



LATROBE CITY COUNCIL

MINUTES FOR THE ORDINARY COUNCIL MEETING

HELD IN NAMBUR WARIGA MEETING ROOM
CORPORATE HEADQUARTERS, MORWELL
AT 6.00 PM ON
11 JULY 2016

CM486

PRESENT:

Councillors:	Cr Michael Rossiter, Mayor	East Ward
	Cr Sharon Gibson, Deputy Mayor	West Ward
	Cr Graeme Middlemiss	Central Ward
	Cr Christine Sindt	Central Ward
	Cr Dale Harriman	East Ward
	Cr Sandy Kam	East Ward
	Cr Kellie O'Callaghan	East Ward
	Cr Darrell White	South Ward
	Cr Peter Gibbons	West Ward
Officers:	Gary Van Driel	Chief Executive Officer
	Sara Rhodes-Ward	General Manager Community Services
	Phil Stone	General Manager City Development
	Sarah Cumming	General Manager Corporate Services
	Steven Piasente	General Manager Infrastructure & Recreation
	Susan Gillett	Manager Governance
	Amy Phillips	Coordinator Governance
	Kylie Stockdale	Governance Officer

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The Mayor read the opening prayer.

2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND

The Mayor read the acknowledgement of the traditional owners of the land.

3. APOLOGIES AND LEAVE OF ABSENCE

Nil

4. DECLARATION OF CONFLICT OF INTEREST

The Chief Executive Officer declared a direct interest under Section 77B of *The Local Government Act 1989* in respect to Item 17.2 Presentation of the Chief Executive Officer Employment Matters Committee Terms of Reference for adoption.

5. ADOPTION OF MINUTES**MOTION**

Moved: Cr Gibson
Seconded: Cr Harriman

That the minutes of the Ordinary Council Meeting held on 20 June 2016 be confirmed.

CARRIED UNANIMOUSLY

6. ACKNOWLEDGEMENTS**6.1 PRESENTATION OF PLAQUE FROM THE LIONS CLUB OF TRARALGON**

Cr Harriman presented the Mayor a plaque from the Lions Club of Traralgon in appreciation of the ongoing support and services to the Lions Club from Latrobe City Council.

6.2 LETTER OF ACKNOWLEDGEMENT FROM MAYOR - JAZMIN SHELLEY

The Mayor will write to former resident, Jazmin Shelley, acknowledging her contribution to the under 17 Australian women's team. The team recently won at the world under 17 basketball championships.

7. PUBLIC QUESTION TIME

7.1 QUESTIONS ON NOTICE

From: Chris Kaczkowski

Topic: Multiple

Questions:

1. When I maintain Council owned or managed nature strip that adjoins my land do I do so under the Latrobe City Council's insurance cover or does Latrobe City Council indemnify this work by some other means;
2. In view that the National Broadband Network Company (NBN Co) is a Commonwealth Statutory Corporation and in this respect does Latrobe City Council consider that the NBN Co is a public authority under section 207C of the *Local Government Act 1989*?
3. The NBN Co intends to place a metal cabined (protruding metal objects) on the nature strip that is either owned or managed by Latrobe City Council which adjoins my land and in this respect does NBN Co require planning approval from Council?

Response:

In response to your questions, I provide the following responses:

1. It is generally accepted that residents maintain the nature strip adjacent to their properties in observance of a long held tradition or 'custom', however Latrobe City Council has embedded this maintenance requirement in its Local Law 2, under Nature Strips.

132. NATURE STRIPS

It shall be an offence under this Local Law for an adjacent property owner to fail to maintain a nature strip to the satisfaction of an authorised officer where maintenance includes:

- *Mowing of grass*
- *Removal of objects*
- *Rectification of hazards caused by the owner or under the control of the owner*
- *Removal of noxious weeds*

Penalty: 5 penalty units.

In terms of insurance, Council's public liability insurance policy does not extend to cover residents who are required to maintain the nature strips adjacent to their properties in accordance with Local Law 2. Should an incident occur where a resident accidentally causes damage to a third party as a result of maintaining the nature strip, insurance cover may be available if the resident holds a current household contents policy of insurance (public liability section) for

their property. Residents are however advised to seek advice from their insurers as insurance policies have widely varying terms and conditions.

2. NBN Co is listed on the Australian Securities and Investment Commission as an Australian Public Company, limited by shares. According to the Australia.gov.au website, it is a wholly owned government business enterprise. Council has not had any reason to establish or not establish whether NBN Co is a public authority in accordance with section 207C of the *Local Government Act 1989*.
3. It is considered the works in the nature strip described do not require a planning permit as they are considered to be infrastructure associated with low impact facilities that do not trigger a planning permit requirement.

This is in accordance with Division 3 of Part 1 of Schedule 3 of the *Telecommunications Act 1997* which authorises a carrier like NBN (and those contractors authorised by a carrier to perform works) to enter land and install low-impact facilities without being subject to the state and territory laws, including planning laws.

7.2 PUBLIC SPEAKERS**MOTION****Moved:** Cr Gibson**Seconded:** Cr White

That Council suspend standing orders to hear speakers at this point in time.

CARRIED UNANIMOUSLY

Council suspended standing orders at 6:10 pm.

The following persons spoke on an item on the agenda at this time:

14.1 Planning Application 2016/9 - Development of Land with Three (3) Single Storey Dwellings and a Three (3) Lot Subdivision in the General Residential Zone

- Peter Appleton
- Robert Thompson

MOTION**Moved:** Cr Gibson**Seconded:** Cr Gibbons

That Council resumes standing orders.

CARRIED UNANIMOUSLY

Standing orders resumed at 6:22 pm.

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8. ITEMS HELD OVER FOR REPORT AND/OR CONSIDERATION/QUESTIONS ON NOTICE

Council Meeting Date	Item	Resolution	Status Update
City Development			
20 June 2016 City Development	2016/12 - Future Economic Development of Latrobe City	<p>That Council, as a result of the increasing community concern around media speculation on the future of the Latrobe Valley based brown coal electricity generation industry;</p> <ol style="list-style-type: none"> 1. Convenes a meeting within one month of all government, semi-government, union, community and business organisations who have been identified as preparing proposals for the future economic development of Latrobe City; and 2. Invites each organisation to give a brief presentation of their proposals, in order to avoid duplication of efforts around economic development in Latrobe City; and 3. Invites the Premier to open the meeting and outline the State position on this issue; and 4. Invites observers from relevant organisations to the meeting; and <p>Continued below</p>	

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Council Meeting Date	Item	Resolution	Status Update
20 June 2016 City Development	2016/12 - Future Economic Development of Latrobe City	5. Requests a Positioning Paper be produced incorporating the direction and issues identified, and that this paper to be used as the basis of further meetings to coordinate and accelerate economic development in Latrobe City; and 6. Requests a report be presented to Council to consider adoption of the Positioning Paper as soon as practicable.	
20 June 2016 City Development	2016/13 - Remembrance Day And Anzac Day Road Closures	That Council: 1. Covers the cost associated with the Latrobe City RSL's road closures for Remembrance Day 2016; 2. Continues to lobby the State and Federal Governments to cover the ongoing costs associated with ANZAC and Remembrance Day; and 3. Seek a further report regarding options to support these events in future years.	

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Council Meeting Date	Item	Resolution	Status Update
06 May 2013 City Development	Latrobe City International Relations Advisory Committee - Amended Terms of Reference (continued below)	That the item be deferred pending further discussion by Councillors relating to the Terms of Reference.	<p>Item on hold pending Council's review of Committees.</p> <p>A further report will be presented to Council once the review is complete.</p> <p>05 February 2016 Manager Arts & Events is preparing a submission for the Tourism Advisory Board to consider options to broaden the scope of the Terms of Reference to include matters relating to Major Events. The submission will be presented to the Advisory Board meeting scheduled for April.</p> <p>10 March 2016 On the 12 January 2016, The Latrobe City International Advisory Committee approved the Draft Latrobe City International Relations Advisory Committee Terms of Reference for the consideration of Council.</p> <p>18 March 2016 A report will be presented to Council which recommends adoption of the new terms of reference for the International Advisory Committee which is currently scheduled for 11 April 2016, following the Briefing held In February 2016.</p>

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Council Meeting Date	Item	Resolution	Status Update
06 May 2013 City Development	Latrobe City International Relations Advisory Committee - Amended Terms of Reference (continued)	That the item be deferred pending further discussion by Councillors relating to the Terms of Reference.	<p>08 April 2016 Council have requested further information in relation to the "Presentation of Advisory Committee Terms of Reference for Adoption" which includes the Latrobe City Council International Relations Advisory Committee</p> <p>27 May 2016 Copy of minutes of Advisory Committee meeting affirming the changes needs to be attached to new Terms of Reference; then matter can come back to Council for formal adoption.</p>

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Council Meeting Date	Item	Resolution	Status Update
<p style="text-align: center;">14 September 2015</p> <p style="text-align: center;">City Development</p>	<p>Consideration of the Recommendations of the Panel Report for C87</p> <p>(continued below)</p>	<p>That Council defer the Consideration of the recommendations of the Panel Report for C87 until the following have taken place:</p> <ol style="list-style-type: none"> 1. That Council communicates with the Premier to organise a meeting with the EPA, interested Councillors, relevant Council Officers, Australian Paper and relevant stakeholders to discuss Urban Amenity Buffer solutions 2. That Council requests the Department of Energy and Earth Resources to work through the issues to provide a solution to the Coal Residential Interface 	<p>05 February 2016 A Councillor Briefing with EPA and Australian Paper took place on 1 February 2016 to discuss the urban amenity buffer.</p> <p>09 March 2016 EPA, AP and LCC met with Tyers landowners on 03 March 2016, and will organise to meet with the Traralgon West, Morwell North and community groups on 21 March 2016.</p> <p>The draft Risk Assessment has been received and reviewed by Council Officers.</p> <p>A Councillor Briefing was held on 07 March 2016 to discuss the Risk Assessment report.</p> <p>A second Councillor Briefing will be organised with DEDJTR regarding their position on coal buffers and the AGL Work Plan variation. This date will be communicated to Councillors once confirmed.</p> <p>30 March 2016 EPA, AP and LCC met with the Traralgon West, Morwell North and community groups on 23 March 2016.</p> <p>A second Councillor Briefing has been organised with DEDJTR on 18 April 2016.</p>

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Council Meeting Date	Item	Resolution	Status Update
<p style="text-align: center;">14 September 2015</p> <p style="text-align: center;">City Development</p>	<p>Consideration of the Recommendations of the Panel Report for C87 (continued)</p>	<p>As above</p>	<p>14 April 2016 A Councillor Briefing has been scheduled for the 9 May 2016 to discuss the options and recommendations for progressing Amendment C87. Following the Councillor Briefing a Council report will be presented at the 23 May 2016 Ordinary Council Meeting for a decision on Amendment C87.</p> <p>23 May 2016 Motion One- Council considered PPV recommendation and split Amendment C87 into three parts: Part A (Urban Coal Buffer); Part B (Urban Amenity Buffer); Part C - all other elements. Motion Two- Council adopted C87 Part A with the changes identified in Attachment 3 - 'Consideration of Panel's Recommendations for Latrobe Planning Scheme Amendment C87', and committed to write to the Minister of Planning, and the Minister administering the Mineral Resources (Sustainable Development) Act 1990 seeking a meeting to discuss land use planning coal issues that affect Latrobe City.</p>

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<p style="text-align: center;">14 September 2015</p> <p style="text-align: center;">City Development</p>	<p>Consideration of the Recommendations of the Panel Report for C87 (continued)</p>	<p>As above</p>	<p>Council also committed to writing to the aforementioned Ministers to inform that any future decision by Council to proceed with new urban rezoning of land in areas adjacent to the existing coal buffer will be deferred pending confirmation from the State as to whether it intends to review the existing boundary of the mapped coal buffer set out in ESO1, having regard to the report of the Planning Panel considering C87.</p> <p>Motion Four- Council Adopted C87 Part C, with the changes identified in Attachment 3 - 'Consideration of Panel's Recommendations for Latrobe Planning Scheme Amendment C87'.</p> <p>Motion Five- Council will inform all written submitters of the resolutions from 23 May 2016 Ordinary Council Meeting.</p> <p>Motion Six- Council deferred C87 Part B until a report on further options can be presented to Council, and, if necessary, Council may need to seek an extension of time from the Minister of Planning</p>

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Council Meeting Date	Item	Resolution	Status Update
06 July 2015 City Development	Latrobe Performing Arts and Convention Centre Review (continued below)	<p>That Council:</p> <ol style="list-style-type: none"> 1. Adopt the Review of the Latrobe Performing Arts and Convention Centre Feasibility Study and Business Case June 2015. 2. Consider the Latrobe Performing Arts and Convention Centre as two separate projects – Latrobe Performing Arts Centre and Latrobe City Convention Centre. 3. In relation to the Latrobe Performing Arts Centre: <ol style="list-style-type: none"> a) Confirms the site of the existing Latrobe Performing Arts Centre in Traralgon as the site for the new Latrobe Performing Arts Centre. b) Undertake a detailed business case for the Latrobe Performing Arts Centre including a strong evidence base for the new facility and confirmation of key design elements. c) Engage a specialised theatre design consultant to confirm key design elements and complete a functional design brief to detail costs of the Latrobe Performing Arts Centre. 	<p>05 February 2016</p> <p>In relation to the Latrobe City Convention Centre, a project brief will be prepared in the first half of 2015/16 to engage a consultant to undertake investigation to confirm potential demand for a dedicated convention centre. It is envisaged that this will be completed in the 2015/16 financial year, subject to budget approval by Council.</p> <p>A further report will be presented to Council at this time and depending on the outcome of the demand analysis, a business case including establishment of a working group will be progressed.</p> <p>A consulting team has been appointed and work is underway on the full business case, concept designs and applications for the National Stronger Regions Fund and Victorian Regional Jobs and Infrastructure Fund.</p> <p>A Project Reference Group has been established, with key community stakeholders, representatives of Regional Development Australia and Creative Victoria, Councillors and Council Officers to review and provide feedback on the submission elements through the development process.</p>

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Council Meeting Date	Item	Resolution	Status Update
06 July 2015 City Development	Latrobe Performing Arts and Convention Centre Review (continued)	<p>d) Allocate \$200,000 from the 2015/16 Financial Year surplus to develop the Latrobe performing arts business case and functional concept design.</p> <p>e) Establish a representative community working group to steer the business case and design for the Latrobe Performing Arts Centre.</p> <p>f) Receive a report pending the outcome of the funding submission to the National Stronger Regions Fund – Round 2.</p> <p>g) Continue to liaise with the Victorian and Commonwealth governments in relation to potential funding opportunities.</p> <p>4. In relation to the Latrobe City Convention Centre:</p> <p>a) Confirms Morwell as the location of the Latrobe City Convention Centre.</p> <p>b) Undertakes further detailed analysis and investigation to confirm potential demand for a dedicated convention centre in Latrobe City.</p>	<p>Following the Councillor Briefing on Wednesday 27 January, a report will be presented to Council on Monday 08 February ahead of the submission being lodged with the State Government.</p> <p>10 March 2016 Following the appointment of Williams Boag Pty Ltd Architects in December 2015, a Business Case and Functional Concept Design has been prepared in relation to what is now called the Latrobe Creative Precinct. The Precinct incorporates a new Latrobe Performing Arts Centre, outdoor event spaces, educational and vocational training facilities and a digital learning hub; in addition to the existing Library and Service Centre and Maternal and Child Health Centre. Applications for funding have been prepared and lodged with the State Government and Federal Governments, following Council's resolution to provide \$10 million towards the project. If successful, Council will move to the preparation of detailed planning for the new Precinct in coming months.</p>

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Council Meeting Date	Item	Resolution	Status Update
06 July 2015 City Development	Latrobe Performing Arts and Convention Centre Review (continued)	<p>c) Establish a representative community working group, to steer the business case and design for the Latrobe City Convention Centre.</p> <p>d) Allocate funding in future budgets to assist with the development of a business case and functional concept design for the Latrobe City Convention Centre.</p> <p>e) Investigate funding options for the Latrobe City Convention Centre.</p> <p>27 July 2015 That Council:</p> <p>1. Receives a report outlining State Government funding opportunities and recommendations on applying for funding through National Stronger Regions Fund Round 3.</p>	<p>In relation to the Latrobe City Convention Centre, a project brief will be prepared late in the first half of 2015/16 to engage a consultant to undertake investigation to confirm potential demand for a dedicated convention centre. It is envisaged that this will be completed in the 2015/16 financial year, subject to budget approval by Council.</p> <p>A further report will be presented to Council at this time and depending on the outcome of the demand analysis, a business case including establishment of a working group will be progressed.</p> <p>20 April 2016 On Wednesday 20 April Minister for Regional Development Jaala Pulford announced State Funding of \$10 million towards the Latrobe Creative Precinct. A decision is now awaited on Council's submission for a further \$10 million from the Federal Government's National Stronger Regions Fund.</p> <p>27 May 2016 On 20 April 2016, Member for Gippsland and Federal Minister for Infrastructure Darren Chester issued a Media Statement which confirms his strong support for the LCP project.</p>

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Council Meeting Date	Item	Resolution	Status Update
26 October 2015 City Development	2015/20 - Traralgon Court House Status Update	That a report be brought back to Council on the status of the plans for the Traralgon Court House. That the report includes: (a) the options on how Council proposes to fund the plans; and (b) the actions for 2015/16 and any actions proposed for 2016/17	Officers will prepare a report for Council meeting in May 05 February 2016 Preparation of report is on schedule. 28 Apr 2016 A report will be presented to the Briefing Meeting on 9 May 2016. 11 May 2016 Accurate costings will now be obtained from a Quantity Surveyor regarding the construction of a new toilet block, deck and doorway to the existing building. When final costings are known, a report will be brought back to a Councillor Briefing meeting.
26 October 2015 City Development	Economic Development Engagement Plan	That Council: 1. Approves the 2015/16 Economic Development Engagement Plan to improve information sharing and active communication with Council staff, investors, government, business and industry leaders. 2. Receives quarterly reports during the 2015/16 financial year on the activities of the Economic Development Engagement Plan, and 3. Receives a report in September 2016 detailing the annual results of the Economic Development Engagement Plan.	05 February 2016 The Economic Development Engagement Plan Quarterly report was presented to Council in February 2016. Report to be presented to the Ordinary Council Meeting on 29 February 2016. 10 March 2016 The next quarterly report will be presented to Council in May 2016. The annual report will go to Council for consideration in September 2016. 28 April 2016 The Economic Development Engagement Plan was presented to Council on 29 February 2016.

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Council Meeting Date	Item	Resolution	Status Update
07 December 2015 City Development	Federation University Australia Gippsland Campus Initiatives with Taizhou, China (continued below)	That Council: 1. Supports the consideration of an allocation of Council resources to complement the Gippsland Campus of Federation University Australia proposed initiatives with Latrobe City's Sister City, Taizhou China. 2. Requests a further report be brought back in 2016, in accordance with the Sister Cities Policy.	Email correspondence has recently taken place with the Taizhou Foreign Affairs Officer in relation to a proposed Educational Marketing Campaign in Taizhou and also a possible Taizhou Foreign Affairs Officer secondment for 8 weeks in February/March 2016. However, due to time constraints it is unlikely that the secondment will come to fruition. Initial feedback on the marketing campaign was positive; we are waiting to hear more information in coming weeks. Positive feedback from the Taizhou Foreign Affairs office indicates that the Federation University marketing campaign in Taizhou is a real possibility. Further conversation will be held once Dr Harry Ballis returns from overseas in late January. 05 February 2016 Contact will be made this month with Dr Ballis. 09 March 2016 Correspondence has been sent to the Taizhou Government. Further information will be provided once a response is received.

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Council Meeting Date	Item	Resolution	Status Update
07 December 2015 City Development	Federation University Australia Gippsland Campus Initiatives with Taizhou, China (continued)	That Council: 3. Supports the consideration of an allocation of Council resources to complement the Gippsland Campus of Federation University Australia proposed initiatives with Latrobe City's Sister City, Taizhou China. 4. Requests a further report be brought back in 2016, in accordance with the Sister Cities Policy.	10 March 2016 During April 2016, Federation University Australia, Gippsland Campus is embarking on another marketing campaign to Taizhou, China. The purpose of the visit will be to further progress the collaborative partnerships with Taizhou Polytechnic, Taizhou University and Taizhou High Schools with the aim of establishing programs and exchanges for mutual benefits. The delegation is planned for 18th to 22 April 2016, will focus on finalising collaborative partnership initiatives, showcase Federation University Australia Gippsland and Latrobe City as a destination of choice for Taizhou students and their families. 08 June 2016 The delegation occurred from 18 to 22 April 2016, which focused on finalising collaborative partnership initiatives, showcasing Federation University Australia Gippsland and Latrobe City as a destination of choice for Taizhou students and their families. It is anticipated that a delegation of high level education representatives will visit Latrobe City late in the 2016 calendar year and Federation University are planning for students in 2017.

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Council Meeting Date	Item	Resolution	Status Update
23 May 2016 City Development	2016/10 - Impact Of Proposed Great Forest National Park	<p>That Council:</p> <ol style="list-style-type: none"> 1. Requests that the Chief Executive Officer prepares a report on the Assessment of the Economic and Social Impacts of the Proposed Great Forest National Park to the Latrobe City Municipality; 2. Requests that the Mayor writes to the Premier and the Minister for Energy, Environment and Climate Change and to express our disappointment that there is no local government voice on the taskforce looking at the Great Forest National Park. That the Mayor request that either MAV or Timber Towns Victoria are given a position on this taskforce. 	<p>08 June 2016</p> <p>A report is being prepared that includes the economic value of the timber industry in Gippsland and Latrobe City LGA. The report will be included in a Council report providing the information and the option to undertake detailed economic and social research at additional cost and timeframe.</p> <p>Letter will be drafted at conclusion of report preparation.</p>

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Council Meeting Date	Item	Resolution	Status Update
07 December 2015 City Development	Planning Scheme Amendment C85 - Crinigan Road, Morwell	<p>That Council:</p> <ol style="list-style-type: none"> 1. Defer the consideration of Amendment C85 until advice has been received from the landowner on how they wish to proceed with the amendment. 2. That a report outlining the next steps be presented to Council no later than 30 October 2016. 3. Advises those persons who made written submissions to Amendment C85 of Council's decision 	<p>The land owner has been advised of Council's decision, and are now considering their options. No further action will be undertaken until further advice from the landowner has been received.</p> <p>05 February 2016</p> <p>The landowner (Hancock Victorian Plantations) has been contacted recently and has advised they are yet to make a decision pending a future HVP Board meeting. Further advice from the landowner is expected by the end of March.</p> <p>30 March 2016</p> <p>The landowner (Hancock Victorian Plantations) have advised that they require more time to consider their options. The HVP Board have requested further information be sought prior to a decision being made. Further advice from HVP is expected in the coming months.</p> <p>08 April 2016</p> <p>Submitters to Amendment C85 were notified of Council's resolution on 11 December 2015.</p> <p>08 June 2016</p> <p>No further update to provide. Advice from HVP is still pending.</p>

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Council Meeting Date	Item	Resolution	Status Update
<p>21 March 2016</p> <p>City Development</p>	<p>Community Amenity Local Law No 2 2015 Consideration of Submissions</p>	<p>That Council:</p> <ol style="list-style-type: none"> 1. Notes and considers all submissions received in relation to the proposed draft Community Amenity Local Law No.2 2015; 2. Requests a further report be presented no later than 20 June 2016 that identifies any changes to the proposed draft Community Amenity Local Law No.2 through consideration of these submissions; 3. That an amended draft Community Amenity Local Law No.2 2015 be put out to the public for consultation for a period of four weeks; and 4. A meeting is arranged with the submitters to discuss any alterations to the draft Community Amenity Local Law No.2. 	<p>24 March 2016</p> <p>Council has noted and considered all submissions received in relation to the proposed draft Law. 3 submitters spoke, specifically against section 94 - recreational vehicles & permits.</p> <p>A further report will be presented to Council in May that identifies any changes to the proposed law.</p> <p>The amended draft Local Law 2 2015 can then be put to the public for consultation for a four week period during June and a meeting will be arranged with the submitters to explain alterations to the proposed law.</p> <p>A report will then be presented to Council in July recommending that Council adopt the amended Local Law No 2.</p> <p>20 June 2016</p> <p>Report being presented to Council Monday 20 June requesting a second round of community consultation, inclusive of community meeting to discuss proposed Local Law No. 2.</p>

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Council Meeting Date	Item	Resolution	Status Update
02 May 2016 City Development	Proposed Livestock Selling Facility	That Council: 1. Complete a pre-feasibility study into the establishment of a Livestock Sales Facility within the municipality. 2. That a further report outlining the results of the pre-feasibility study be presented to Council.	11 May 2016 Officers are currently in the process of drafting a brief in order to go to market for a pre-feasibility study.
Infrastructure & Recreation			
20 June 2016	Draft Drainage Asset Management Plan 2016	That Council: 1. Endorses the draft Drainage Asset Management Plan 2016 for public consultation for 7 weeks from 10 October 2016 to 28 November 2016. 2. Requests that a further report be brought to Council following the public consultation with a draft Drainage Asset Management Plan 2016 that considers the feedback from the community consultation.	

