumption of Meeting

The Mayor resumed the Meeting at 8.10 pm.

**THERE BEING NO FURTHER BUSINESS THE MEETING WAS DECLARED
CLOSED AT 8.21 PM.**

I CERTIFY THAT THESE MINUTES HAVE BEEN CONFIRMED.

MAYOR: _____

DATE: _____