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Council Meeting Date	Item	Resolution	Status Update
06 November 2013 Infrastructure & Recreation	Latrobe Regional Motorsport Complex (continued below)	<ol style="list-style-type: none"> 1. That Council requests the members of the Latrobe Regional Motorsports Complex Advisory Committee to investigate potential sites for the motorsports complex and to advise Council of any sites identified so that further investigation can be undertaken by Council officers. 2. That Council officers meet with Energy Australia to discuss other possible sites for a motorsports complex on their land. 3. That a further report be presented to Council at such time that site options have been investigated 	<p>2015 Initial advice from Energy Australia and HVP is that land is not currently available for this use. Officers continuing to work with both parties to identify potential sites for further investigation.</p> <p>An on-site meeting with Cr Middlemiss occurred in December 2014 to investigate further site options.</p> <p>Further evaluation will be undertaken of sites identified during on-site meeting.</p> <p>A briefing report and Council report will be presented in April 2016.</p> <p>30 March 2016 Further evaluation will be undertaken of 10 sites identified during on-site meeting. A briefing report will be presented in May 2016.</p> <p>08 April 2016 Officers have recently met with Cr. Middlemiss in relation to investigating a number of possible options for the development of a motorsports complex. These ten sites are currently being assessed for their suitability. When this assessment is complete a further report will be presented to Council detailing and findings.</p> <p>26 May 2016 A briefing report will be presented to Councillors at the 30 May 2016 Councillor Briefing.</p>

**ORDINARY COUNCIL MEETING MINUTES
11 JULY 2016 (CM486)**

Council Meeting Date	Item	Resolution	Status Update
06 November 2013 Infrastructure & Recreation	Latrobe Regional Motorsport Complex (continued)	As above	<p>30 May 2016 A report was presented to the Councillor Briefing on 30 May 2016, and a further report will follow in September.</p> <p>10 June 2016 A briefing report was presented to Council on 3 May 2016. A tour of possible sites is to be organised for the Latrobe Motorsport Advisory Committee and a letter to be sent to CAMS regarding the possibility of hosting significant motorsport events is to be sent. A report to be provided to Council at a later date when these actions have been completed.</p>
25 May 2015 Infrastructure & Recreation	Draft Tracks, Trails And Paths Strategy	<p>That Council:</p> <ol style="list-style-type: none"> 1. Releases the draft Tracks, Trails and Paths Strategy for a period of 6 weeks from Tuesday 26 May 2015 to Friday 7 July 2015. 2. Request a further report be presented to Council with the results of the community consultation process. 	<p>09 March 2016 The Tracks Trails and Paths Strategy and Implementation plan will be presented to Council in May 2016.</p> <p>11 May 2016 A report will be presented to Council for endorsement on 20 June 2016.</p> <p>27 June 2016 The Tracks Trails and Paths Strategy was adopted by Council on 20 June 2016.</p>

**ORDINARY COUNCIL MEETING MINUTES
11 JULY 2016 (CM486)**

Council Meeting Date	Item	Resolution	Status Update
25 May 2015 Infrastructure & Recreation	Request to Air Condition Latrobe Leisure Stadium Facilities (continued below)	<p>That Council:</p> <ol style="list-style-type: none"> 1. Considers allocating funding in the 2016/17 financial year for the installation of air handling systems at the following Latrobe Leisure facilities, Traralgon Sports Stadium, Latrobe Leisure Morwell, Latrobe Leisure Moe Newborough and Latrobe Leisure Churchill; 2. Instructs Council Officers to undertake further investigation in relation to energy efficiency improvements, heat load reduction and air conditioning systems for the facilities; 3. Identifies and allocates the funding for the investigations detailed in point 2 from savings from the 2014/15 budget; 4. Request a report be presented to Council prior to the development of the 2016/17 budget detailing the results of the investigations detailed in point 3; 	<p>2015 Quotes are currently being requested for investigation in relation to energy efficiency improvements, heat load reduction and air conditioning systems for the facilities.</p> <p>Quotes are currently being requested for the provision of temporary air handling units for the BVC Event in 2016.</p> <p>A report is planned to be presented to the April Council Meeting.</p> <p>30 March 2016 A report is planned to be presented to the June Council Meeting.</p> <p>08 June 2016 The report to Council has been rescheduled to 01 August 2016.</p>

**ORDINARY COUNCIL MEETING MINUTES
11 JULY 2016 (CM486)**

Council Meeting Date	Item	Resolution	Status Update
25 May 2015 Infrastructure & Recreation	Request to Air Condition Latrobe Leisure Stadium Facilities (continued)	5. Instructs Council Officers to investigate the ability to hire, and the costs associated with, temporary air handling units for the BVC event in 2016; 6. Consider the costs of item 5 is as part of the mid year budget review; and 7. Advise Basketball Victoria Country of Councils' decision.	As above

**ORDINARY COUNCIL MEETING MINUTES
11 JULY 2016 (CM486)**

Council Meeting Date	Item	Resolution	Status Update
27 July 2015 Infrastructure & Recreation	2015/15 - Request for Investigation into Traralgon Netball Court Resurfacing	That Council engage an Independent investigator to investigate the Traralgon Netball Court resurfacing tender process including; <ol style="list-style-type: none"> 1. The materials used 2. The written Tender brief 3. The overseeing process utilised and reporting details 4. The report with all of these details be brought back to Open Council as soon as practical. 	<p>2015 Officers have not as yet engaged an independent investigator to investigate the Traralgon Netball Court resurfacing tender process. Council Officers are currently focused on finalising the remediation process with the Contractors who undertook the works.</p> <p>A project brief is currently being developed and quotes will be sought for the investigation during March. The investigation report will be provided to the Council Meeting in May 2016.</p> <p>We are currently negotiating with the Contractor who undertook the works for them to accept responsibility for the resurfacing. Once we have clarified the contractors position the review will commence.</p> <p>08 April 2016 The company have acknowledged that the repairs are their responsibility and the work is underway.</p> <p>An independent review will be arranged by end of financial year.</p> <p>04 May 2016 The remedial works were completed however minor defects have arisen that are being attended to.</p> <p>21 May 2016 The tender brief is prepared and will be sent 24 May 2016.</p> <p>Continued below</p>

**ORDINARY COUNCIL MEETING MINUTES
11 JULY 2016 (CM486)**

Council Meeting Date	Item	Resolution	Status Update
27 July 2015 Infrastructure & Recreation	2015/15 - Request for Investigation into Traralgon Netball Court Resurfacing	That Council engage an Independent investigator to investigate the Traralgon Netball Court resurfacing tender process including; <ol style="list-style-type: none"> 1. The materials used 2. The written Tender brief 3. The overseeing process utilised and reporting details 4. The report with all of these details be brought back to Open Council as soon as practical. 	Tenders closing mid-June, with a report to Officers by 14 July, and a report prepared for the next available meeting in August

**ORDINARY COUNCIL MEETING MINUTES
11 JULY 2016 (CM486)**

Council Meeting Date	Item	Resolution	Status Update
02 May 2016 Infrastructure & Recreation	Agnes Brereton Park Traralgon - Preparation of Work Plan for Repairs (continued below)	That Council: 1. Takes immediate action to inspect, stabilise and prepare a work plan to ensure the surface of the netball courts at Agnes Brereton Park Traralgon are safe and appropriately repaired; and 2. Advises the Traralgon Netball Club of the timeframe for this work; and 3. Requests a report to be provided to the next Ordinary Council meeting regarding the outcomes.	10 May 2016 An on-site meeting was held on 6 May 2016 with the following actions outlined, that will be carried out by Council over the coming weeks, addressing the concerns raised at the meeting by the Traralgon Netball Association. 1. Weekly Inspections An inspection will be undertaken of the courts on a weekly basis to determine if any additional repair works are required. Should any additional works be required these will be organised by Council as soon as practically possible. 2. Independent Consultant We will appoint an independent consultant to undertake an assessment of the Courts. The consultant will provide advice to Council in relation to any additional works that may be required, over both the short and long term, to ensure the courts are in the best condition possible for use by the community.

**ORDINARY COUNCIL MEETING MINUTES
11 JULY 2016 (CM486)**

Council Meeting Date	Item	Resolution	Status Update
02 May 2016 Infrastructure & Recreation	Agnes Brereton Park Traralgon - Preparation of Work Plan for Repairs (continued)	As above	<p>3. Car Park Repairs</p> <p>I will arrange for my staff to assess the condition of the car park. While on site today I identified a number of areas that will require immediate attention and some that may be undertaken at a later date. I will provide you with further detail in relation to when these works will be undertaken after the car park has been assessed by my staff.</p> <p>4. Additional Concreting Works</p> <p>Additional concreting works will be undertaken to provide pathway connections from the concrete roadway to the back courts.</p> <p>Our contractor has advised that there may be a sand like material on the surface during the first few weeks while the surface dries completely. It would be appropriate for the association to monitor the condition of the courts during play to ensure that the surface continues to be safe for play. Should the surface be determined to be unsafe play may need to be suspended for a short period in order for the courts to be swept clean.</p>

**ORDINARY COUNCIL MEETING MINUTES
11 JULY 2016 (CM486)**

Council Meeting Date	Item	Resolution	Status Update
Community Services			
18 February 2013 Community Services	Affordable Housing Project – Our Future Our Place	<p>5. That Council proceeds to publically call for Expressions of Interest as a mechanism to assess the viability and interest in developing an affordable housing project on land known as the Kingsford Reserve in Moe.</p> <p>6. That a further report be presented to Council for consideration on the outcome of the Expression of Interest process for the development of an affordable housing project on land known as the Kingsford Reserve in Moe.</p>	<p>Project review underway, almost at completion.</p> <p>09 March 2016 A report will be presented to a Councillor Briefing in May 2016</p> <p>08 June 2016 The Briefing report has been rescheduled to 27 June 2016.</p>
Corporate Services			
23 May 2016 Corporate Services	Report Into Grant Acquittal Practices	<p>That Council:</p> <ol style="list-style-type: none"> 1. Receives and notes this interim report into grant acquittal practices; 2. Notes the management actions contained within the Community Grants and Sponsorships internal audit report; and 3. Requests a further report to be presented by September 2016 detailing the progress of designing a new Grants and Sponsorship Framework. 	<p>A report is planned to be presented to Council at the 12 September 2016 meeting.</p>

**ORDINARY COUNCIL MEETING MINUTES
11 JULY 2016 (CM486)**

Council Meeting Date	Item	Resolution	Status Update
02 May 2016 Corporate Services	Traralgon Greyhound Racing Club - Long Term Lease	<p>That Council:</p> <ol style="list-style-type: none"> 1. Endorses the in principle draft terms and special conditions prepared for the long term lease with the Traralgon Greyhound Racing Club for part of Glenview Park, Traralgon, and 2. Forwards a copy of the draft lease document to the Traralgon Greyhound Racing Club for consideration. 3. Requests the Chief Executive to revise and amend the draft terms and special conditions following comments from the Traralgon Greyhound Racing Club and subject to further advice from Council Officers that the outstanding issues have been resolved provide a report prior to the signing of the revised Lease with the Traralgon Greyhound Racing Club and sublease with Telstra for Glenview Park, McNairn Road, Traralgon. 	<p>12 May 2016 Follow up report will be provided advising Council of the status of the outstanding issues.</p> <p>08 June 2016 A further report is planned to be presented to Council at the 01 August 2016 meeting, subject to receiving information from the Traralgon Greyhound Racing Club.</p>

NOTICES OF MOTION

9. NOTICES OF MOTION**9.1 NOTICE OF MOTION - 2016/18 - REQUEST TO WRITE TO
VICROADS REGARDING REDUCTION IN SPEED LIMIT ON
SAVAGES ROAD, MOE****Cr Sharon Gibson**

I, Cr Gibson, hereby give notice of my intention to move the following motion at the Council Meeting to be held on Monday, 11 July 2016:

MOTION

Moved: Cr Gibson
Seconded: Cr Gibbons

That Council request Council officers write to VicRoads requesting a meeting with VicRoads representatives, Council Officers, Moe and District Netball Association representatives and the Deputy Mayor to discuss resolving Council's application for a reduction in speed limit on Savages Road, Moe to 60km/hr.

CARRIED UNANIMOUSLY

(Signed)

Cr Gibson

Attachments
Nil

ITEMS REFERRED BY THE COUNCIL TO THIS MEETING FOR CONSIDERATION

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

Nil reports

CORRESPONDENCE

11. CORRESPONDENCE

11.1 CONSIDERATION OF CORRESPONDENCE RECEIVED FROM THE CITY OF TRARALGON BAND FOR A COUNCIL REPRESENTATIVE TO BE APPOINTED

General Manager

Corporate Services

For Decision

PURPOSE

To consider correspondence received from the City of Traralgon Band requesting that Latrobe City Council nominates a Council representative to be present at monthly committee meetings for the band, or as required.

EXECUTIVE SUMMARY

The City of Traralgon Band has requested a Council representative be appointed to them.

There is no documented protocol or policy which identifies when Council should appoint a Council representative to an organisation.

Current Committees or organisations that Council has a representative on, relate more to strategic, statutory or local government roles. Current precedent lends itself more to an officer liaison role with the City of Traralgon Band rather than a formal appointed role to a Committee.

MOTION

Moved: Cr Harriman

Seconded: Cr Gibson

That Council:

1. **Supports an officer liaison for the City of Traralgon Band;**
2. **Requests the Chief Executive Officer to develop a protocol or policy which identifies when Council should appoint a Council representative to an organisation; and**
3. **Writes to the City of Traralgon Band advising them of Council's decision.**

CARRIED UNANIMOUSLY

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objective - Governance

Latrobe City Council Plan 2013 - 2017

Theme

Theme 3: Efficient, effective and accountable governance

BACKGROUND

The City of Traralgon Band (Band) wrote to the Mayor on the 19 April 2016 requesting a representative from Council be nominated.

The basis of the request (attached) states that the Band '*would appreciate the presence of a Council nominate to oversee, guide and assist with our discussions, operations and planning*'.

The Band is an incorporated body, and has been since 30 June 1987. It is also registered with an ABN, as well as registered for charity status.

The Band was originally founded in 1881. The Band's constitution provides for, in the event of the Band folding, that the ownership of the instruments is transferred to Council.

KEY POINTS/ISSUES

There are no current Council policies or protocols that guide when it is appropriate for Council to require representation on an external group.

In the absence of this guidance, the following factors have been assessed:

- Current Support – what support does Council currently provide to the Band or has in the past
- Precedent – if there is any, and whether this proposed relationship would give rise to any other precedent
- Benefit – what benefit to Council (and the community) does entering into this type of relationship provide
- Cost – what are the anticipated costs associated with ongoing attendance, whether it be staff or councillors
- Timing – with an upcoming Council election, is it appropriate to be entering into a new relationship at this point in time, or should it be considered with the new Council
- Alternative Approaches – are there options available other than a formal relationship

Current Support

Financial support has been provided to the Band in the past, with grants being provided for their Tour of Remembrance in 2015, as well as grants through the Community grants program.

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The Band also leases the Kath Teychenne Centre, with the lease agreement in place until 2018.

Council has appointed a representative from the Traralgon City Band to the Victory Park Precinct Advisory Committee; however, attendance from a member of the Band has been minimal. The President advised that she was previously not aware of the appointment to this Committee.

The President advised that the support that they are receiving at present from two of the East Ward Councillors has been in the form of direct advice and information sharing.

Corporate records that have been able to be accessed suggest that there has not been a more prominent relationship between Council and the Band in the past, although if the Band folded, the instruments would be passed to Council under the Band's Constitution.

Precedent

Council currently has 25 formal relationships where a Councillor or staff member provides representation of Council to meetings and activities.

Most of these relationships are strategic in nature (e.g. South East Australian Transport Strategy), or statutory appointments (e.g. TRU Energy Yallourn Environment Review Committee) or support the role of local government (e.g. Victorian Local Governance Association). A number are local committees which Council has determined that they have an interest in, such as the Latrobe City Trust and the Moe Yallourn Rail Trail Committee Inc.

Latrobe City Council has established various liaison roles for community sectors within the organisation, including township liaison, and a liaison for Committees of Management throughout the municipality.

There are no other bands within the municipality where a formal relationship or appointed representative of Council has occurred. If it was agreed that Council was to formalise a relationship with the Traralgon City Band and provide a nominated representative, then Council would not be able to prevent other Bands from requesting similar support. There would need to be consideration of this in the future to ensure there is equitable support to all similar groups in the municipality.

Benefit

The Band has not outlined in their correspondence what the benefit to them or to Council would be from providing a Council representative; however the discussion with the President has provided some context.

When deciding whether there are any benefits in providing a Council representative, consideration to the role of a Council as contained with the *Local Government Act 1989 (Act)* may be relevant.

Section 3D of the Act states:

- (1) *A Council is elected to provide leadership for the good governance of the municipal district and the local community.*
- (2) *The role of a Council includes—*

ORDINARY COUNCIL MEETING MINUTES 11 JULY 2016 (CM486)

- (a) acting as a representative government by taking into account the diverse needs of the local community in decision making;*
- (b) providing leadership by establishing strategic objectives and monitoring their achievement;*
- (c) maintaining the viability of the Council by ensuring that resources are managed in a responsible and accountable manner;*
- (d) advocating the interests of the local community to other communities and governments;*
- (e) acting as a responsible partner in government by taking into account the needs of other communities;*
- (f) fostering community cohesion and encouraging active participation in civic life.*

There are no strong links demonstrated in providing a representative to the Band to the role of Council. It may be determined, based on current information, that the benefit to Council is minimal. There is also a risk that the involvement could raise a perception of conflict in respect of any grants or other support provided.

Cost

The cost of providing a representative would require to be calculated based on the number of meetings, timing, and who the representative was, whether it be a Councillor or an officer.

Meetings for the Band are held on the second Monday of every month, from 7pm-11pm, held in the City of Traralgon Band room, or the offices of Alan Wilson in Traralgon. These meetings conflict with meetings scheduled for Council and Councillor Briefings.

Councillors that are appointed as a representative are entitled to claim out of pocket expenses, (such as travel and child care), for any meetings that they attend. These entitlements are outlined in the *Provision of Resources and Support to Councillors Policy*. In addition, additional workload to support the Councillor in attending may be required, including the distribution of papers, potential support for writing correspondence etc., which is currently not factored into workloads or budgets.

If an officer was to be appointed, resourcing requirements such as after-hours work, current projects and priorities (as already set within the Council Plan and business plans of the organisation) are currently not factored in.

Consideration of a dedicated contact within Council may be more appropriate in order to make contact during office hours to provide advice or support as this is currently part of officers' work.

Timing

Council will be required to review and appoint representatives to Committees after the upcoming Council election.

**ORDINARY COUNCIL MEETING MINUTES
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As there is no guidance on appointments of representatives, it may be more appropriate to develop the guidance to ensure that future relationships are considered consistently by Council. This could be part of the work that a new Council determines.

RISK IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

FINANCIAL AND RESOURCES IMPLICATIONS

There are additional financial and resource implications in providing a formal appointment as outlined that are currently not resourced or budgeted for.

INTERNAL/EXTERNAL CONSULTATION

Discussions have been held with the President of the Band, as well as internally and with Councillors.

OPTIONS

There are alternative approaches that can be considered. Other options, but not limited, may be as follows:

- Offer attendance on an *ad hoc* basis.
- Remain as it is currently.

CONCLUSION

There are concerns of formalising a relationship of this type at present because there is no clear relevance or sufficient benefit of the relationship to Council identified. Accordingly an alternate approach, as outlined above, should be adopted to meet this request and in doing so, provide an ongoing conduit for the band into Council as required.

Work on a suitable protocol or policy should be undertaken, which will guide any future (and review current) relationships to ensure that there is benefit to Latrobe City.

SUPPORTING DOCUMENTS

Provision of Resources and Support to Councillors Policy

Attachments

1. Correspondence received from the City of Traralgon Band

11.1

Consideration of Correspondence received from the City of Traralgon Band for a Council Representative to be appointed

- 1 Correspondence received from the City of Traralgon
Band..... 45**

Gary Van Driel

**Chief Executive Officer
Latrobe City Council**

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141 Commercial Rd, Morwell 3840

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From: City of Traralgon Band [<mailto:cityoftraralgonband@gmail.com>]
Sent: Wednesday, 27 April 2016 12:08 PM
To: Michael Rossiter
Cc: Gary Van Driel
Subject: Request for Council Nominate

Dear Councillor Rossiter,

Please see attached letter regarding our request for a Council Nominate on the City of Traralgon Band Committee.

Kindest Regards,

Tracy Olivier

President

Ph: 0412 338 448



19 April 2016

P.O. Box 169
Traralgon Victoria
AUSTRALIA 3844

Dear Councillor Rossiter,

Re: REQUEST FOR COUNCIL REPRESENTATIVE ON CTB COMMITTEE

As the President of the City of Traralgon Band, I am writing to request that the Latrobe City Council nominates a Council representative to be present at monthly committee meetings for the band, or as required.

The committee and members of the City of Traralgon Band value and respect the support that the Latrobe City Council has afforded our band over many years, and particularly over the past 12-18 months.

We are currently discussing and working towards many exciting events and opportunities, which will no doubt continue to define our band both locally and overseas, and we would appreciate the presence of a Council nominate to oversee, guide and assist with our discussions, operations and planning.

Please contact me at any time if you would like to discuss this request. I can be contacted on mobile telephone number 0412 338 448 or via email, at cityoftraralgonband@gmail.com

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tracy Olivier', enclosed in a simple oval outline.

Tracy Olivier
President
City of Traralgon Band

c.c. Latrobe City CEO, Gary Van Driel, gary.vandriel@latrobe.vic.gov.au

Energy in
action



Corporate Patron of the Band



PRESENTATION OF PETITIONS

12. PRESENTATION OF PETITIONS

12.1 PETITION - OLD SALE ROAD NEWBOROUGH

General Manager

Infrastructure and Recreation

For Decision

PURPOSE

The purpose of this report is to present Council with a petition that was submitted on 22 June 2016, regarding Old Sale Road Newborough.

EXECUTIVE SUMMARY

A petition containing 52 signatures was received on 22 June 2016, requesting: *'We the undersigned are concerned citizens of Old Sale Road Newborough, between Southwell Avenue and Northern Avenue, who urge our Council to act now and to consider the following:*

- *Resealing of the road to reduce road noise;*
- *Widening of the road to safely accommodate the bike lane;*
- *The enforcement of trucks to use the preferred truck route instead of using Old Sale Road, i.e. Thompsons Road;*
- *The lowering of the speed limit from 60 kmh to 50 kmh; and*
- *A revision of speed limits approaching and exiting the Haigh Street round-about on Old Sale Road in both directions to reduce the occurrence of speeding traffic*

The Petition was presented by Kevin Newey of Old Sale Road Newborough. Refer to attachment 1.

MOTION

Moved: Cr Gibson

Seconded: Cr White

That Council:

1. **Agrees to lay the petition, regarding Old Sale Road Newborough, on the table until the next practical opportunity for Council Officers to present a report at an Ordinary Council Meeting.**
2. **Advises the head petitioner of Council's decision in relation to the petition.**

CARRIED UNANIMOUSLY

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

OFFICER COMMENTS

Clause 63 of the Meeting Procedure Local Law, Local Law No.1, Adopted 3 March 2014 states:

“Unless Council determines by resolution to consider it as an item of urgent business, no motion (other than a motion to receive the same and advise the head petitioner of council’s decision) may be made on any petition, joint letter, memorial or other like application until the next Ordinary Meeting after that at which it has been presented”

Accordingly it is proposed that Council consider this petition at an Ordinary Council Meeting, following the appropriate investigation regarding the points raised.

Attachments

1. Petition presented by Kevin Newey regarding Old Sale Road Newborough
(Published Separately) (Confidential)

CHIEF EXECUTIVE OFFICE

13. CHIEF EXECUTIVE OFFICE

Nil reports

CITY DEVELOPMENT

14. CITY DEVELOPMENT

**14.1 PLANNING APPLICATION 2016/9 - DEVELOPMENT OF LAND
WITH THREE (3) SINGLE STOREY DWELLINGS AND A THREE
(3) LOT SUBDIVISION IN THE GENERAL RESIDENTIAL ZONE**

General Manager

City Development

For Decision

PURPOSE

The purpose of this report is to determine Planning Permit Application 2015/9 for the development of land with three (3) single storey dwellings and a three (3) lot subdivision at 15 Sherwood Court, Traralgon (Lot 90 PS 514890).

The application is to be heard at an Ordinary Council Meeting under the current delegation process as 19 objections have been received to the proposal.

EXECUTIVE SUMMARY

The applicant seeks a permit to develop and subdivide the land at 15 Sherwood Court, Traralgon for three dwellings and a three lot subdivision. Pursuant to Clause 32.08-2 of the Latrobe Planning Scheme (the Scheme), a planning permit is required to subdivide land. In addition, pursuant to Clause 32.08-4 a planning permit is required for the construction of two or more dwellings on a lot.

The proposed development and subdivision are found to comply with the Latrobe Planning Scheme and it is therefore recommended that a Notice of Decision to Grant a Planning Permit be issued.

MOTION

Moved: Cr Gibbons

Seconded: Cr White

That Council issues a Notice of Decision to grant a planning permit for the development of three single storey dwellings and a three lot subdivision at 15 Sherwood Court, Traralgon (L90 PS 514890) subject to the following conditions:

Amended plan condition:

- 1. Prior to the commencement of any works, an amended landscape plan must be submitted to and approved by the Responsible Authority. The plan must show:
 - a) lighting within the internal accessway****

When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided.

Endorsed plan conditions

2. The layout of the subdivision as shown on the endorsed plan must not be altered without the permission of the Responsible Authority.
3. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

Engineering conditions:

4. Before the commencement of any works hereby permitted or prior to the certification of the plan of subdivision under the Subdivision Act 1988 (whichever is earlier), a site drainage plan including all hydraulic computations must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The drainage plan must be prepared in accordance with the requirements of Latrobe City Council's Design Guidelines and must provide for the following:
 - a) How the land including all buildings, open space and paved areas within each lot will be drained for a 1 in 5 year ARI storm event to the legal point of discharge.
 - b) An underground pipe drainage system conveying stormwater to the legal point of discharge and connecting into Latrobe City Council's stormwater drainage system.
 - c) The provision of stormwater detention within the site and prior to the point of discharge into Latrobe City Council's drainage system. The stormwater detention system must be designed to ensure that stormwater discharges arising from the proposed development of the land are restricted to pre-development flow rates. The rate of pre-development stormwater discharge shall be calculated using a coefficient of run-off of 0.4.
 - d) No part of any above ground stormwater detention system is to be located within a sewerage or drainage easement unless approved in writing by the Responsible Authority.
5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must show appropriate easements set aside for drainage purposes to the satisfaction of the Responsible Authority.

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

S173 conditions:

7. **Prior to the issue of a Statement of Compliance under the Subdivision Act 1988, the owner must either:**

- a) **(i) Commence the development to completion slab to the satisfaction of the Responsible Authority;**

and

- (ii) construct the on-site stormwater detention works in accordance with the site drainage plan as approved under Planning Permit 2016/9 issued by Latrobe City Council to the satisfaction of the Responsible Authority;**

and

- (iii) must complete the following works to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken:**

- i. All drainage works must be constructed in accordance with a site drainage plan for the property approved by the Responsible Authority, and**
- ii. Areas for common property vehicle access and car parking within the land must be constructed in accordance with plans endorsed by the Responsible Authority and be surfaced with concrete, reinforced concrete, brick paving or hot mix asphalt and drained in accordance with an approved site drainage plan, and**
- iii. All proposed vehicle crossings must be constructed in accordance with the endorsed plans, at right angles to the road and must comply with:**
 - the vehicle crossing standards set out in Latrobe City Council's Standard Drawing LCC 307, and**
 - the requirements of any service authority having existing assets at the proposed location of the vehicle crossing,**

OR

- b) enter into an agreement with the Responsible Authority made pursuant to section 173 of the Planning and Environment Act 1987 which provides that
 - (i) the subsequent development of the land will accord with the plans endorsed under Planning Permit 2016/9; and
 - (ii) on-site stormwater detention works must be constructed in accordance with the site drainage plan as approved under Planning Permit 2016/9 issued by Latrobe City Council prior to the issue of an Occupancy Permit for any future development of the land; and
- (iii) The works described in part (a) (iii) of this condition must be constructed to the satisfaction of the Responsible Authority including all necessary permits being obtained and inspections undertaken prior to the issue of an Occupancy Permit for the first completed dwelling on the land; and
- c) make application to the Registrar of Titles to have the agreement registered on the title to the land under section 181 of the Act; and
- d) pay the reasonable costs of preparation, review, execution and registration of the agreement; and
- e) provide Council with a copy of the dealing number issued by the Titles Office; and
- f) upon registration of the Agreement provide either:
 - i) a current title search; or
 - ii) a photocopy of the duplicate certificate of Titleas evidence of registration of the section 173 agreement on title.

Gippsland Water conditions:

- 9. The following Gippsland Water conditions must be met by the owner prior to the issue of a Statement of Compliance:
 - a) Pay New Customer Contributions to Gippsland Water for each service (water and/or wastewater) provided to each lot created by this development. These charges are based on Gippsland Water's rates at the time of payment and are associated with additional infrastructure that Gippsland Water will be required to operate and maintain to ensure ongoing servicing of this development.

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- b) Install water services to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
- c) Install sewer services to the satisfaction of Gippsland Water. As Constructed details showing the location of the installed services are required to be submitted to Gippsland Water.
- d) As constructed details showing the location of the installed internal sewer services are required to be submitted to Casey Services via facsimile on 9835 5515 and a copy to Gippsland Water on facsimile 5174 5174.
- e) Create Reserves and/or Easements in favour of the Central Gippsland Region Water Corporation over all existing and proposed water and sewerage works located within the subdivision. Easements are to be for Pipeline or Ancillary Purposes.
- f) Any plan of subdivision of the subject land lodged for certification shall be referred to Gippsland Water under Section 8(1) of the Subdivision Act 1988.
- g) Gippsland Water has a 150mm RC sewer main asset that traverses the above property. Gippsland Water requires any construction adjacent to its asset; e.g. sewer main(s), sewer maintenance hole, or sewer property connection point, to be located a minimum of 1 metre from the outside edge of the corporation asset.
- h) A camera inspection of the sewer main is to be undertaken at owners cost (contact GMA on 0438 760 286). A copy of this inspection report will need to be provided to Gippsland Water, which will be reviewed to determine whether additional works are required prior to Gippsland Water considering consent to the Building Over or Near Assets application.
- i) Site Plan Ref: Job No: 15104; Drawing No: A2; Revision No: TP-M; Date: 18/04/2016 shows a "Storage Shed" to be located over Gippsland Water's easement/sewer main. The owner/applicant must lodge a Building Over or Near Assets application. Please refer to Gippsland Water Website at : <https://www.gippswater.com.au/developers/property-connections/build-over-easements> and click on Property Connections Application to Build Over Gippsland Waters Assets and/or Easements
- j) If the Building over or Near Assets application is approved by Gippsland Water, a Deed of Agreement will be forwarded

to the owner to complete must be returned to Gippsland Water.

- k) The Council endorsed plan amended to satisfy Gippsland Water's requirements following Gippsland Water's assessment of the Building Over or Near Assets application.
- l) An alternative to the above will be to relocate the "Storage Shed" outside Gippsland Water's easement and submit revised plans to Council to be endorsed.

Ausnet conditions:

- 10. The plan of subdivision submitted for certification must be referred to AusNet Electricity Services Pty Ltd in accordance with Section 8 of the Subdivision Act 1988.
- 11. The following AusNet Services conditions must be met:
 - a) Enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
 - b) Provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.

Telecommunications conditions:

- 12. The owner of the land must enter into an agreement with:
 - a) a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

- c) a telecommunications network or service provider that all lots are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- d) a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Public open space condition:

13. Prior to the issue of Statement of Compliance under the *Subdivision Act 1988*, the applicant or owner must pay to the Responsible Authority:

- a) a sum equivalent to five per cent of the site value of all the land in the subdivision; and
- b) any costs associated with valuation of the land including valuers fees.

The permit holder must make a request to Council to commence the process involved with this condition.

Development conditions:

- 14. Upon completion of the works, the site must be cleared of all excess and unused building materials and debris to the satisfaction of the Responsible Authority.
- 15. Once building works have commenced they must be completed to the satisfaction of the Responsible Authority.
- 16. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 17. The landscaping as shown on the endorsed plans must be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.

Expiry of subdivision:**18. This permit will expire if:**

- a) the plan of subdivision is not certified within 2 years of the date of this permit; or
- b) the registration of the subdivision is not completed within 5 years of certification.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months of expiry of permit.

Note: The commencement of the subdivision is regarded by Section 68(3A) of the *Planning and Environment Act 1987* as the certification of the plan, and completion is regarded as the registration of the plan.

Expiry of development permit**19. This permit will expire if one of the following circumstances applies:**

- a) The development is not started within two years of the date of this permit; or
- b) The development is not completed within four years of the date of this permit.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within six months of expiry of permit. An extension of time to complete the development or a stage of the development may be requested if—

- the request for an extension of time is made within 12 months after the permit expires; and
- the development or stage started lawfully before the permit expired.

Notes

Note 1: The commencement of the subdivision is regarded by Section 68(3A) of the *Planning and Environment Act 1987* as the certification of the plan, and completion is regarded as the registration of the plan.

Note 2: This permit does not authorize the commencement of any building construction works. Before any such development may commence, the applicant must apply for and obtain appropriate building approval.

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Note 3: Unless exempted by Latrobe City Council, an Asset Protection Permit must be obtained prior to the commencement of any proposed building works, as defined by Latrobe City Council's Local Law No. 3. Latrobe City Council's Asset Protection Officer must be notified in writing at least 7 days prior to the building works commencing or prior to the delivery of materials/equipment to the site.

Note 4: The location of the Legal Point of Discharge for any property and the connection point into Latrobe City Council's stormwater drainage system can be obtained by completing a Legal Point of Discharge form, found at

www.latrobe.vic.gov.au/Our_Services/Other_Services/Infrastructure/Work_Permits_and_Property_Information.

Note 5: A Latrobe City Vehicle Crossing Permit must be obtained prior to the commencement of the construction of all new vehicle crossings and for the upgrading, alteration or removal of existing vehicle crossings. The relevant fees, charges and conditions of the Vehicle Crossing Permit will apply to all vehicle crossing works. It is a requirement that all vehicle crossing works be inspected by Latrobe City Council's Asset Protection Officer.

Note 6: A Latrobe City Stormwater Connection Permit must be obtained prior to the connection of all new stormwater drainage into Latrobe City Council's stormwater drainage system. All new stormwater drainage connections must be inspected by Latrobe City Council's Asset Protection Officer before any backfilling of the connection is undertaken.

For: Crs Rossiter, White and Gibbons

Against: Crs Sindt, O'Callaghan, Middlemiss, Kam and Gibson

Abstained: Cr Councillor Harriman

LOST

EXTENSION OF TIME

Moved: Cr Harriman

Seconded: Cr Gibson

That Council extends the speaking time for Cr Middlemiss.

CARRIED UNANIMOUSLY

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MOTION

Moved: Cr O'Callaghan

Seconded: Cr Harriman

That Council adjourns the meeting for five minutes.

CARRIED UNANIMOUSLY

The Mayor adjourned the meeting at 7:05 pm.

The meeting resumed at 7:08 pm.

Cr Kellie O'Callaghan left the meeting, the time being 07:08 pm

Cr Sharon Gibson left the meeting, the time being 07:08 pm

Cr Kellie O'Callaghan returned to the meeting, the time being 07:10 pm

Cr Sharon Gibson returned to the meeting, the time being 07:10 pm

MOTION

Moved: Cr Harriman

Seconded: Cr Middlemiss

That Council issues a notice of refusal to grant a planning permit for the development of land with three (3) single storey dwellings and a three (3) lot subdivision at 15 Sherwood Court, Traralgon (Lot 90 PS 514890), on the following grounds:

- a. **The proposal is inconsistent with Clause 32.08 and Clause 55.02 of the Planning Scheme in that it fails to respect the existing neighbourhood character of the area.**
- b. **The proposal is inconsistent with the strategic direction of the State Planning Policy Framework, namely Clause 15.01-3 (Neighbourhood and Subdivision Design) and Clause 16.01-1 (Integrated housing).**
- c. **The proposal is inconsistent with Clause 65.02 of the Latrobe Planning Scheme in relation to the density of the proposed development.**

For: Crs Sindt, O'Callaghan, Middlemiss, Harriman and Gibson

Against: Crs Rossiter, White, Kam and Gibbons

CARRIED

DECLARATION OF INTERESTS

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017 as follows:

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 2013 – 2017

Strategic Objectives – Built Environment

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

Theme and Objectives

Theme 5: Planning for the future

Strategic Direction

Provide efficient and effective planning services and decision making to encourage development and new investment opportunities.

Plan and coordinate the provision of key services and essential infrastructure to support new growth and developments.

Legislation

Local Government Act 1989

Planning and Environment Act 1987

Subdivision Act 1988

SUMMARY

Land:	15 Sherwood Court, Traralgon,
Proponent:	C/ Beveridge Williams
Zoning:	General Residential Zone
Overlay	None

Pursuant to Clause 32.08-2 of the Scheme, a permit is required to subdivide land. In addition, pursuant to Clause 32.08-4 a permit is required for the development of two or more dwellings on a lot.

SUBJECT SITE AND SURROUNDS

The subject land is located in an established residential area approximately 400 metres to the north of the Traralgon Activity Centre. The residential development in the surrounding area comprises mainly of single storey detached dwellings. Development plans are included in Attachment 1 and a site context plan is included in Attachment 2.

PROPOSAL

The application is for the development of three single storey dwellings and a three lot subdivision on a vacant lot at the end of a court bowl. The site is currently vacant and surrounded by residential development in all directions. It is irregular in shape, with an area of approximately 1114 square metres. The frontage to Sherwood Court is approximately 13 metres.

Proposed dwellings 1 and 3 will each have two bedrooms and the usual suite of rooms, including an integral single garage and covered alfresco area. Proposed dwelling 2 will have three bedrooms, the usual suite of rooms, a covered alfresco area and an attached double garage. Proposed lot 1 will be 253 square metres in size, proposed lot 2 will be 301 square metres and proposed lot 3 will be 320 square metres. An area of common property is proposed to include the shared driveway and will be 216 square metres in area. There is a sewerage easement running along the rear boundary of the site.

To ensure that the development can satisfactorily provide appropriate street setbacks, solar access, private open space, vehicle access and parking and not adversely impact on adjoining properties, the proposal is required to comply with Clause 55 and Clause 56 of the Scheme. The submitted plans and assessment against these clauses demonstrate that the proposal is compliant with these aspects.

LATROBE PLANNING SCHEME

The State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS) have been considered as part of the assessment of this application. The following clauses are relevant to consideration of the application.

State Planning Policy Framework

- Clause 11.02-1 Supply of urban land
- Clause 11.08-3 Sustainable communities
- Clause 15.01-1 Urban design
- Clause 15.01-3 Neighbourhood and subdivision design
- Clause 15.02-1 Energy and resource efficiency
- Clause 16.01-1 Integrated housing
- Clause 16.01-2 Location of residential development
- Clause 16.01-4 Housing Diversity
- Clause 16.05-5 Housing affordability

Local Planning Policy Framework

Clause 21.04-2 – Built Environment Sustainability: Settlement Overview
 Clause 21.04-5 – Built Environment Sustainability: Urban Design Overview
 Clause 21.04-6 Infrastructure Overview
 Clause 21.05-2 – Main Towns: Overview

General Residential Zone

A planning permit is required for subdivision of land pursuant to Clause 32.08-2 of the Latrobe Planning Scheme. An application to subdivide land must meet the requirements of Clause 56 and requires the consideration of the decision guidelines of the zone.

A planning permit is also required for the development of two or more dwellings on a lot pursuant to Clause 32.08-4 of the Scheme. A development must meet the requirements of Clause 55, as well as address the decision guidelines of the zone.

A discussion of the above is included in the 'issues' sections of this report.

Particular Provisions

Clause 52.01 Public Open Space Contribution

Section 18 of the Subdivision Act allows Council to require a Public Open Space contribution up to a maximum of 5 per cent and sets out criteria that must be considered when assessing whether a contribution is required.

Clause 52.01 sets out when a subdivision is exempt from a public open space requirement. As the proposed subdivision is for more than two lots, it is not exempt and therefore subject to an Open Space contribution assessment under Section 18 (1) (A) of the Subdivisions Act 1988. As such, Council may only make a public open space requirement if it considers that, as a result of the subdivision, there will be a need for more open space, having regard to:

	Criteria	Officer Comment
a,	The existing and proposed use or development of the land;	This proposal will provide for three individual dwellings and a three lot subdivision, which will allow the dwellings to be sold separately with separate titles.
b,	Any likelihood that existing open space will be more intensively used after than before the subdivision;	The proposal will result in three separate lots and therefore an intensification of use.
c,	Any existing or likely population density in the area of the subdivision and the effect of the subdivision on this;	This subdivision will create a need for more active and recreation areas in this vicinity due an increase in population density on the site.

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d,	Whether there are existing places of public resort or recreation in the neighbourhood of the subdivision and the adequacy of these;	Passive and active recreation facilities are located a short walking distance to the east at the Agnes Brereton Park.
e,	How much of the land in the subdivision is likely to be used for places of resort and recreation for lot owners;	The proposed lots are relatively small in size will there be unlikely to be used for recreation.
f,	Any policies of council concerning the provision of places of public resort and recreation.	Council policies seek financial contributions except where the provision of land can contribute towards open space linkages and pathways/recreational trails.

On 20 May 2013, Latrobe City Council adopted a Public Open Space Strategy. This strategy proposes a schedule to clause 52.01 which identifies both quantifiable contributions that should be made as well as how the contributions should be made (land/cash/combo, depending on circumstances).

The Public Open Space Strategy has identified that despite a high proportion of Sports open space (in terms of size), there is demand to establish an additional Sports reserve as a Regional overflow venue in Traralgon. Therefore these policies have identified there is a need for both additional passive and active recreational facilities in Traralgon that would benefit from the 5% contribution made.

In conclusion, as the subdivision is for residential purposes and clearly increases the density and population demand on local recreational facilities, a contribution of 5 per cent is applicable in this instance. The provision of land is not required. The contribution shall therefore be required as cash-in-lieu payment.

Clause 55 Two or more dwellings on a lot and Clause 56 Residential Subdivision and Clause 56 Residential Subdivision

The proposal has been assessed against the relevant clauses of Clauses 55 and 56 and found to comply. The proposed lots respond appropriately to the site and its context.

Decision Guidelines (Clause 65)

Clause 65.01 sets out the decision guidelines to consider before deciding on an application or approval of a plan.

INTERNAL / EXTERNAL CONSULTATION

Referrals:

Pursuant to Section 55 of the *Planning and Environment Act 1987*, the application was referred to Gippsland Water, SP Ausnet and APA Group as determining referral authorities. No objection was raised to the proposal; conditions were requested by Gippsland Water and SP Ausnet.

Notification:

Pursuant to Sections 52(1) (a) and (d) of the *Planning and Environment Act 1987* the application was notified for a minimum of 14 days. Adjoining landowners and occupiers were sent a letter and a sign was placed on the site. Nineteen letters in the form of objections were received. Copies of all submissions are attached in Attachment 3 of this report (confidential). Concerns raised are discussed in the 'Response to submissions' section of this report.

Internally the application was referred to Council's Infrastructure Planning team, who required appropriate conditions to be included on any issue of a permit.

As nineteen objections were received the matter is required to be considered at a Council meeting.

KEY ISSUES

Strategic direction of the State and Local Planning Policy Frameworks:

The State and Local Policy Frameworks highlight the need to ensure ongoing provision of land for residential uses and the need to provide a range of lot sizes to suit a variety of dwellings and household types. It is considered that the proposal appropriately responds to State and Local planning policies.

'Purpose' and 'Decision Guidelines' of the General Residential Zone

The purpose of the General Residential Zone includes:

- *To encourage development that respects the neighbourhood character of the area.*
- *To implement neighbourhood character policy and adopted neighbourhood character guidelines.*
- *To provide a diversity of housing types and moderate housing growth in locations offering good access to services and transport.*

An assessment of the proposal against Clauses 55 and 56 was completed and it was considered that the proposal is generally consistent with the objectives and standards of the Clause. Although the area is predominantly comprised of conventionally sized residential allotments, the provision of three smaller sized lots is not considered to be out of keeping, as it provides a diversity of housing types in keeping with the purpose of the zone. The development of three dwellings and the subsequent subdivision will enable a higher density of development which has good access to facilities whilst respecting the neighbourhood

character. There are unit developments in the adjacent street Como Court and to the north, along St Georges Road.

Clause 65 (Decision Guidelines):

Clause 65.01 sets out the decision guidelines to consider before deciding on an application or approval of a plan.

RESPONSE TO SUBMISSIONS

1. Proposed development is out of keeping with the character of the court bowl

The proposed development of three single storey dwellings and a three lot subdivision has been designed so that dwelling 1 will front onto the court bowl of Sherwood Court and dwellings 2 and 3 will be sited to the rear of the site, at its widest. Dwelling 2 will effectively be screened from the street by dwelling 1. A shared driveway will run down most of the western boundary of the lot providing access to all three dwellings.

Sherwood Court comprises mainly, but not exclusively of single dwellings on lots. There are unit developments within the wider area of the subject site, including on the adjacent street, Como Court. The application site is one of the largest in Sherwood Court and can comfortably accommodate three dwellings on the site, of the type proposed. The proposed development and subdivision will integrate with the surrounding urban area and has been found to be consistent with the Neighbourhood Character objective (Standard B1) of Clause 55 of the Planning Scheme.

The applicant has submitted plans which demonstrate the ability for each of the dwellings to accord with the requirements of Clause 55, with respect to street setback, site coverage, side and rear setbacks and private open space.

2. Inadequate Parking

The development would provide for one three bedroom house with a double garage and two, two bedroom houses, each with a single garage. The proposed level of parking is in accordance with the parking requirements as specified in the Planning Scheme. There is no requirement under the Planning Scheme to provide visitor parking for a development of less than five houses.

3. Safety and traffic concerns including accessibility for emergency vehicles

The subject land is located at the end of a court bowl. The proposal would provide three dwellings on an existing vacant lot with sufficient turning space provided within the site for vehicles to enter and exit the site in forward gear. A single vehicle crossing is proposed which will provide access for all three dwellings and which meets Council's standards.

Currently there are 18 dwellings within Sherwood Court, with an estimated 180 vehicle movements per day. On average 10 movements per dwelling. It is anticipated that the provision of three units on the site would generate a maximum of 30 extra vehicle movements per day.

Council's Traffic Engineer has advised that the morning and afternoon peak times account for 10 per cent of these movements, which would result in 18 vehicle movements per hour at peak times for the current situation.

As a result of the proposal there would be an additional three vehicle movements at peak times which would equate to a total increase to 21 (18 + 3) per hour during the peak period. This is not considered to be of a level that would have any adverse impact on the traffic flow or safety aspects.

With regards to bin collection, this will be from the front of the site; the waste collection vehicles are not required to enter the site as the bins will be placed on the street frontage as per the rest of the street.

There is no requirement under the Planning Scheme for emergency vehicles to be able to access the site, as they will generally park in the court bowl. Council's Infrastructure Planning team are satisfied however that there is sufficient space within the proposed development for an emergency vehicle to access the site if required.

4. Loss of light to neighbouring properties

The proposed development will be single storey. It is consistent with Clause 55 of the Planning Scheme in that it will not result in any unacceptable loss of light to neighbouring properties as per the appropriate standards of ResCode.

5. Noise impacts

Noise coming from the site will be reasonable for the residential area as the three units will be used for residential purposes.

6. Water run-off

The site is currently undeveloped and vacant. The proposed development will increase the level of non-permeable surfacing, however Council's Engineers have recommended conditions to ensure that adequate stormwater detention measures are taken as part of the development.

7. Property devaluation concerns

Previous VCAT decisions have demonstrated that property devaluation concerns are not a valid planning consideration

RISK IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework. There is no known risk associated with the approval of this proposal.

FINANCIAL RESOURCES IMPLICATIONS

If Council's decision is appealed at the Victorian Civil and Administrative Tribunal (VCAT) there will be associated cost and staff time required.

OPTIONS

Council has the following options in regard to this application:

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1. Issue a Notice of Decision to grant a Planning Permit subject to necessary conditions; or
2. Refuse to Grant a Planning Permit

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

CONCLUSION

In conclusion, it is recommended that Council issues a Notice of Decision to grant a planning permit for the development of three single storey dwellings and a three lot subdivision at 15 Sherwood Court, Traralgon (Lot 90 PS 514890) on the following grounds:

- The proposal is consistent with the State and Local Policy Frameworks and General Residential Zone of the Latrobe Planning Scheme as the development and subdivision will contribute to the diversity and affordability of housing within the Traralgon area.
- The proposal is consistent with the objectives and standards of Clauses 55 and 56.
- The proposal is consistent with Clause 65 (Decision Guidelines) of the Scheme.

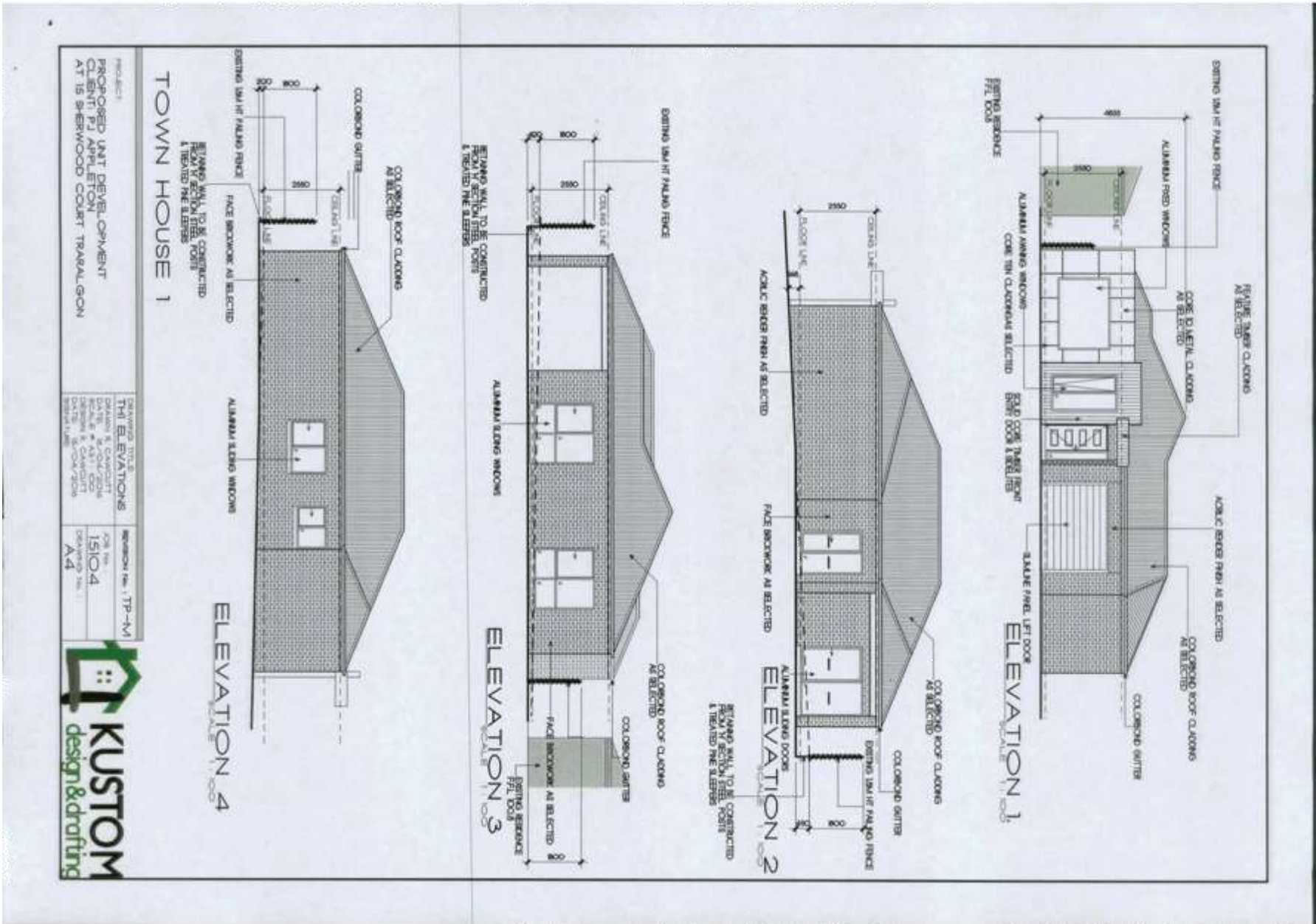
Attachments

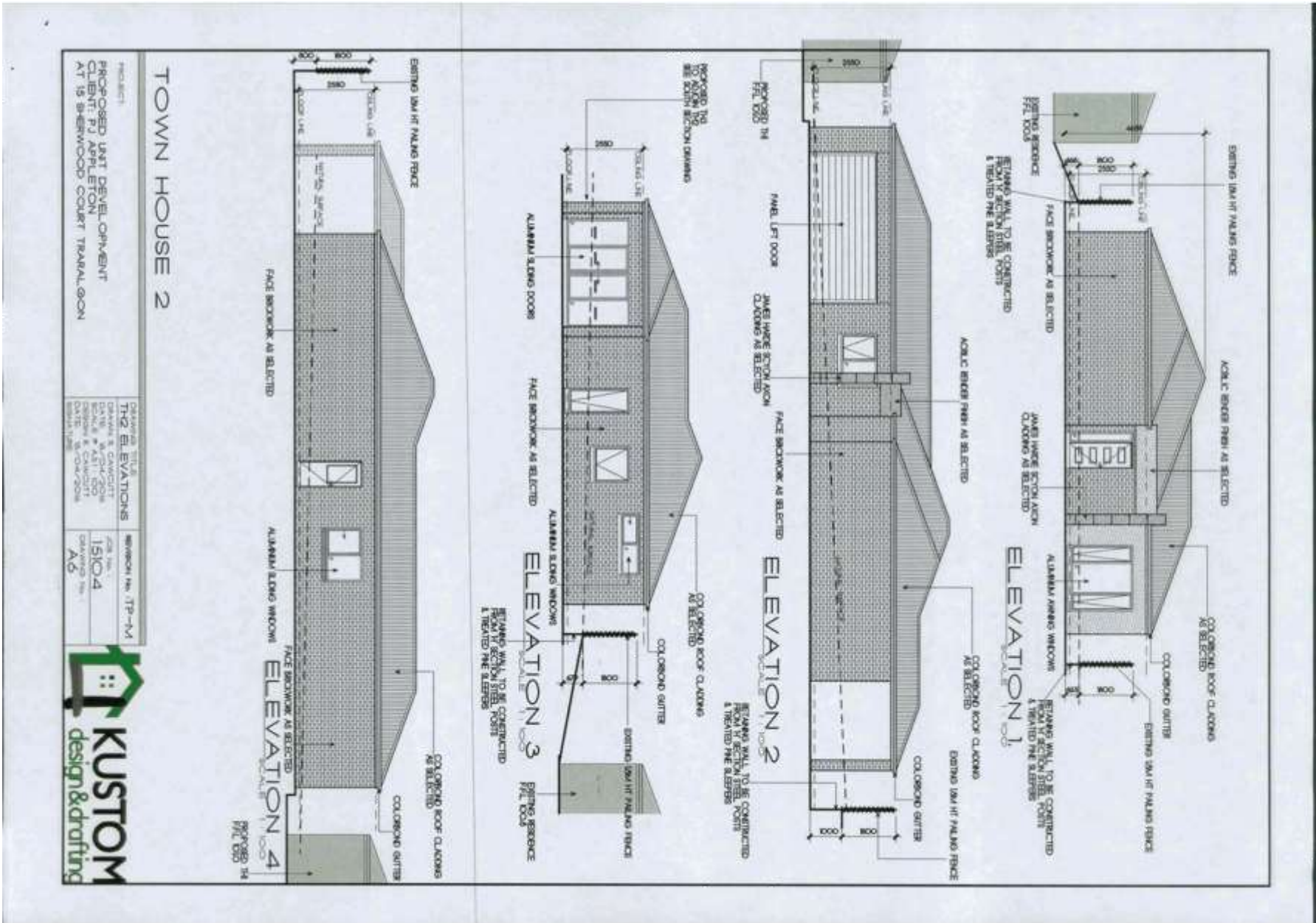
1. Proposed subdivision and development plans
2. Site context plan
3. Objector's submissions (Published Separately) (Confidential)

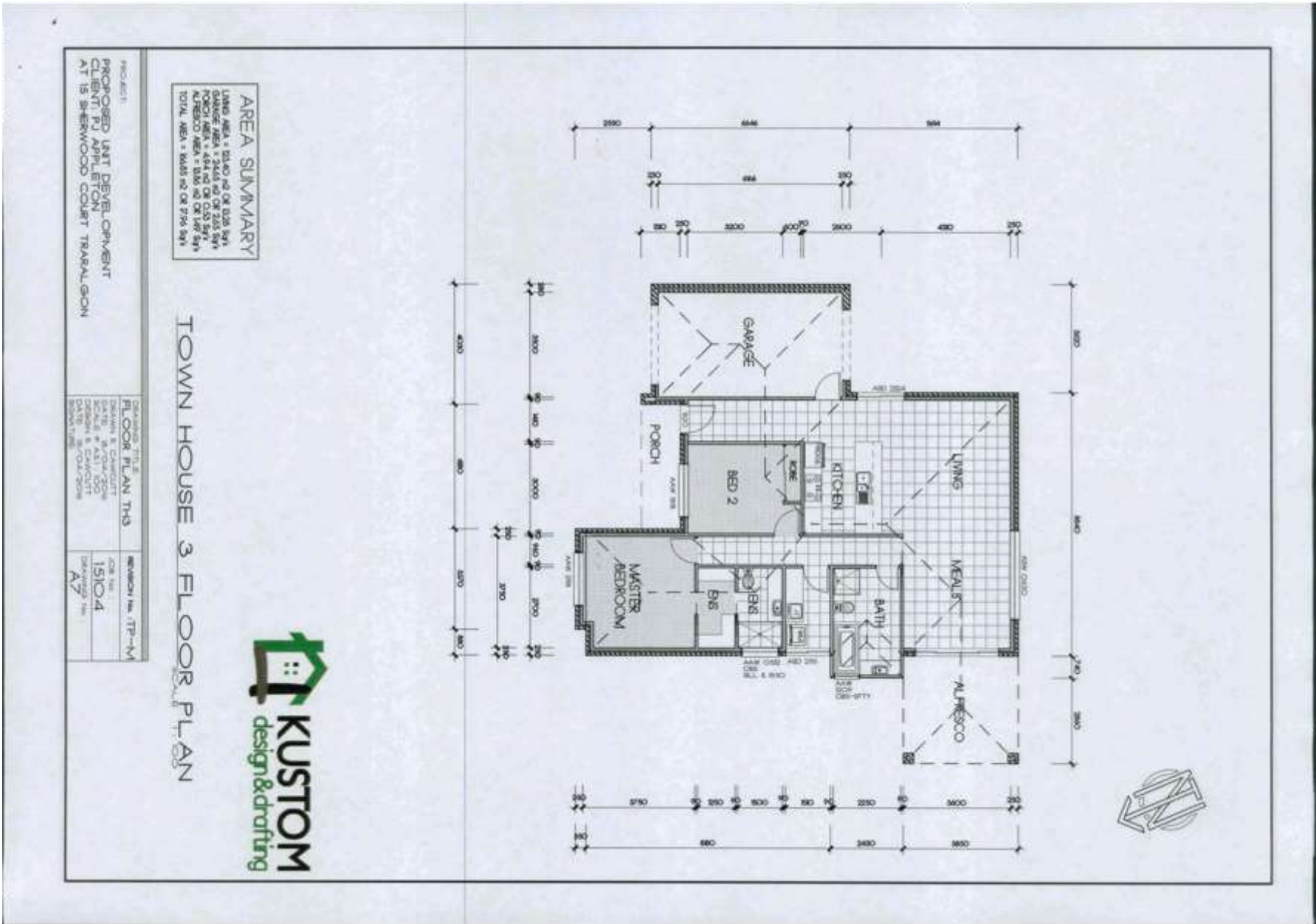
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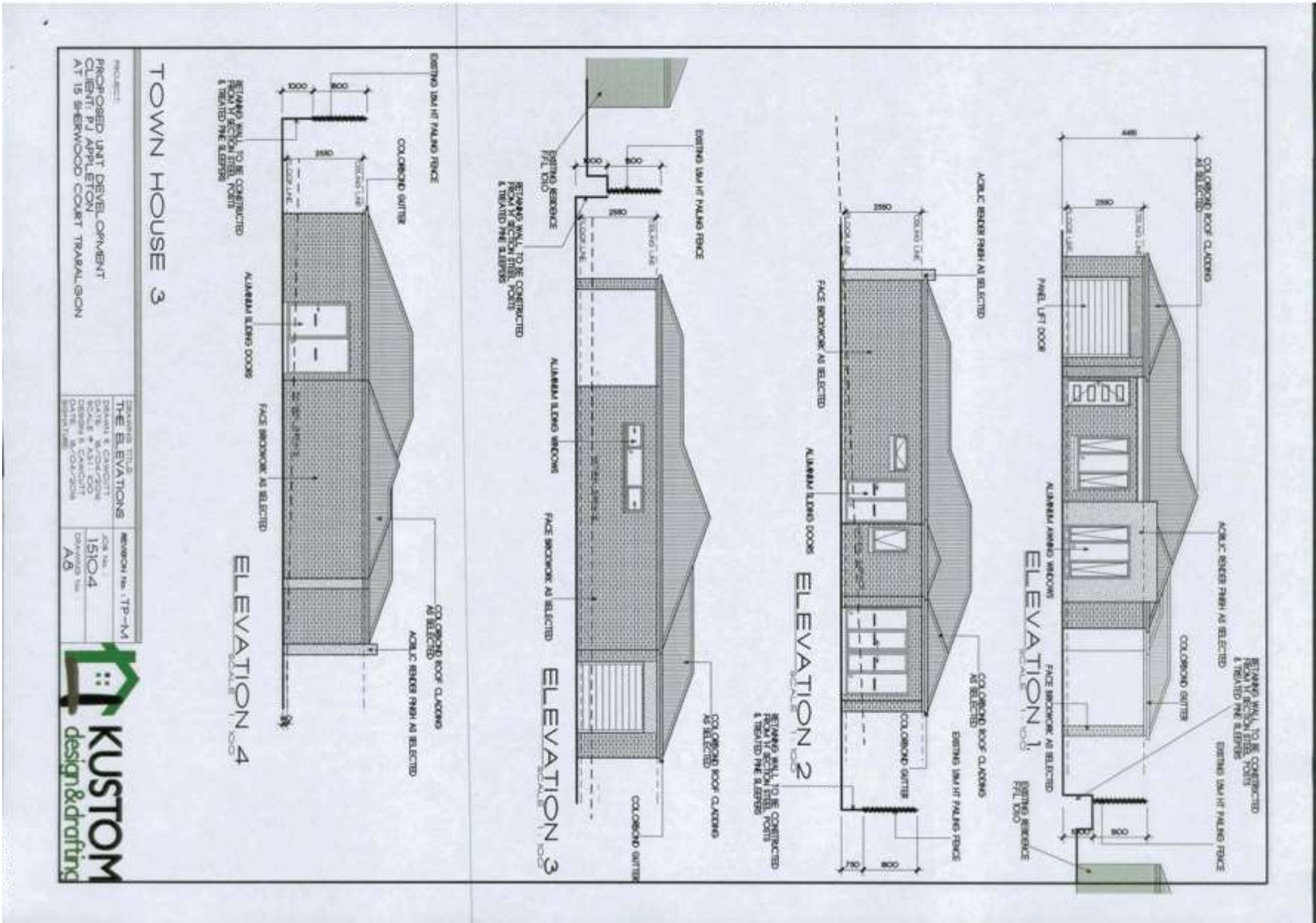
Planning application 2016/9 - Development of land with three (3) single storey dwellings and a three (3) lot subdivision in the General Residential Zone

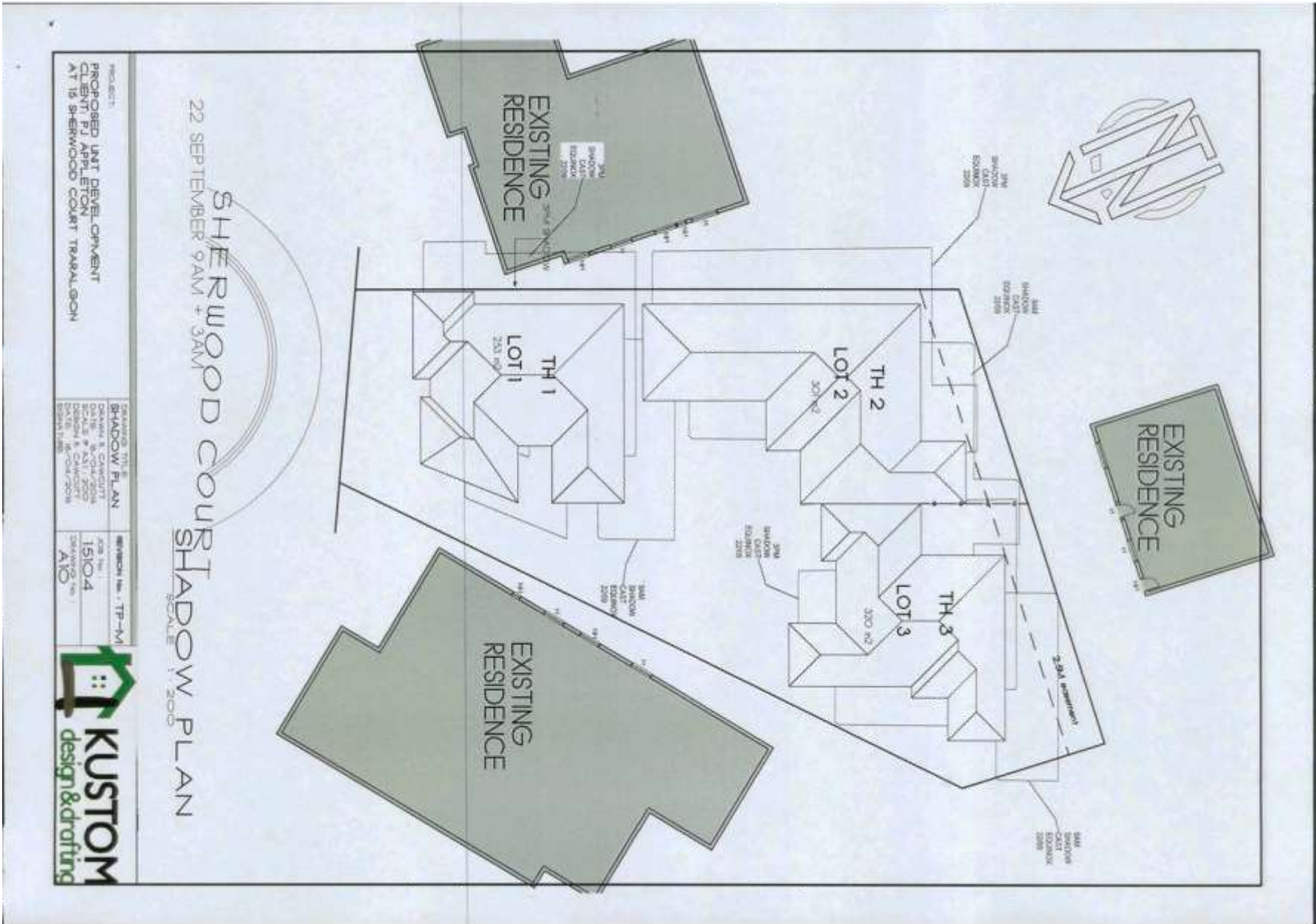
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| 1 | Proposed subdivision and development plans..... | 73 |
| 2 | Site context plan | 87 |

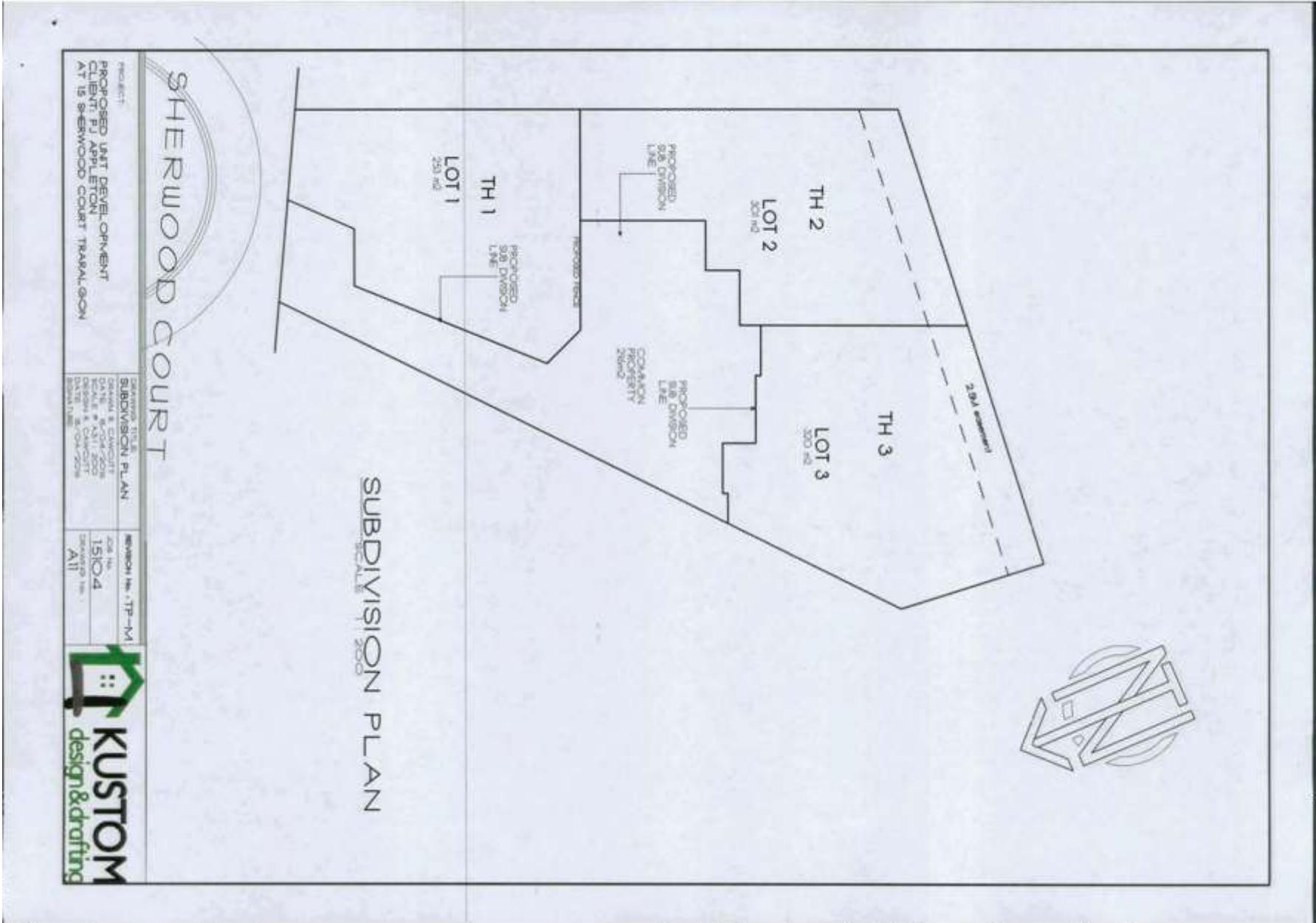


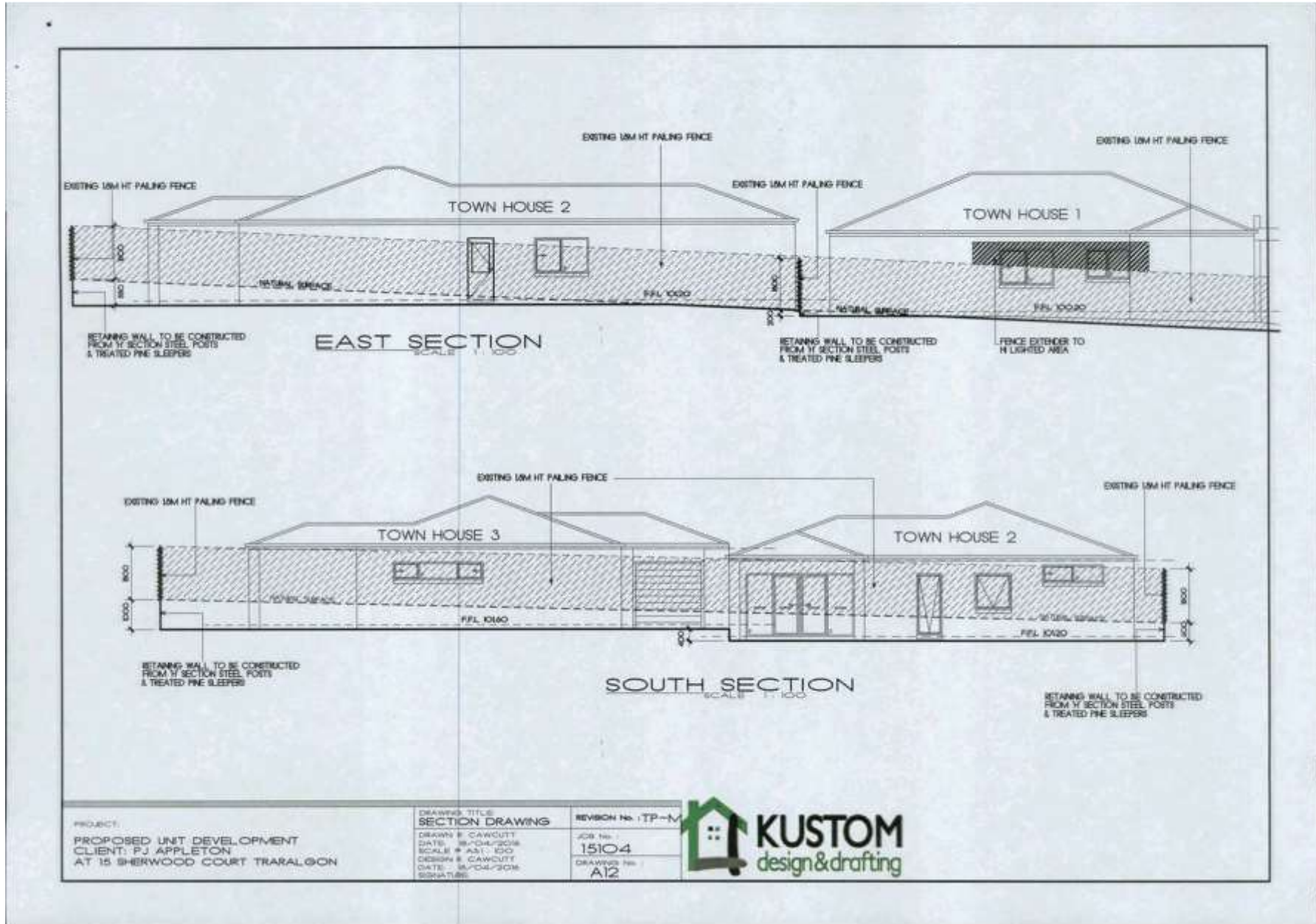






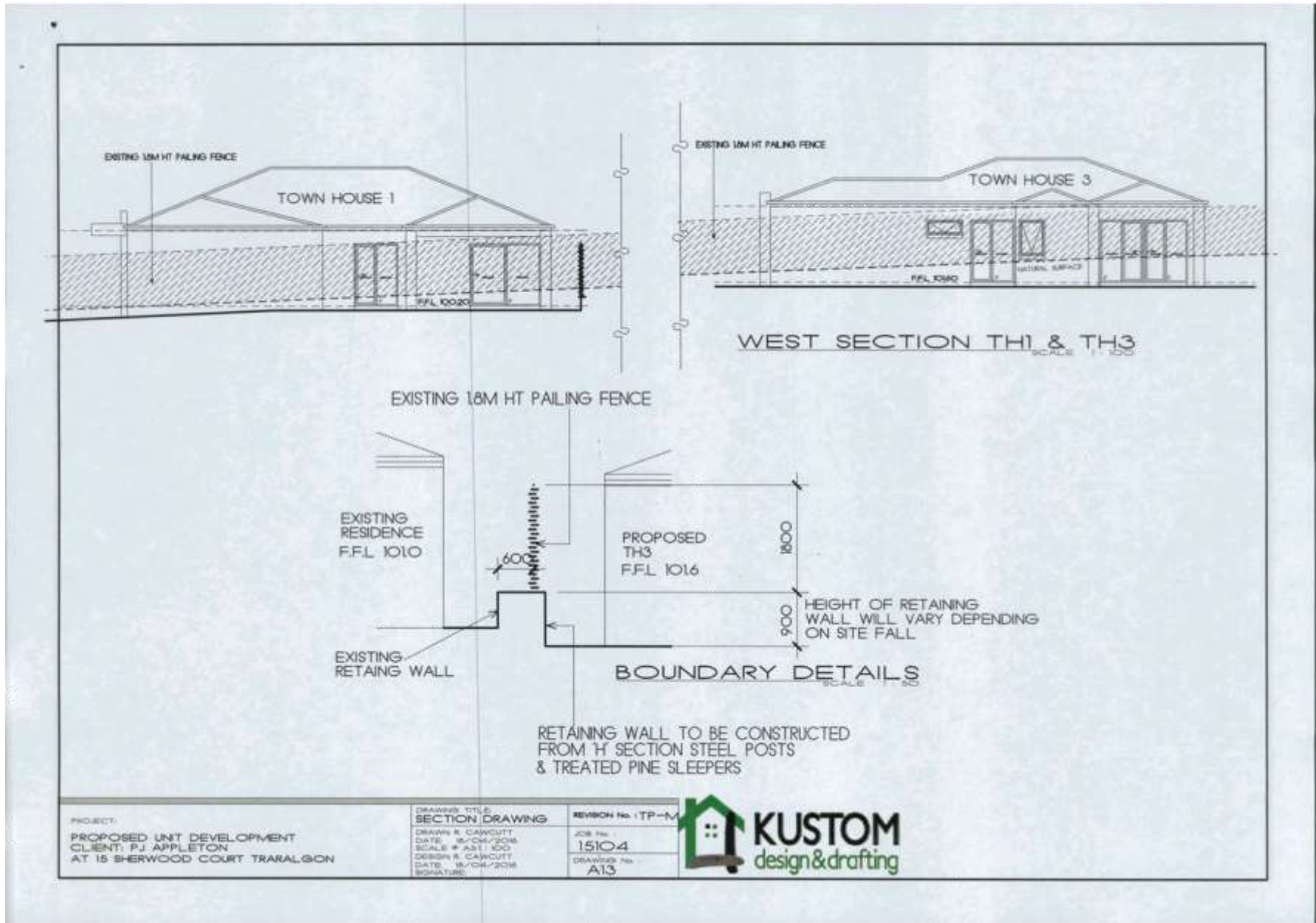






PROJECT: PROPOSED UNIT DEVELOPMENT CLIENT: PJ APPLETON AT 15 SHERWOOD COURT TRARALGON	DRAWING TITLE SECTION DRAWING	REVISION No. 1 TP-M
	DRAWN BY: CAW/CUTT DATE: 28/04/2016	JOB No. 15104
	SCALE: AS SHOWN DESIGN & CAW/CUTT DATE: 28/04/2016	DRAWING No. A12
	SIGNATURE:	









**14.2 DESTINATION GIPPSLAND LTD PROPOSED AMENDMENTS TO
CONSTITUTION**

General Manager

City Development

For Decision

PURPOSE

The purpose of this report is to seek Council's endorsement for proposed amendments to the constitution of Destination Gippsland Ltd.

EXECUTIVE SUMMARY

Latrobe City is a financial member of Destination Gippsland Ltd, which is a public company limited by guarantee. The Board is seeking support from members to update the company constitution by way of a Circular Resolution (refer Attachment).

The proposed amendments to the constitution have been developed and discussed by the full Board of Directors including the GLGN representative. They have been proposed to enhance the current operating standards and to improve governance, efficiency and financial management.

Advice received from Destination Gippsland Ltd is that the proposed amendments must be either accepted or rejected as a block; it is not permissible in terms of their rules for a member to agree to some but not all of the proposed amendments.

In brief, the proposal is to:

- Increase the minimum number of Directors from 2 to 7, allowing the Board to make interim appointments to maintain that number until Members make formal appointments at the next AGM
- Increase quorum to a majority of Directors (i.e. 4)
- Allow Directors to be reimbursed through a fixed annual expense allowance
- Allow Directors to be appointed for terms of "up to" 3 years, facilitating the Board to meet the requirement for at least two Directors to retire each year
- Allow for Directors to serve for more than 3 terms
- Add clauses dealing with accounts and audit

The reasons for adopting the proposed amendments are stated to be:

- Improved governance for decision making with a greater minimum number of Directors and quorum

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- Efficiency in filling a Director vacancy for the duration of the term
- Anticipated financial savings through improved administrative and budget management. Reimbursement of Director expenses capped
- Quality and appropriate decision making with the retention of specialist skills on the Board

RECOMMENDATION

That Council Approves the Special Circular Resolution proposed by Destination Gippsland Ltd to amend and update its Constitution.

MOTION

Moved: Cr White

Seconded: Cr Gibbons

That Council:

1. **Approves the Special Circular Resolution proposed by Destination Gippsland Ltd to amend and update its Constitution; and**
2. **Invites the Chief Executive Officer and board members of Destination Gippsland to attend a Councillor Briefing to discuss future tourism opportunities/options in Latrobe City.**

Cr Sharon Gibson left the meeting, the time being 07:30 PM

For: Crs White, Sindt, Middlemiss, Harriman and Gibbons

Against: Crs Rossiter, O'Callaghan and Kam

CARRIED

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Economy

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

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Theme 1: Job creation and economic sustainability

- Actively pursue long term economic prosperity for Latrobe City, one of Victoria's four major regional cities
- Actively pursue further diversification of business and industry in the municipality
- Actively pursue and support long term job security and the creation of new employment opportunities in Latrobe City

Theme 4: Advocacy for and consultation with our community

- Strengthen the profile of Latrobe City as one of Victoria's four major regional cities
- To advocate for and support cooperative relationships between business, industry and the community.
- Work in partnerships with all levels of governments to ensure Latrobe City is well supported, resourced and recognised as one of Victoria's four major regional cities

Strategic Direction – Job creation and economic sustainability

- Provide incentives and work proactively to attract new businesses and industry to locate in Latrobe City.
- Assist existing small and medium enterprises to expand and sustain employment opportunities.
- Work in partnership with business, industry and government to create new jobs and investment in Latrobe City.
- Provide timely and targeted infrastructure to support economic growth and the marketability of Latrobe City to industry and investors.
- Promote and support the development and economic return of the tourism and events sector.
- Maximise access to Federal and State Government funds for jobs creation.
- Enhance community and business confidence in the future of the local economy.

ORDINARY COUNCIL MEETING MINUTES 11 JULY 2016 (CM486)

Strategic Direction – Advocacy for and consultation with our community

- Strengthen relationships with the Victorian and Australian Governments to ensure Latrobe City is positioned to maximise benefits from regional policy and funding opportunities
- Establish a strong image and brand for Latrobe City as one of Victoria's four major regional cities
- Establish opportunities for volunteers to assist in raising the profile of Latrobe City

BACKGROUND

Destination Gippsland Limited (DGL) is the Regional Tourism Board and the peak tourism organisation for the region in eastern Victoria. DGL was established in 2008 with the support of Tourism Victoria, Parks Victoria and the six member councils of the Gippsland Local Government Network.

DGL continues to be funded by Tourism Victoria, Parks Victoria and the six Gippsland Councils. Council's commitment this financial year is of \$30,900 being the second year of the third, three year agreement due to expire 30 June 2017. DGL raises additional funds through grants and council and operator buy in for marketing initiatives.

The original Constitution was prepared in 2008 prior to the appointment of a Board of Management. It was a template document that DGL states has served its original purpose and which was last reviewed and updated in March 2011. Following the most recent scheduled review, the Board has proposed a number of changes. These have been developed and discussed by the full Board of Directors including the GLGN representative, Tim Tamlin, CEO of South Gippsland Shire.

Advice received from Destination Gippsland Ltd is that the proposed amendments must be either accepted or rejected as a block; it is not permissible in terms of their rules for a member to agree to some but not all of the proposed amendments. The proposed Special Circular Resolution will pass if 75% of the member Councils are in favour.

KEY POINTS/ISSUES

Latrobe City Council is one of the six Gippsland Council members of GLGN that support and contribute financially to DGL.

An explanation for the proposed amendments has been provided by DGL as follows:

Regarding Directors**Clause 2.1**

Increase the minimum number of Directors from 2 to 7. The Board has always functioned with 7 Directors who individually assume certain responsibilities in chairing or being members of committees. It is considered that the company needs at least 7 Directors to function in accordance with its charter. The existing Constitution gives the Board power to appoint a Director to fill a casual vacancy if their numbers fall below 2. The amendment will allow the Board to fill casual vacancies if the number falls below 7 without the need to hold a special general meeting of members.

Clause 5.4

If it is accepted that the company needs 7 Directors it is reasonable that the number for a quorum should be increased to a majority of Directors which would be 4.

Clause 2.13

Directors are entitled to claim expenses which include a per kilometer allowance for car travel. This cost is potentially significant in the event that Directors wish to claim car mileage. In order to simplify claims and quantify in advance the company's liability the Board recommends that an annual expense allowance of \$1,500 be paid to cover out of pocket expenses.

Clause 2.20

Add the words "up to" when describing the term of Directors. This allows the Board to fill a casual vacancy which occurs mid term and still retain the requirement for at least two Directors to retire each year. Otherwise, Directors filling a casual vacancy would automatically be elected for three years and in the event that changes to clause 2.1 are agreed such election would not need to be ratified by the members.

Clause 2.21

Delete the requirement for a Director to retire after three 3-year terms. This was considered to be a restriction on the ability of the Board to adequately fill its numbers. It does not cater for a Director who is performing well and is capable of continuing to serve. It is considered to be a restriction on the potential of the Board to maintain the quality of its Directors and perform at its best.

Clauses 2.19, 2.20 and 2.21 have been renumbered.

Regarding Accounts and Audit**Clause 11**

**ORDINARY COUNCIL MEETING MINUTES
11 JULY 2016 (CM486)**

This adds a clause to cover the company's responsibility to produce annual accounts and distribute them to members. It is merely for clarification as the Corporations Law specifies this requirement for a public company.

Clause 12

This adds a clause to require an annual audit. It is also inserted for the sake of clarification, as the Corporations Law already requires public companies to conduct an annual audit.

Rather than asking members to attend a Special General Meeting to vote on these amendments, the Board proposes that they be voted on by Special Circular Resolution – a copy of which appears on page 3 of the attachment with the revised Constitution.

Members were asked to review the changes and to sign and return a copy of the Special Circular Resolution no later than Friday 27th May 2016. However, the current extended timeline for providing a response from Latrobe City following Council's processes is understood and deemed acceptable by the CEO of DGL.

RISK IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

It is not considered that there are any risks associated with this report.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial implications from this report.

INTERNAL/EXTERNAL CONSULTATION

The proposed amendments to the company constitution have been considered by the Latrobe City Council Chief Executive Officer and relevant officers.

Members of the Gippsland Local Government Network, namely, Bass Coast, South Gippsland, Wellington, Baw Baw, and East Gippsland Shire Councils, along with Latrobe City are financial members of Destination Gippsland Ltd, and have been invited to vote on the proposed amendments to the company constitution by way of a Special Circular Resolution.

OPTIONS

1. That Council accepts the proposed amendments to the company constitution of Destination Gippsland Ltd; or
2. That Council rejects the proposed amendments.

CONCLUSION

The proposed amendments to the constitution have been developed and discussed by the full Board of Directors including the GLGN representative.

They have been proposed to enhance current operating standards and to improve governance, efficiency and financial management.

SUPPORTING DOCUMENTS

Nil

Attachments

1. Destination Gippsland Ltd Constitution with proposed amendments and explanation May 2016

14.2

Destination Gippsland Ltd Proposed Amendments to Constitution

- 1 Destination Gippsland Ltd Constitution with proposed
amendments and explanation May 2016 97**



Proposed Amendments to the Constitution of Destination Gippsland Ltd. May 2016

Background

As a financial member of Destination Gippsland Ltd (a public company limited by guarantee), we are seeking your support to update our company Constitution. The original Constitution was prepared in 2008 prior to the appointment of a Board or management. It was a template document that served its original purpose, and which last was reviewed and updated in March 2011. Following the most recent scheduled review, the Board has proposed a number of changes. These have been developed and discussed by the full Board of Directors including the GLGN representative, Tim Tamlin.

Summary

The alterations to each clause are explained below however in brief, the proposal is to:

- increase the minimum number of Directors from 2 to 7, allowing the Board to make interim appointments to maintain that number until Members make formal appointments at the next AGM
- increase quorum to a majority of Directors (i.e. 4)
- allow Directors to be reimbursed through a fixed annual expense allowance
- allow Directors to be appointed for terms of "up to" 3 years, facilitating the Board to meet the requirement for at least two Directors to retire each year
- allow for Directors to serve for more than 3 terms
- add clauses dealing with Accounts and Audit

Process

Rather than asking members to attend a Special General Meeting to vote on these amendments, the Board proposes that they be voted on by *Special Circular Resolution* – a copy of which appears on page 3 of this package. The revised Constitution is also attached.

Members are asked to review the changes, and when satisfied, please sign and return a copy of the Special Circular Resolution no later than Friday 27th May 2016.

Proposed Amendments**Regarding Directors****Clause 2.1**

Increase the minimum number of Directors from 2 to 7. The Board has always functioned with 7 Directors who individually assume certain responsibilities in chairing or being members of committees. It is considered that the company needs at least 7 Directors to function in accordance with its charter. The existing Constitution gives the Board power to appoint a Director to fill a casual vacancy if their numbers fall below 2. The amendment will allow the Board to fill casual vacancies if the number falls below 7 without the need to hold a special general meeting of members.

Clause 5.4

If it is accepted that the company needs 7 Directors it is reasonable that the number for a quorum should be increased to a majority of Directors which would be 4.

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Add the words "up to" when describing the term of Directors. This allows the Board to fill a casual vacancy which occurs mid term and still retain the requirement for at least two Directors to retire each year. Otherwise, Directors filling a casual vacancy would automatically be elected for three years and in the event that changes to clause 2.1 are agreed such election would not need to be ratified by the members.

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Delete the requirement for a Director to retire after three 3-year terms. This was considered to be a restriction on the ability of the Board to adequately fill its numbers. It does not cater for a Director who is performing well and is capable of continuing to serve. It is considered to be a restriction on the potential of the Board to maintain the quality of its Directors and perform at its best.

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This adds a clause to cover the company's responsibility to produce annual accounts and distribute them to members. It is merely for clarification as the Corporations Law specifies this requirement for a public company.

Clause 12

This adds a clause to require an annual audit. It is also inserted for the sake of clarification, as the Corporations Law already requires public companies to conduct an annual audit.



DESTINATION GIPPSLAND LTD
SPECIAL CIRCULAR RESOLUTION OF MEMBERS
Wednesday 11th May 2016

Resolution to adopt the revised Constitution:

We, being all the members of Destination Gippsland Ltd, approve the following resolution:

That the amended version of the Constitution of Destination Gippsland Ltd (as at 11 May 2016) and signed by the secretary, be adopted in place of the previous Constitution adopted on 28 March 2011).

(A copy of the revised Constitution as proposed at 11 May 2016 is attached).

Member Organisation	Signed by	Signature	Date
Bass Coast Shire	Paul Buckley	/	/ 2016
East Gippsland Shire	Gary Gaffney	/	/ 2016
Latrobe City Council	Gary Van Driel	/	/ 2016
South Gippsland Shire	Tim Tamlin	/	/ 2016
Tourism Victoria	Chris White	/	/ 2016
Wellington Shire Council	David Morcom	/	/ 2016
Baw Baw Shire	Helen Anstis	/	/ 2016

A circular resolution is deemed to be passed when all members have signed and returned an identical copy of the resolution.

By order of the board, Helen Rose, Company Secretary

Constitution of DESTINATION GIPPSLAND LTD

A.C.N. 131 138 184

Revised 28 March 2011, and with amendments proposed 11 May 2016

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Copy of ASIC Certificate of Registration as a Company

Certificate of Registration of a Company



This is to certify that

DESTINATION GIPPSLAND LTD

Australian Company Number 131 138 184

is a registered company under the Corporations Act 2001 and
is taken to be registered in Victoria.

The company **is limited by guarantee.**

The company is a **public** company.

The day of commencement of registration is
the sixteenth day of May 2008.

Issued by the
Australian Securities and Investments Commission
on this sixteenth day of May, 2008.

Anthony Michael D'Aloisio
Chairman

CERTIFICATE

DESTINATION GIPPSLAND LTD**A.C.N. 131 138 184****CONSTITUTION**

1. Preliminary

- 1.1. The Company is a public company limited by guarantee. Each Member undertakes to contribute \$10.00 (Ten Dollars) to the property of the Company if the Company is wound up at a time when that person is a Member, or within one year of the time that the person ceased to be a Member, for payment of the debts and liabilities of the Company contracted before that person ceased to be a Member, payment of costs charges and expenses of winding up the Company, and adjustment of the rights of contributories among themselves.
- 1.2. The objects of the Company are: *to provide leadership and to work in partnership with the tourism industry in Gippsland to drive the development of tourism infrastructure, tourism product, and marketing.*
- 1.3. The Company must not make any distribution to any Members, whether by way of dividend, surplus on winding up or otherwise. This Clause does not prevent the payment in good faith by the Company of reasonable remuneration to any Member for goods or services supplied by that Member to the Company in the ordinary course of business, the payment of interest at a reasonable rate on money borrowed by the Company from any Member, the payment of reasonable rent for premises leased to the Company by any Member, or the payment of any other reasonable amount of a similar character to those described in this Clause.
- 1.4. The replaceable rules in the Corporations Act do not apply to the Company.
- 1.5. In this Constitution:

"Alternate Director" means a person for the time being holding office as an alternate director of the Company under Clause 2.9.

"Business Day" means a day except a Saturday, Sunday or public holiday in the jurisdiction under the Corporations Act which the Company is taken to be registered.

"Cessation Event" means:

- (a) if a Member is an individual, death or bankruptcy of that Member, or that Member becoming of unsound mind or becoming a person whose property is liable to be dealt with under a law about mental health; or
- (b) if a Member is a body corporate, the deregistration of that Member.

"Corporations Act" means the Corporations Act, 2001 (Commonwealth), as modified or re-enacted from time to time, and where appropriate, includes any regulations issued under it.

"Directors" means the directors of the Company for the time being.

"Expulsion Event" means, in respect of a Member:

- (a) the Member has wilfully refused or neglected to comply with the provisions of this Constitution;
- (b) the conduct of the Member, in the opinion of the Directors, is unbecoming of the Member or prejudicial to the interests or reputation of the Company; or
- (c) the Member is, or any step is taken for the Member to become, an externally administered body corporate (whether or not the Member is a body corporate).

"Legal Costs" of a person means legal costs incurred by that person in defending an action for a Liability of that person.

"Liability" of a person means any liability incurred by that person as an officer of the Company or a subsidiary of the Company.

"Member" means a person who is a member of the Company.

"Personal Representative" means the legal personal representative, executor, or administrator of the estate of a deceased person.

"Register" means the register of Members kept under the Corporations Act and, where appropriate, includes any branch register.

"Relevant Officer" means a person who is, or has been, an officer of the Company (including a Director or Secretary) or an officer of a subsidiary of the Company.

"Secretary" means a company secretary of the Company for the time being.

1.6. In this Constitution:

- (a) a reference to a meeting of Members includes a meeting of any class of Members;
- (b) a Member is taken to be present at a meeting of Members if the Member is present in person or by proxy, attorney or representative; and
- (c) a reference to a notice or document in writing includes a notice or document given by fax or another form of written communication.

1.7. In this Constitution, unless the context indicates a contrary intention, words importing the singular include the plural (and vice versa), words indicating a gender include every other gender, and the word **"person"** includes a corporation.

1.8. Unless the context indicates a contrary intention, an expression in a provision of this Constitution that deals with a matter dealt with by a provision of the Corporations Act has the same meaning as in that provision of the Corporations Act and an expression in a provision of this Constitution that is defined in section 9 of the Corporations Act has the same meaning as in that section.

2. Directors

2.1. The Company must have not less than 7 Directors. The Company in general meeting may by ordinary resolution alter the maximum or minimum number of Directors provided that the minimum is not less than 7.

2.2. If the number of Directors is below the minimum fixed by this Constitution, the Directors must not act except:

- (a) in emergencies;
- (b) for appointing one or more directors in order to make up a quorum for a meeting of Directors; or
- (c) to call and arrange to hold a meeting of Members.

2.3. The Company in general meeting may by ordinary resolution appoint any person as a Director, in accordance with the provisions of this Constitution.

2.4. A Director need not be a Member.

2.5. A Director may resign from office by giving the Company notice in writing.

2.6. Subject to the Corporations Act, the Company in general meeting may by ordinary resolution remove any Director, and if thought fit, appoint another person in place of that Director.

- 2.7.** A Director ceases to be a Director if:
- (a) the Director becomes of unsound mind or a person whose property is liable to be dealt with under a law about mental health;
 - (b) the Director resigns or is removed under this Constitution;
 - (c) the Director becomes an insolvent under administration; or
 - (d) the Corporations Act so provides.
- 2.8.** With the approval of a majority of the other Directors, a Director may appoint a person as an alternate director of that Director for any period. An Alternate Director need not be a Member.
- 2.9.** The appointing Director may terminate the appointment of his Alternate Director at any time. A notice of appointment, or termination of appointment, of an Alternate Director is effective only if the notice is in writing, the notice is signed by the Director who appointed that Alternate Director, and the Company is given a copy of the notice.
- 2.10.** If the Director who appointed an Alternate Director is not present at a meeting of Directors, that Alternate Director may, subject to this Constitution and the Corporations Act, exercise all powers (except the power under Clause 2.8) that the appointing Director may exercise. However, an Alternate Director cannot exercise any powers of his appointing Director if that appointing Director ceases to be a Director.
- 2.11.** Subject to Clause 2.13, the Company is not required to pay any remuneration to an Alternate Director.
- 2.12.** The Company must not pay any fees to a Director for performing that person's duties and responsibilities as a Director. The Company must not pay any amount to a Director unless that payment has been approved by the Directors.
- 2.13.** The Company must pay all reasonable travelling, accommodation and other expenses that a Director or Alternate Director properly incurs in attending meetings of Directors or any meetings of committees of Directors, in attending any meetings of Members, and in connection with the business of the Company. The board may agree to pay an annual allowance to cover these expenses
- 2.14.** A Director may:
- (a) hold an office or place of profit (except as auditor) in the Company, on any terms as the Directors resolve (subject to Clause 2.12);
 - (b) hold an office or otherwise be interested in any related body corporate of the Company or other body corporate in which the Company is interested; or
 - (c) act, or the Director's firm may act, in any capacity for the Company (except as auditor) or any related body corporate of the Company or other body corporate in which the Company is interested,
- and retain the benefits of doing so if the Director discloses in accordance with the Corporations Act the interest giving rise to those benefits.
- 2.15.** Subject to the Corporations Act, if a Director discloses the interest of the Director in accordance with the Corporations Act, the Director may:
- (a) contract or make an arrangement with the Company, or a related body corporate of the Company or a body corporate in which the Company is interested, in any matter in any capacity;
 - (b) be counted in a quorum for a meeting of Directors considering that contract or arrangement, and vote on whether the Company enters into the contract or arrangement, and on any matter that relates to the contract or arrangement;

- (c) sign on behalf of the Company, or witness the fixing of the common seal of the Company (if any) to, any document in respect of the contract or arrangement; and
 - (d) retain the benefits under the contract or arrangement.
- 2.16.** The Directors may make interim Director appointments if the number of Directors falls below the threshold set out in clause 2.1. The interim appointments may be made by calling for nominations and following the process in clause 2.17 and 2.18 (modified as necessary to give efficacy to this clause) must be ratified by an ordinary resolution at the next meeting of Members. If the appointment is ratified at the general meeting, then that Director serves for the remainder of the term of the replaced Director.
- 2.17.** Appointment of Directors are to be made following a public call for nominations , with nominations to be made no later than 21 days before the next meeting of Members ("**closing date**"). The Directors must advertise the call for nomination no later than 28 days before the closing date. All nominations must be accompanied by a resume of the nominee including details of referees.
- 2.18.** A sub-committee of 3 people, selected by the Chairman, will review nomination applications, including making all necessary enquiries and then make a recommendation to the Directors and the meeting of Members.
- 2.19.** The nomination for Director may be accepted by an ordinary resolution at the meeting of Members.
- 2.20.** Directors are appointed for terms of up to 3-years (effective from the date of the meeting of Members at which they were elected). Such terms are to be recommended by the board.
- 2.21.** At least two Directors must retire (and can stand for re-election) each year.

3. Officers

- 3.1.** The Directors may appoint one or more of themselves to the office of managing director, for any period and on any terms the Directors resolve (subject to Clause 2.13). Subject to any agreement between the Company and a managing director, the Directors may remove or dismiss a Director from the office of managing director at any time, with or without cause. The Directors may revoke or vary the appointment of a Director to the office of managing director or any power delegated to a managing director. A person ceases to hold the office of managing director if the person ceases to be a Director.
- 3.2.** The Directors may delegate any of their powers (including the power to delegate) to a managing director. A managing director must exercise the powers delegated to him or her in accordance with any directions of the Directors. The exercise of a power by a managing director is as effective as if the Directors exercised the power.
- 3.3.** The Directors may appoint one or more Secretaries, for any period and on any terms (including as to remuneration) the Directors resolve. Subject to any agreement between the Company and a Secretary, the Directors may remove or dismiss a Secretary at any time, with or without cause. The Directors may revoke or vary the appointment of a Secretary.
- 3.4.** To the extent permitted by law, the Company may (by agreement or deed) indemnify each Relevant Officer against a Liability of that person and Legal Costs of that person. To the extent permitted by law, the Company may also make a payment (whether by way of advance, loan or otherwise) to a Relevant Officer in respect of Legal Costs of that person.
- 3.5.** To the extent permitted by law, the Company may pay, or agree to pay, a premium for a contract insuring a Relevant Officer against a Liability of that person and Legal Costs of that person.

4. Powers of the company and directors

- 4.1. The Company may exercise in any manner permitted by the Corporations Act any power which a public company limited by guarantee may exercise under the Corporations Act. The business of the Company is managed by or under the direction of the Directors. The Directors may exercise all the powers of the Company except any powers that the Corporations Act or this Constitution requires the Company to exercise in general meeting.
- 4.2. If the Company has a common seal, the Company may execute a document if that seal is fixed to the document and the fixing of that seal is witnessed by 2 Directors, a Director and a Secretary, or a Director and another person appointed by a resolution of the Directors for that purpose.
- 4.3. The Company may execute a document without a common seal if the document is signed by 2 Directors, a Director and a Secretary, or a Director and another person appointed by a resolution of the Directors for that purpose.
- 4.4. The Company may execute a document as a deed if the document is expressed to be executed as a deed and is executed in accordance with Clauses 4.2 or 4.3.
- 4.5. The Directors may resolve, generally or in a particular case, that any signature on certificates of Membership of the Company may be affixed by mechanical or other means.
- 4.6. Negotiable instruments may be signed, drawn, accepted, endorsed, or otherwise executed by or on behalf of the Company in the manner and by the persons as the Directors resolve.
- 4.7. The Directors may delegate any of their powers (including this power to delegate) to a committee of Directors, a Director, an employee of the Company, or any other person. The Directors may revoke or vary any power so delegated. A committee or delegate must exercise the powers delegated in accordance with any directions of the Directors. The exercise of a power by the committee or delegate is as effective as if the Directors exercised the power. Clauses 4.9 to 5.6 apply with the necessary changes to meetings of a committee of Directors.
- 4.8. The Directors may appoint any person to be attorney or agent of the Company for any purpose, for any period and on any terms (including as to remuneration) the Directors resolve. The Directors may delegate any of their powers (including the power to delegate) to an attorney or agent. The Directors may revoke or vary that appointment or any power delegated to an attorney or agent.
- 4.9. Any act done by a person as a Director or Secretary is effective even if the appointment of that person, or the continuance of that appointment, is invalid because the Company or that person did not comply with this Constitution or any provision of the Corporations Act. This Clause does not deal with the question whether an effective act by a person binds the Company in its dealings with other people or makes the Company liable to another person.

5. Meetings of directors

- 5.1. The Directors may pass a resolution without a meeting of the Directors being held if a document containing the resolution is sent to all Directors and a majority of the Directors entitled to vote on the resolution sign that document containing a statement that they are in favour of the resolution set out in the document. Separate copies of that document may be used for signing by Directors if the wording of the resolution and the statement is identical in each copy.
- 5.2. The Directors may meet, adjourn, and otherwise regulate their meetings as they think fit. A meeting of Directors may be held using any technology consented to by a majority of the Directors. A Director may only withdraw that consent within a reasonable period of time before the meeting. Any Director may call a meeting of Directors at any time. On request of any Director, a Secretary of the Company must call a meeting of the Directors.

- 5.3. Reasonable notice of a meeting of Directors must be given to each Director and Alternate Director.
- 5.4. A quorum for a meeting of Directors must be present at all times during the meeting. Subject to the Corporations Act, a quorum for a meeting of Directors is, if the Directors have fixed a number for the quorum, that number of Directors, and in any other case, 4 Directors entitled to vote on a resolution that may be proposed at that meeting. In determining whether a quorum for a meeting of Directors is present:
- (a) where a Director has appointed an Alternate Director, that Alternate Director is counted if the appointing Director is not present;
 - (b) where a person is present as Director and an Alternate Director for another Director, that person is counted separately provided that there is at least one other Director or Alternate Director present; and
 - (c) where a person is present as an Alternate Director for more than one Director, that person is counted separately for each appointment provided that there is at least one other Director or Alternate Director present.
- 5.5. If there are not enough persons to form a quorum for a meeting of Directors, one or more of the Directors (including those who have an interest in a matter being considered at that meeting) may call a general meeting and the general meeting may pass a resolution to deal with the matter.
- 5.6. The Directors may appoint a Director to the office of chairperson of Directors for any period they resolve, or if no period is specified, until that person ceases to be a Director. The Directors may remove a Director from the office of chairperson of Directors at any time.
- 5.7. The chairperson of Directors must (if present within 5 minutes after the time appointed for the holding of the meeting and willing to act) chair each meeting of Directors. If there is no chairperson of Directors, or the chairperson of Directors is not present within 5 minutes after the time appointed for the holding of a meeting of Directors or is present within that time but is not willing to chair all or part of that meeting, then the Directors present must elect one of themselves to chair all or part of the meeting of Directors.
- 5.8. A resolution of Directors is passed if more votes are cast in favour of the resolution than against it. Subject to Clause 2.16 and this Clause, each Director has one vote on a matter arising at a meeting of the Directors. In determining the number of votes a Director has on a matter arising at a meeting of Directors:
- (a) where a person is present as Director and an Alternate Director for another Director, that person has one vote as a Director and, subject to Clause 2.11, one vote as an Alternate Director; and
 - (b) where a person is present as an Alternate Director for more than one Director, that person has, subject to Clause 2.11, one vote for each appointment.
- 5.9. Subject to the Corporations Act, in case of an equality of votes on a resolution at a meeting of Directors, the chairperson of that meeting has a casting vote on that resolution in addition to any vote the chairperson has in his capacity as a Director in respect of that resolution.

6. Meetings of members

- 6.1. While the Company has only one Member, the Company may pass a resolution by that Member signing a record in writing of that resolution.
- 6.2. Subject to the Corporations Act, the Directors may call a meeting of Members. The Directors must call and arrange to hold a general meeting on the request of Members, and the Members may call and arrange to hold a general meeting, as provided by the Corporations Act.

- 6.3.** The Company must hold an annual general meeting if required by, and in accordance with, the Corporations Act.
- 6.4.** Subject to the Corporations Act, the Company must give not less than 21 days notice of a meeting of Members. The Company may call an annual general meeting on shorter notice if all Members entitled to attend and vote at the annual general meeting agree beforehand. The Company may call a general meeting (not being an annual general meeting) on shorter notice if Members with at least 95% of the votes that may be cast at the meeting agree beforehand.
- 6.5.** Notice of a meeting of Members must be given to each Member, each Director, each Alternate Director, and any auditor of the Company.
- 6.6.** A notice of a meeting of Members must:
- (a) set out the place, date and time for the meeting (and if the meeting is to be held in 2 or more places, the technology that will be used to facilitate this);
 - (b) state the general nature of the business of the meeting; and
 - (c) set out or include any other information or documents specified by the Corporations Act.
- 6.7.** Subject to the Corporations Act, anything done (including the passing of a resolution) at a meeting of Members is not invalid if either or both:
- (a) a person does not receive notice of the meeting; or
 - (b) the Company accidentally does not give notice of the meeting to a person.
- 6.8.** A meeting of Members may be held in 2 or more places linked together by any technology that gives the Members as a whole in those places a reasonable opportunity to participate in proceedings, enables the chairperson to be aware of proceedings in each place, and enables the Members in each place to vote on a show of hands and on a poll.
- 6.9.** Each Member and any auditor of the Company is entitled to attend any meetings of Members. Subject to this Constitution, each Director is entitled to attend and speak at all meetings of Members.
- 6.10.** A quorum for a meeting of Members must be present at all times during the meeting. A quorum for a meeting of Members is 2 Members (or in the case of 1 Member, that member only) entitled to vote at that meeting. In determining whether a quorum for a meeting of Members is present:
- (a) where more than one proxy, attorney, or representative of a Member is present, only one of those persons is counted;
 - (b) where a person is present as a Member and as a proxy, attorney or representative of another Member, that person is counted separately for each appointment provided that there is at least one other Member present; and
 - (c) where a person is present as a proxy, attorney or representative for more than one Member, that person is counted separately for each appointment provided that there is at least one other Member present.
- 6.11.** If a quorum is not present within 15 minutes after the time appointed for a meeting of Members:
- (a) if the meeting was called by the Directors at the request of Members or was called by the Members, the meeting is dissolved; and
 - (b) any other meeting is adjourned to the date, time, and place as the Directors may by notice to the Members appoint, or failing any appointment, to the same day in the next week at the same time and place as the meeting adjourned.

- 6.12.** If a quorum is not present within 15 minutes after the time appointed for an adjourned meeting of Members, the meeting is dissolved.
- 6.13.** The chairperson of Directors must (if present within 15 minutes after the time appointed for the holding of the meeting and willing to act) chair each meeting of Members. If at a meeting of Members, there is no chairperson of Directors, or the chairperson of Directors is not present within 15 minutes after the time appointed for the holding of a meeting of Members, or is present within that time but is not willing to chair all or part of that meeting, the Members present must elect another person present and willing to act to chair all or part of that meeting.
- 6.14.** Subject to the Corporations Act, the chairperson of a meeting of Members is responsible for the general conduct of that meeting and for the procedures to be adopted at that meeting.
- 6.15.** Subject to the Corporations Act, a resolution is passed if more votes are cast in favour of the resolution by Members entitled to vote on the resolution than against the resolution. Unless a poll is requested in accordance with Clauses 6.17 and 6.18, a resolution put to the vote at a meeting of Members must be decided on a show of hands.
- 6.16.** A declaration by the chairperson of a meeting of Members that a resolution on a show of hands is passed, passed by a particular majority, or not passed, and a record of that declaration in the minutes of the meeting, is sufficient evidence of that fact, unless proved incorrect.
- 6.17.** A poll may be demanded on any resolution at a meeting of Members. A poll may be demanded by at least 5 Members present and entitled to vote on that resolution, one or more Members present, and who are together entitled to at least 5% of the votes that may be cast on that resolution on a poll, or the chairperson of that meeting. A poll may be demanded before a vote on that resolution is taken, or before or immediately after the results of the vote on that resolution on a show of hands are declared. A demand for a poll may be withdrawn.
- 6.18.** A poll demanded on a resolution at a meeting of Members for the election of a chairperson of that meeting or the adjournment of that meeting must be taken immediately. A poll demanded on any other resolution must be taken in the manner and at the time and place the chairperson directs. The result of a poll demanded on a resolution of a meeting of Members is a resolution of that meeting. A demand for a poll on a resolution of a meeting of Members does not prevent the continuance of that meeting or that meeting dealing with any other business.
- 6.19.** Subject to the Corporations Act, the chairperson may adjourn a meeting of Members to any day, time, and place, and must adjourn a meeting of Members if the Members present with a majority of votes that may be cast at that meeting agree or direct the chairperson to do so. The chairperson may adjourn that meeting to any day, time, and place. The Company is only required to give notice of a meeting of Members resumed from an adjourned meeting if the period of adjournment exceeds 21 days. Only business left unfinished is to be transacted at a meeting of Members resumed after an adjournment.
- 6.20.** Subject to the Corporations Act, the Directors may at any time postpone or cancel a meeting of Members by giving notice not less than 5 Business Days before the time at which the meeting was to be held to each person who is, at the date of the notice a Member, a Director or Alternate Director; or auditor of the Company. A general meeting called by the Directors at the request of Members or called by the Members must not be cancelled by the Directors without the consent of the Members who requested or called the meeting.
- 6.21.** Subject to this Constitution and any rights or restrictions attached to a class of Membership, at a meeting of Members, every Member present has one vote on a show of hands and on a poll.
- 6.22.** In the case of an equality of votes on a resolution at a meeting of Members, the chairperson of that meeting does not have a casting vote on that resolution either on a show of hands or on a poll.

- 6.23.** A Member present at a meeting of Members is not entitled to vote on any resolution if any fees or any other amount due and payable by that Member to the Company under this Constitution have not been paid, or where that vote is prohibited by the Corporations Act or an order of a court of competent jurisdiction. The Company must disregard any vote on a resolution purported to be cast by a Member present at a meeting of Members where that person is not entitled to vote on that resolution.
- 6.24.** The authority of a proxy or attorney for a Member to speak or vote at a meeting of Members is suspended while the Member is present in person at that meeting.
- 6.25.** An objection to the qualification of any person to vote at a meeting of Members may only be made at that meeting (or any resumed meeting if that meeting is adjourned), to the chairperson of that meeting. Any objection must be decided by the chairperson of the meeting of Members, whose decision, made in good faith, is final and conclusive.
- 6.26.** A Member, who is entitled to attend and cast a vote at a meeting of Members, may vote on a show of hands and on a poll:
- (a) in person or, if the Member is a body corporate, by its representative appointed in accordance with the Corporations Act; or
 - (b) by not more than one proxy or by not more than one attorney.
- 6.27.** A proxy, attorney, or representative of a Member need not be a Member. A Member may appoint a proxy, attorney, or representative for all or any number of meetings of Members, or a particular meeting of Members.
- 6.28.** An instrument appointing an attorney or representative must be in a form as the Directors may prescribe or accept. An instrument appointing a proxy is valid if it is signed by the Member making the appointment and contains the name and address of that Member, the name of the Company, the name of the proxy or the name of the office of the proxy, and the meetings of Members at which the proxy may be used. The chairperson of a meeting of Members may determine that an instrument appointing a proxy is valid even if it contains only some of this information.
- 6.29.** Subject to the Corporations Act, the decision of the chairperson of a meeting of Members as to the validity of an instrument appointing a proxy, attorney or representative is final and conclusive.
- 6.30.** If the name of the proxy or the name of the office of the proxy in a proxy form of a Member is not filled in, the proxy of that Member is the person specified by the Company in the form of proxy in the case the Member does not choose, or if no person is so specified, the chairperson of that meeting.
- 6.31.** A Member may specify the manner in which a proxy or attorney is to vote on a particular resolution at a meeting of Members. The appointment of a proxy or attorney by a Member may specify the proportion or number of the Member's votes that the proxy or attorney may exercise.
- 6.32.** Unless otherwise provided in the Corporations Act or in the appointment, a proxy or attorney may demand or join in demanding a poll on any resolution at a meeting of Members on which the proxy or attorney may vote.
- 6.33.** An appointment of proxy or attorney for a meeting of Members is effective only if the Company receives the appointment (and any authority under which the appointment was signed or a certified copy of the authority) before the time scheduled for commencement of that meeting (or any adjournment of that meeting).
- 6.34.** Unless the Company has received notice in writing of the matter before the time scheduled for the commencement of a meeting of Members, a vote cast at that meeting by a person appointed by a Member as a proxy, attorney or representative is, subject to this Constitution, valid even if, before the person votes there is a Transmission Event in respect of that Member, that Member revokes the appointment of that person or that Member revokes the authority under which the person was appointed by a third party.

7. Members

- 7.1. Any person is eligible to apply to become a Member. Each applicant to become a Member must sign and deliver to the Company an application in the form which the Directors determine and pay any initial fee which the Directors determine. The Directors determine whether an applicant may become a Member. The Directors are not required to give any reason for the rejection of any application to become a Member.
- 7.2. If an application to become a Member is accepted, the Company must give written notice of the acceptance to the applicant and enter the applicant's name in the Register. If an application to become a Member is rejected, the Company must give written notice of the rejection to the applicant and refund in full the fee (if any) paid by the applicant.
- 7.3. The rights of being a Member are not transferable whether by operation of law or otherwise.
- 7.4. A person will cease to be a Member if the Member resigns in accordance with Clause 7.5, if the Member is expelled under Clause 7.6 or Clause 7.7 or if a Cessation Event occurs in respect of that Member. The estate of a deceased Member is not released from any liability in respect of that person being a Member.
- 7.5. A Member may resign as a Member by giving the Company notice in writing. Unless the notice provides otherwise, a resignation by a Member takes effect immediately on the giving of that notice to the Company.
- 7.6. Subject to Clause 7.8, the Directors may resolve to expel a Member if:
- (a) an Expulsion Event occurs in respect of the Member; and
 - (b) the Company gives that Member at least 10 Business Days notice in writing stating the Expulsion Event and that the Member is liable to be expelled, and informing the Member of its right under Clause 7.8.
- 7.7. The Directors may resolve to expel a Member if the Member does not pay a fee payable by the Member pursuant to this Constitution within 20 Business Days after the due date for its payment.
- 7.8. Before the passing of any resolution under Clause 7.6, a Member is entitled to give the Directors, either orally or in writing, any explanation or defence of the Expulsion Event the Member may think fit.
- 7.9. Where a resolution is passed under Clause 7.6 or 7.7, the Company must give that Member notice in writing of the expulsion within 10 Business Days of the resolution.
- 7.10. A Member may by notice in writing to the Company within 10 Business Days of receipt of the notice referred to in Clause 7.9 request that a resolution under Clause 7.6 be reviewed by the Company at the next general meeting. If such a request is made, the Directors must propose at the next general meeting of the Company that a resolution be moved to confirm the expulsion of the Member concerned.
- 7.11. A resolution under Clause 7.6 takes effect:
- (a) if the Member gives a notice under Clause 7.10, the date (if any) the resolution is confirmed by a general meeting of the Company; or
 - (b) if the Member does not give a notice under Clause 7.10, the date of the resolution.
- 7.12. A resolution under Clause 7.7 takes effect on the date of the resolution.
- 7.13. The Directors may reinstate an expelled Member on any terms and at any time as the Directors resolve, including a requirement that all amounts due but unpaid by the expelled Member are paid.

7.14. Subject to the Corporations Act and the terms of a particular class of Membership, the Company may vary or cancel rights attached to being a Member of that class, or convert a Member from one class to another, by special resolution of the Company and either:

- (a) a special resolution passed at a meeting of the Members included in that class; or
- (b) the written consent of Members who are entitled to at least 75% of the votes that maybe cast in respect of Membership of that class.

The provisions in this Constitution concerning meetings of Members (with the necessary changes) apply to a meeting held under Clause 97.14 (a).

7.15. The Company may issue to each Member, free of charge, one certificate evidencing that person as a Member.

7.16. The Company may issue a replacement certificate of being a Member if the Company receives and cancels the existing certificate or the Company is satisfied that the existing certificate is lost or destroyed, and the Member pays any fee as the Directors resolve.

8. Fees

8.1. The Directors may require the payment of fees or levies by Members in the amounts and at the times as the Directors resolve. The Directors may make fees payable for one or more Members for different amounts and at different times, and subject to the terms of Membership payable by instalments. The Directors may revoke or postpone fees or extend the time for payment of fees.

8.2. The Company must give Members at least 10 Business Days notice of fees payable by Members. A notice of fees must be in writing and specify the amount of the fee, and the time and place of payment of the fee. A fee is not invalid if a Member does not receive notice of the fee.

8.3. A Member must pay to the Company the amount of each fee made on the Member at the times and places specified in the notice of the fee. If a fee is payable in one or more fixed amounts on one or more fixed dates, the Member must pay to the Company those amounts on those dates.

8.4. A Member must pay to the Company interest at the rate of 10% per annum on any amount referred to in Clause 8.3 which is not paid on or before the time appointed for its payment, from the time appointed for payment to the time of the actual payment, and expenses incurred by the Company because of the failure to pay or late payment of that amount. The Directors may waive payment of all or any part of an amount payable under this Clause 8.4

8.5. The Company may recover an amount due and payable under Clauses 8.3 and 8.4 from a Member by commencing legal action against the Member for all or part of the amount due.

8.6. The debt due in respect of an amount payable under Clauses 8.3 and 8.4 is sufficiently proved by evidence that the name of the Member sued is entered in the Register and there is a record in the minute books of the Company of the resolution requiring payment of the fee or the fixed amount referred to in Clause 8.3.

8.7. The Company may accept from any Member all or any part of fees payable before that amount is due and payable. The Company may pay interest at any rate the Directors resolve on the amount paid before it is due and payable (from the date of payment until and including the date the amount becomes actually payable) and the Company may repay the amount so paid to that Member.

9. Notices and payments

- 9.1. The Company may give notice to a Member in person, by sending it by post to the address of the Member in the Register or the alternative address (if any) nominated by that Member, or by sending it to the fax number or electronic address (if any) nominated by that Member.
- 9.2. A notice of meeting sent by post to an address within Australia is taken to be given one Business Day after it is posted, or where to an address outside Australia, is taken to be given 5 Business Days after it is posted. Any other notice sent by post is taken to be given at the time of which the notice would be delivered in the ordinary course of post. A notice sent by fax is taken to be given on the Business Day it is sent, provided that the sender's transmission report shows that the whole notice was sent to the correct fax number.
- 9.3. The giving of a notice by post is sufficiently proved by evidence that the notice was addressed to the correct address of the recipient and was placed in the post.
- 9.4. The Directors may decide, generally or in a particular case, that a notice given by the Company be signed by mechanical or other means.
- 9.5. The Company may pay a person entitled to an amount payable in respect of Membership by crediting an account nominated in writing by that person, by cheque made payable to bearer, to the person entitled to the amount or any other person the person entitled directs in writing, or by any other manner as the Directors resolve. The Company may post a cheque under this Clause to the address in the Register of the Member or to any other address which that person directs in writing.

10. Records

- 10.1. The Company must keep minute books in which it records within one month:
- (a) proceedings and resolutions of meetings of Members;
 - (b) proceedings and resolutions of meetings of the Directors (including meetings of committees of Directors);
 - (c) resolutions passed by Members without a meeting; and
 - (d) resolutions passed by the Directors without a meeting.
- 10.2. The Company must ensure that minutes of a meeting are signed within a reasonable time after the meeting by the chairperson of that meeting or the chairperson of the next meeting. The Company must ensure that minutes of the passing of a resolution without a meeting are signed by a Director within a reasonable time after that resolution is passed. A minute recorded and signed in accordance with this Clause is evidence of the proceeding or resolution to which it relates, unless the contrary is proved.
- 10.3. The Company must establish and administer the Register in accordance with the Corporations Act. The Company may establish and administer a branch register of Members in accordance with the Corporations Act. The Company must allow inspection of the Register only as required by the Corporations Act. Unless proved incorrect, the Register is sufficient evidence of the matters shown in the Register.
- 10.4. The Company must keep the financial records required by the Corporations Act.
- 10.5. Unless authorised by a resolution of Directors or the Corporations Act, a Member is not entitled to inspect the books of the Company.

11. Accounts

- 11.1.** The Board shall cause proper accounting and other records to be kept and shall distribute copies of every profit and loss account and balance sheet (including every document required by law to be attached thereto) accompanied by a copy of the Auditors report as required by the Law to every member.
- 11.2.** The Board shall cause to be made out and laid before each Annual General Meeting a balance sheet and profit and loss account made up to the end of the Company's financial year but in no case shall that date be more than five months before the date of the meeting.
- 11.3.** The Board shall from time to time determine at what times and places and under what conditions or regulations the accounting and other records of the Company shall be open to the inspection of members provided that all members shall have reasonable opportunity to inspect those records.

12. Audit

A properly qualified Auditor or Auditors shall be appointed by the board and his or her duties will be regulated in accordance with the Law.

13. Winding up

- 13.1.** On a winding up of the Company, the Members must determine one or more companies, associations or institutions whose constitution:
- (a) requires it to pursue only objects similar to those in Clause 1.2 and to apply its income in promoting those objects;
 - (b) prohibits it from making distributions to its members to at least the same extent as in Clause 1.3; and
 - (c) if a company, prohibits it from paying fees to its directors and requires its directors to approve all other payments the company makes to its directors,
- to whom the liquidator must give or transfer any surplus on winding up.
- 13.2.** If the Members fail to make a determination under Clause 11.1 within 20 Business Days of the winding up of the Company, the liquidator must make an application to the Supreme Court in the jurisdiction the Company is taken to be registered to make that determination.

The following person(s), being the person(s) who consented to become a subscriber of the Company in the application for the registration of the Company, agree to the terms of this Constitution.

Name

Signature

(original signed by Glenn Patterson – copy overleaf)

Baw Baw Shire Council


DATE: 16th day of May 2008

Copy of original page 13 (previously Clause 115) as signed by Glenn Patterson

Winding up

115. On a winding up of the Company, the Members must determine one or more companies, associations or institutions whose constitution:
- (a) requires it to pursue only objects similar to those in Clause 2 and to apply its income in promoting those objects;
 - (b) prohibits it from making distributions to its members to at least the same extent as in Clause 3; and
 - (c) if a company, prohibits it from paying fees to its directors and requires its directors to approve all other payments the company makes to its directors,
- to whom the liquidator must give or transfer any surplus on winding up.
116. If the Members fail to make a determination under Clause 115 within 20 Business Days of the winding up of the Company, the liquidator must make an application to the Supreme Court in the jurisdiction the Company is taken to be registered to make that determination.

The following person(s), being the person(s) who consented to become a subscribers of the Company in the application for the registration of the Company, agree to the terms of this Constitution.

Name	Signature
GLENN PATTERSON	

Baw Baw Shire Council

DATE: 16th day of May 2008



Helen Rose
Company Secretary

**14.3 INSTALLATION OF CCTV HEAD STREET TRARALGON -
DUMPED RUBBISH**

General Manager

City Development

For Decision

PURPOSE

The purpose of this report is to seek the resolution of Council to approve the installation of closed circuit television (CCTV) for a period of three months in the vicinity of the property known as 135 Argyle Street Traralgon, informally referred to as 30 Head Street Traralgon, to collect evidence in relation to the ongoing dumping of recycled materials in the area.

EXECUTIVE SUMMARY

Council officers have received numerous complaints in relation to scrap metal being dumped on the nature strip in front of the property formally known as 135 Argyle Street Traralgon.

The material is being dumped by unknown persons which appears to have been a practice for many years, however, this has become a major issue in recent times where there has been a significant increase in the volume of material. In addition, a slump in the scrap metal price has made it difficult for the scrap metal merchant to keep up and remove the items as they are deposited.

In an effort to improve the amenity of the street and reduce the danger to road users, Council recently engaged a contractor to remove the items that had been placed outside the perimeter fence. A warning sign was erected to deter ongoing littering, however within 72 hrs the sign and nature strip had been covered up with additional items.

Many attempts have been made to work with the manager of the scrap metal yard to discuss this matter. This has resulted in the metal merchant now directing the dumping of the materials to the cross over, instead of the nature strip. At this point in time, the matter is also being investigated by the Planning Enforcement Officer.

In addition, Council has at its own cost initiated to clear this site, without ongoing success.

It is anticipated that the provision of CCTV for a three month trial period will assist in the investigation of any rubbish dumped at this location in future.

MOTION

Moved: Cr Harriman
Seconded: Cr Kam

That Council:

1. **Make a resolution approving the installation of CCTV at 135 Argyle Street Traralgon to allow Latrobe City Local Laws Officers to conduct an investigation in accordance with the *Environment Protection Act 1970*.**
2. **A sign be installed in the area informing the community of the installation of the CCTV units.**
3. **A further report be presented to Council at the conclusion of the trial period to report on the effectiveness of this action and any subsequent prosecution in progress.**

CARRIED UNANIMOUSLY

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

*Latrobe 2026: The Community Vision for Latrobe Valley**Strategic Objectives – Our Community*

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

Strategic Objectives – Our Community

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

*Latrobe City Council Plan 2013 - 2017**Theme and Objectives*

Theme 2: Affordable and sustainable facilities, services and recreation

Theme 3: Efficient, effective and accountable governance

Theme 4: Advocacy for and consultation with our community

BACKGROUND

Councils Electronic Surveillance Policy requires a resolution of Council before fixed and/or concealed electronic surveillance is conducted on Council owned or controlled property. To ensure that the implementation of electronic surveillance does not intrude unreasonably into the privacy of citizens who are not under suspicion, electronic surveillance will be implemented only when Council has substantial grounds to believe that unlawful activity is being undertaken and will only target areas in which unlawful conduct is likely to be recorded.

In addition the policy requires:

- Electronic surveillance may be conducted only for the purpose of protecting the public against an identified risk to the security or safety of property, assets, or members of the public.
- Electronic surveillance will be limited in scope, targeting only areas in which unlawful conduct is likely to be recorded.
- Electronic surveillance may be conducted only for a limited time period, such as until the perpetrator of the unlawful activity is identified.

KEY POINTS/ISSUES

A range of unwanted items can be left free of charge at Councils' transfer stations; these include white goods, scrap metal, TVs. A press release is currently being developed to get this message out to the general public.

The dumping of unwanted material at this site is causing an unreasonable obstruction to both pedestrians and vehicular traffic and is adversely affecting the amenity of the area.

Local Laws officers investigating littering complaints must be able to clearly identify offenders beyond reasonable doubt. Under the provisions of the *Environment Protection Act 1970* the driver or owner of a vehicle is liable for an offence where litter is deposited from a vehicle.

Any evidence collected from CCTV devices will be used for this purpose.

RISK IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

FINANCIAL AND RESOURCES IMPLICATIONS

The cost of the installation will be absorbed into Councils approved operating budget.

OPTIONS

There are two options available to Council:

1. To make a resolution of its approval in relation to the installation of CCTV within the Head Street industrial estate in accordance with Council policy.

**ORDINARY COUNCIL MEETING MINUTES
11 JULY 2016 (CM486)**

2. To not install CCTV at the site, continue patrols of the area and remain in contact with the proprietor of the scrap metal business to facilitate compliance under:
- *Environment Protection Act 1970;*
 - *Road Safety Act 1986;*
 - *Local Law No. 2 2009; and*
 - *The Latrobe Planning Scheme.*

CONCLUSION

The dumping of rubbish and other unwanted material by unknown persons in Head Street Traralgon is causing an ongoing danger to road users and is having a detrimental effect on the amenity of the area.

The Local Laws team seeks approval by resolution to install electronic surveillance cameras at 135 Argyle Street Traralgon in the vicinity of the scrap recycling merchant's premises to enable a proactive approach to effectively to resolve this ongoing issue.

SUPPORTING DOCUMENTS

Electronic Surveillance Policy

Attachments

1. 135 Argyle Street Traralgon
2. Electronic Surveillance Policy

14.3

Installation of CCTV Head Street Traralgon - Dumped Rubbish

- 1 135 Argyle Street Traralgon 123**
- 2 Electronic Surveillance Policy 125**



Document Name: **Electronic Surveillance Policy**

11 POL-4

Adopted by Council: **7 February 2011**

Policy Goals

Latrobe City has developed an electronic surveillance policy as a strategy to minimise and address the incidence of unlawful activity on Council owned or controlled property. The policy has been developed as a strategy in the interests of contributing to public safety and/or the protection of Council assets. The Council will ensure that the implementation of electronic surveillance does not intrude unreasonably into the privacy of citizens who are not under suspicion. Electronic surveillance will be implemented only when Council has substantial grounds to believe that unlawful activity is being undertaken and will only target areas in which unlawful conduct is likely to be recorded.

The policy only relates to fixed and/or concealed electronic surveillance devices and includes the use of any electronically operated device such as video, film, electronically operated remote controlled cameras, tape recorders, computers, telephones and telephone bugging devices used expressly for the purpose of surveillance.

Relationship to Latrobe 2026 & Council Plan

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

Regulation and Accountability

Latrobe 2026:

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

Council Plan:

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

Governance

Latrobe 2026:

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

Council Plan:

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

Policy Implementation

No electronic surveillance is to be undertaken without a resolution of the Council. As a general principle the Council will only authorise the use of electronic surveillance when all other reasonable measures have proved ineffective in solving the problem or unlawful activity. The operators of any electronic surveillance system authorised by the Council are accountable for their conduct to the Council. In addition:

- Electronic surveillance may be conducted only for the purpose of protecting the public against an identified risk to the security or safety of property, assets, or members of the public.
- Electronic surveillance will be limited in scope, targeting only areas in which unlawful conduct is likely to be recorded.
- Electronic surveillance may be conducted only for a limited time period, such as until the perpetrator of the unlawful activity is identified.

Strict controls will exist over the operation of the system, including authorisation of who may receive and view tapes, secure storage and erasure of recordings. Such authorisation may only be given by the Chief Executive Officer of the Council. Proper records must be maintained of the electronic surveillance operation, including documentation of the final resolution of the problem.

If electronic surveillance is conducted in an area accessed by citizens, a sign shall be installed in the area informing citizens of the conduct of electronic surveillance.

Exclusions:

1. This policy does not apply to the use of speed cameras or police radar devices implemented for Victoria Police.
2. The use of fixed lens video cameras in automatic teller machines is excluded from this policy.
3. Cash collection points (cashiers and teller terminals) operated by the Council are exempt from this policy.
4. Use of cameras for the purpose of monitoring the health and safety of employees working in isolation are excluded from this policy.

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

Signed : _____
Chief Executive Officer

Date : 08/02/2011.

**14.4 CONSIDERATION OF SUBMISSION TO REGULATORY IMPACT
STATEMENT PLANNING AND ENVIRONMENT (FEES)
REGULATIONS AND THE SUBDIVISION (FEES) REGULATIONS**

General Manager

City Development

For Decision

PURPOSE

This report is for Council to consider two submissions that have been made in response to the Regulatory Impact Statement Planning and Environment (Fees) Regulations and the Subdivision (Fees) Regulations, and to seek Council to endorse these submissions.

EXECUTIVE SUMMARY

The Department of Environment, Land, Water and Planning (DELWP) sought comments in June in relation to its *Regulatory Impact Statement Planning and Environment (Fees) Regulations and the Subdivision (Fees) Regulations* (the Review). Given the significance of planning and subdivision fees to Latrobe City Council, it was important for Council to provide feedback and have input into ensuring that any proposed changes to fees reflects a Regional City.

A recommendation of this Council report is to endorse the feedback that was made to the Municipal Association of Victoria (MAV) on 21 June 2016 for consideration in the MAV submission; and the Latrobe City Council submission that was lodged with DELWP on the closing date of 24 June 2016.

MOTION

Moved: Cr Harriman

Seconded: Cr Middlemiss

That Council:

1. **Endorse the response to the draft MAV submission (21 June 2016); and**
2. **Endorse the *Latrobe City Council Submission to the Regulatory Impact Statement Planning and Environment (Fees) Regulations* (24 June 2016).**

CARRIED UNANIMOUSLY

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

Latrobe 2026: The Community Vision for Latrobe Valley

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

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 2013 - 2017

Theme and Objectives

Theme 1: Job creation and economic sustainability

Objective – Actively pursue long term economic prosperity for Latrobe City, one of Victoria’s four major regional cities.

Strategic Direction – Work in partnership with business, industry and government to create new jobs and investment in Latrobe City.

Theme 5: Planning for the future

Objective – Advocate for planning changes at the state level to reflect regional needs and aspirations.

Strategic Direction – Planning for the future

Provide efficient and effective planning services and decision making to encourage development and new investment opportunities.

In making a submission to the Review, Council will be actively meeting these directions and objectives that are outlined within the Latrobe Council Plan. This will ensure that Latrobe City Council and its community are actively considered in the Review.

BACKGROUND

In June 2016, DELWP released their *Regulatory Impact Statement Planning and Environment (Fees) Regulations and the Subdivision (Fees) Regulations (RIS)* for comment for a four week period.

An extension to the closing date for comment was made to DELWP and this request was denied.

The Executive Team was briefed on 21 June 2016 and following this the Chief Executive Officer provided a response to the Municipal Association of Victoria’s draft submission on 21 June 2016.

A formal submission to the Review was then made to DELWP on 24 June 2016 to meet the closing date.

A councillor briefing was provided on 27 June 2016 and copies of both submissions were circulated.

KEY POINTS/ISSUES

The submission provided to the MAV (Attachment 1) and Latrobe City Council's submission to DELWP (Attachment 2) considers the proposed changes and their potential impact under these headings:

- Full fee recovery;
- Fee level; and
- Transition.

In summary, the view put forward is:

- the Review is long overdue and is welcomed;
- the proposed fees do not adequately represent the interests of rural and regional councils;
- the importance of planning intervention in facilitating economic development;
- the quantum of fees being proposed; and
- the need to more strongly link the fee to land value to assist to balance the inequity in return on investment between metropolitan Melbourne and regional Victoria.

RISK IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

There is not considered to be any risks associated with providing the State Government with a submission to the *Regulatory Impact Statement Planning and Environment (Fees) Regulations and the Subdivision (Fees) Regulations*. However, if no submission had been made there was a risk that Council will be seen as not effectively advocating on behalf of its community.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no additional financial implications for lodging a submission as it requires staff time only. The resourcing allocation has been accommodated with the existing Future Planning budget.

There are future financial implications to Council dependent on the outcome of the review, and the final fees that are put in place.

STAKEHOLDER ENGAGEMENT

Internal engagement:

Input from Statutory Planning, Strategic Planning and Urban Growth have been provided into the submissions. The executive team was briefed and provided input prior to the lodgement of the submissions.

External engagement

Limited external consultation was undertaken as part of this project given the short timeframes permitted. There is limited awareness of the Review by the local development industry. A major development planning group has indicated concern with the proposed fees contained in the Review, and has lodged a submission to DELWP.

The following summarises the views put forward by three Councils:

A Regional City:

- City of Greater Bendigo - supports the fees, supports Option 3 which seeks full fee recovery, does not support Option 2 which proposes lower fees for councils outside of metropolitan Melbourne. *Note: The Review recommends Option 3.*

Two Gippsland Councils:

- Wellington Shire Council – shares the view the Review is needed, but has reservations about the extent of the fee increases in a rural/regional context. Emphasis is also placed on the reliance on privately initiated Planning Scheme Amendment requests to facilitate development.
- Bass Coast Shire Council – fully supports the Review and proposes the inclusion of a fee for the assessment of Development Plans pursuant to Development Plan Overlay requirements. They also raise the concern that there is a risk that those seeking to remove a native tree will take the risk of incurring a fine over paying the cost of preparing a permit and the permit fee.

OPTIONS

Options available to Council are as follows:

1. That Council having considered the response made to the MAV's draft submission, and the submission made to DELWP, endorses the submissions as submitted;
2. That Council endorses the submissions and provides additional comments for a subsequent addition to the submission; or
3. That Council decides not to endorse the submissions.

It is recommended that Council proceeds with option 1.

CONCLUSION

It is important that Council considers the feedback provided to the MAV and the submission made to *Regulatory Impact Statement Planning and Environment (Fees) Regulations and the Subdivision (Fees) Regulations*.

It is important for Council to consider the review of the fees, and ensure that Latrobe City Council's ongoing interests and the community's interests are considered as part of the review. It is also important that Council remain informed by MAV and DELWP of any future changes of fees.

SUPPORTING DOCUMENTS

Regulatory Impact Statement Planning and Environment (Fees)
Regulations and the Subdivision (Fees) Regulations.

Attachments

1. Submission to MAV (CEO Letter)
2. Submission to Regulatory Impact Statement Planning and Environment (Fees)
Regulations and the Subdivision (Fees) Regulations

14.4

Consideration of Submission to Regulatory Impact Statement Planning and Environment (Fees) Regulations and the Subdivision (Fees) Regulations

- 1 Submission to MAV (CEO Letter) 133**
- 2 Submission to Regulatory Impact Statement Planning and Environment (Fees) Regulations and the Subdivision (Fees) Regulations 137**



Our Ref: 1351362
GVS:PS

21 June 2016

Ms Michelle Croughan
Municipal Association of Victoria
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Dear Ms Croughan

**DRAFT MUNICIPAL ASSOCIATION OF VICTORIA SUBMISSION –
REGULATORY IMPACT STATEMENT PLANNING AND SUBDIVISION
FEES**

Thank you for your email received on 10 June 2016, regarding the draft Municipal Association of Victoria (MAV) submission to the Regulatory Impact Statement Planning and Subdivision Fees (RIS).

It is agreed that a review of the planning and subdivision fees is long overdue and Latrobe City Council warmly welcome the review. Latrobe City Council will be making a submission to this review; and are supportive of the MAV making a submission to the review. In general however Latrobe City Council believe MAV's submission does not adequately represent the interests of rural and regional councils.

The following comments are provided for consideration in the finalisation of the MAV submission.

1. Full Fee Recovery

It is acknowledged that the current fee recovery is not considered sufficient, and the current fees need to increase to better align with the resources required to consider planning matters.

Latrobe City Council is supportive of moves towards greater fee recovery, however not to the extent that has been proposed and supported by the MAV. With regard to Latrobe City, we are concerned that the fee increase is substantial and will affect the public's interaction with the planning system. In regional and rural areas, this impact is expected to be greater as the return on investment is less than in the metropolitan areas. It is in these areas, such as Latrobe City, that economic development relies greatly on planning intervention.

Fee recovery is not the only influence on the planning services provided to the community.

The inefficiencies in processes, delegations and complexity of individual planning schemes also influence the time taken in assessing planning application and cannot necessarily be offset by more resources.

The move towards full fee recovery is expected to increase the communities' service expectations, however full fee recovery will have little impact on increasing efficiencies in the planning system. Councils will be left to justify to the community why the service has not become more efficient under this new fee regime.

2. Fee level

It is identified in the RIS that fees should avoid creating inappropriate incentives for noncompliance or inadequate consideration of applications. Fees should not be set so high as to encourage avoidance of compliance with planning requirements, nor too low as to encourage numerous amendments that could be bundled together into one amendment.

The increase of fees is expected to increase the levels of noncompliance with the planning scheme. There is no increase proposed fee under the *Infringements Act* 2006, therefore minimal deterrent to the undertaking of illegal works. For example, the removal of native vegetation will attract a planning application fee that is greater than the infringement it attracts.

With regard to the fees associated with Planning Scheme Amendments (PSA), it is expected that this substantial increase will deter proponent-led PSA's. The quantum increase does not respond to the differences in land development between Metropolitan Melbourne and Regional Victoria. This will create a greater cost burden for Latrobe City Council with the need to procure all background reports in addition to the processing of the PSA. Latrobe City Council has already experienced a proponent-led PSA in a growth front being abandoned due to the uncertainty and extent of planning panel fees. This uncertainty of fees is increased with the proposed tiered fee structure based on the number of submissions, regardless of whether they are a submission of support or objection. A fairer scenario may be to apply a fee more strongly linked to land value and proposed development. This would assist to balance the inequity in return on investment between metropolitan Melbourne and regional Victoria.

3. Transition

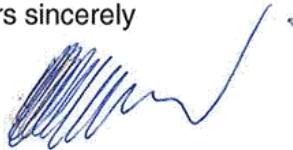
The move to transition fees through a 50% increase initially, and full increase in 12 months is supported. However if the quantum increase was to remain as proposed we would support a slower transition. There needs to be clarification on the application of the new fees to existing permits, for example certification and satisfaction matters.

With Regional Growth Plans and Plan Melbourne directing stronger growth in regional cities, it is imperative that the introduction and level of the fees do not detract from the ability to achieve these goals.

It is noted that due to the tight timeframes in which submissions were required, this submission has been prepared by council officers and has not been formally endorsed by Council resolution. Council may therefore require the opportunity to provide an addendum to this submission following consideration of the matter at a Council Meeting.

If you wish to discuss this submission, I encourage you to contact Phil Stone, Manager City Development on (03) 5128 5446 or via email phil.stone@latrobe.vic.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'GARY VAN DRIEL', with a stylized flourish at the end.

GARY VAN DRIEL
Chief Executive Officer

Latrobe City Council

Submission to Regulatory Impact Statement Planning and Environment (Fees) Regulations and the Subdivision (Fees) Regulations



24 June 2016



Revision	Date	Written by	Reviewed by
1.0	24 June 2016	D.Smith	Gail Gatt
2.0			
3.0			
4.0			
5.0			

Officer Submission



Introduction

Latrobe City Council welcomes the opportunity to submit to the Regulatory Impact Statement for Planning and Environment (Fees) Regulations and the Subdivision (Fees) Regulations.

Latrobe City Council understands that the Planning and Environment (Fees) Regulations were set in 2000 and subsequently scheduled for review in 2010. Interim regulations have been made annually since 2010; however, the Government has since indicated that a full adjustment will occur in October 2016.

It is noted that due to the tight timeframes in which submissions were required, this submission has been prepared by council officers without the formal endorsement of a Council resolution. Therefore, Council may require the opportunity to amend this submission following the outcome of an Ordinary Council Meeting.

Latrobe City Council acknowledges that the proposed new fees are aimed at recovering a greater percentage of costs from applicants. However, some categories of fees are being set below the estimated costs in order to achieve policy objectives such as a fair accessibility to the planning system.

Land use planning in Latrobe City is unique; it's affected by many, often conflicting factors not experienced elsewhere in the state. This continues to impact on the ability of Latrobe City to promote a healthy, balanced municipality, offering affordable lifestyle and housing choices while providing adequate jobs and prosperous modern industries to support its existing and growing population.

The Socio-Economic Indexes for Areas (SEIFA) measures the relative level of socio-economic disadvantage based on a range of Census data including: income, education, unemployment, occupation, single parent families, rental price and English proficiency. In the 2011 Census, Latrobe City ranked as the seventh most disadvantaged community across the state, with a score of 940.

As such, securing sufficient funds from planning fees in an era of rate capping is important to Latrobe City. Of greater importance is the need to be encouraging developers to invest in the growth of Latrobe City in preparation for the transition from an energy and mining economy.

The submission to the Regulatory Impact Statement is based around the key issues as seen by Latrobe City.

Should there be any questions regarding this submission, please contact Phil Stone, General Manager City Development on (03) 5128 5446 or via email at Phil.Stone@latrobe.vic.gov.au.

Value of Reviewing the Fees

Latrobe City commends the government on its review of fees. It is recognised that the current fee recovery is not considered sufficient. However, the increase in planning permit fees and costs of the consideration of submissions for planning scheme amendments is considered excessive in some situations.



Full Fee Recovery

Latrobe City Council is supportive of moves towards greater fee recovery; however, not to the extent that has been proposed and supported by the Municipal Association of Victoria (MAV). Latrobe City Council is concerned that the fee increase is so substantial as to affect the public's interaction with the planning system. In regional and rural areas, this impact is expected to be greater as the return on investment is less than in the metropolitan areas. It is in these areas, such as Latrobe City, that economic development relies greatly on planning intervention.

Fee recovery is not the only influence on the planning services provided to the community. The inefficiencies in processes, delegations and complexity of individual planning schemes also influence the time taken in assessing planning applications and cannot necessarily be offset by more resources.

The move towards full fee recovery is expected to increase the communities' service expectations, however full fee recovery will have little impact on increasing efficiencies in the planning system. As such, councils will be expected to justify why the increase in fees has not facilitated a more efficient service for the community.

Fee Suitability

It is identified in the RIS that fees should avoid creating inappropriate incentives for non-compliance or inadequate consideration of applications. Fees should not be set so high as to encourage avoidance of compliance with planning requirements, nor too low as to encourage numerous amendments that could be amalgamated into a single amendment.

The increase of fees is expected to increase the levels of non-compliance with the planning scheme. There are no proposed fee increases under the *Infringements Act 2006*, therefore this represents minimal deterrent to the undertaking of illegal works. For example, the removal of native vegetation will incur a planning application fee that is greater than the corresponding infringement.

Planning Scheme Amendments

With regard to the fees associated with Planning Scheme Amendments (PSA), it is expected that this substantial increase will deter proponent-led PSAs. The quantum increase does not respond to the differences in land development costs between Metropolitan Melbourne and Regional Victoria. Economies of scale don't exist for development in regional areas and land values are significantly less.

Latrobe City Council has examined the last seven planning scheme amendments received and the corresponding number of submissions received to each amendment. Four of the amendments were at the request of an external proponent and three were Council initiated amendments.



Item	Year of Exhibition Period	Proponent or Council Led	No. Of Subs.	Current Fee	Option 3 Proposed Fee
1	2015	Proponent led C89 Marshalls Road, Traralgon	36	\$798.00	\$37,082.00
2	2015	Proponent led C93 Ashworth Drive, Traralgon	21	\$798.00	\$37,082.00
3	2015	Proponent led C90 Glendonald Road, Churchill	12	\$798.00	\$27,737
4	2014	Proponent led C85 Crinigan Road, Morwell	6	\$798.00	\$13,882.00
5	2014	Council led C87 TGAR, Traralgon, Morwell, Tyers, Glengarry	42	N/A	N/A
6	2015	Council led C97 MSS Review	8	N/A	N/A
7	2015	Council led C94 Parking Overlay, Morwell and Traralgon	8	N/A	N/A

The table demonstrates that Council receives a varying number of submissions to planning scheme amendments; however, the majority totals 10 or more. Therefore, it is likely that fees are going to have a significant impact for proponents of Planning Scheme Amendments in Latrobe City. Proponents for C93 and C85 previously expressed concerns with the various costs such as planning panel fees. Subsequently, the proponent of C85 requested to abandon the amendment after the exhibition period due to the fees.

It is noted that out of all the options in the RIS, Option 3 is preferred, although all options represent full cost recovery. Option 1 and Option 2 result in a potential fee of \$31,415 for proponents which represents an increase of approximately \$28,497 per proposed planning scheme amendment.

Fees Based on Submission Numbers

Option 3 could result in an additional cost of approximately \$14,642 to \$37,842 for proponents, depending on the number of submissions received. Option 3 provides a range of likely fees and the sliding scale approach to fees is supported in principle as it attempts to assign a fee to the complexity of a planning scheme amendment. However, Latrobe City Council does not agree with the Regulatory Impact Statement of May 2016 that the Department does not consider that the fee amounts would have any impact on the willingness of parties to make an application, even if a large upfront fee is required.

For example, costs incurred by a landowner/developer for a residential development that requires a rezoning and subsequent preparation of background documents to provide justification may cost in excess of \$100,000. This is significant combined with panel costs in the order of \$30,000 - \$50,000 minimum and, if approved, the preparation of a development plan which may cost a further \$100,000 and a subdivision with a \$30,000 minimum. In regional areas, the land value does not increase by the same margin as in the city. Moreover, the required infrastructure is often not immediately available which also becomes an upfront cost. For example, this may be to bring the sewer through which can cost an additional \$1 million. The landowner/developer will not receive the return on investment in selling the lots



that the metropolitan investor would receive, estimated to be a quantum factor of 10 in some cases, for rural areas versus urban fringe areas of Melbourne.

Factored into this is the difficulty rural developers have in obtaining finance in rural areas. If this is compounded by an increase in fees similar to those proposed in Option 3, it may create a tipping point for what makes development viable in rural areas.

The result will be greater pressure on councils to undertake these PSAs which will create a greater cost burden for Latrobe City Council given the requirements of the PSA process. Economic growth driven by appropriately zoned land may also stagnate as councils fail to keep up with these rezoning requests.

Latrobe City Council has already experienced a proponent-led PSA in a growth front being abandoned due to the uncertainty and extent of planning panel fees. This uncertainty of fees is increased with the proposed tiered fee structure based on the number of submissions, regardless of whether they are a submission of support or objection. A fairer scenario may be to apply a fee more strongly linked to land value and proposed development. This would assist to balance the inequity in return on investment between metropolitan Melbourne and regional Victoria.

Latrobe City is generally supportive of some increase in fees for planning scheme amendments in an attempt to represent an increase in cost recovery. These comments on the proposed planning scheme amendment fees, principally relate to the issue of fees for consideration of submissions that seek a change to a proposed amendment. There is no objection to the other fees that relate to the planning scheme amendment process and there is an acknowledgement that the current fees are needed to increase to better align with the resources required to consider planning scheme amendments.

Late submissions

It is not clear from the Regulatory Impact Statement of May 2016 how late written submissions are to be considered. In other words, is council able to seek a higher fee for late submissions? This is important where one submission may trigger a new threshold fee from 10 submissions to 11 or from 20 submissions to 21. Council has the ability to not consider a late submission but is often directed to do so during a planning panel hearing and it is often good governance to consider late submissions prior to determining a planning scheme amendment proposal.

Resourcing Councils

Therefore it is anticipated that many proponents will request Council to run planning scheme amendments to avoid the proposed fees. It is also likely that the proponents may lodge the initial request to consider an amendment fee and then request abandonment of the amendment or request council assistance after the public exhibition period has closed. This scenario may have a significant impact on economic development opportunities within Latrobe City. Council often relies on the development community to prepare proponent led, and costed, amendments due to the prioritisation of other Council strategic planning actions.

It is difficult to determine how many proponent led planning scheme amendments will be lodged with Council in any one year. Therefore, it is problematic to rely upon full cost recovery



fees to fund resources for Council to effectively run these amendments where proponents wish to abandon or request waiving of fees. It is acknowledged that council has the ability to waive or rebate the fee under a range of situations. However, in the circumstances of the four proponent led amendment examples in the table above, the waiving of fees is not considered appropriate.

An increase in the current fees is needed to better align with the resources required to consider planning scheme amendments. However, the amount of proposed increase is considered to be too high. A more reasonable balance may need to be structured to achieve some cost recovery whilst supporting economic development opportunities through proponent led planning scheme amendment proposals.

Transition Period

The move to transition fees through a 50% increase initially, and full increase in 12 months is supported. However if the quantum increase was to remain as proposed, Latrobe City Council would support a slower transition to allow the municipality time to adjust. There needs to be clarification on the application of the new fees to existing permits, for example certification and satisfaction matters.

With Regional Growth Plans and Plan Melbourne directing stronger growth in regional cities, it is imperative that the introduction and level of the fees do not detract from the ability to achieve these goals.

Conclusion

In conclusion, it is acknowledged that the current fee recovery is not considered sufficient, and the current fees need to increase to better align with the resources required to consider planning matters. However, Council officers believe that the quantum increase in fees proposed does not consider differences between metropolitan and rural areas relevant to development costs and land values. This will severely disadvantage rural areas that rely on planning to drive economic growth. The likely increased requests for Council led planning scheme amendments is also of concern to Latrobe City Council due to associated costs and resourcing issues. The inconsistency with the proposed increase in fees, versus infringement penalties requires further thought so that non-compliance is not encouraged. If the increase proposed were to be implemented a longer transition period is recommended.

Response to RIS questions

Stakeholder Question (p.45 RIS)

The proposed fees seek to require the full cost to councils (on average), however fees for permits related to single dwellings and low value developments are set below the full cost recovery level. Is it reasonable to apply significant discounts for these applications? Is the size of the proposed discount appropriate? Are the thresholds at which they are proposed appropriate (e.g. should they apply to single dwellings with a value of \$1 million to \$2 million as proposed?) Please explain your views.

Setting the fees for single dwellings and low value developments below the full cost recovery level is considered appropriate as these permits are generally related to home owners or



small business owners and have been generally supported in the past.

Stakeholder Question (p.24 RIS)

The proposed Regulations retain the current approach to fee waivers and rebates; that is, councils may only provide waivers or rebates in limited, defined circumstances and will not have a general discretion to charge a lower fee. Where the department believes there is a basis for some fee categories to be set at less than full cost recovery to reflect considerations of ability to pay, these are included within the proposed fee schedules, rather than in the ability of councils to reduce fees, to ensure that the approach to affordability is applied consistently across the state.

Response: The proposal to retain the current approach to provision of waivers and rebates is supported, including the need to document and record the justification for the decision whether or not to waive or rebate a fee.

Stakeholder Question (p.45 RIS)

In recognition that VicSmart now offers a streamlined permit decision process; the proposed planning regulations include new fee categories for VicSmart applications. These are for VicSmart permits:

- For use or development up to \$10,000 in value, including non-monetary value applications. This fee category is set at 50 per cent of the actual cost to councils; and
- For developments over \$10,000 for which the fee is set to recover the full cost.

Bearing in mind that currently VicSmart permits only relate to low impact application, including minor building or works of up to \$50,000, as well as some small subdivision matters, are these categories appropriate?

Response: This is considered appropriate as these permits are generally related to home owners or small business owners and have been generally supported in the past.

Fees for satisfaction matters

Stakeholder Question (p.58 RIS)

The proposed fee for each satisfaction matter is \$300. What impact would this have if there are a large number of satisfaction matters (i.e. conditions on a permit) or the same matter is considered at different stages of the development? Please explain your views.

Response: The proposed fee for each satisfaction matter is \$300 (e.g. conditions on a permit) or the same matter is considered at different stages of the development. This seems excessive, especially if there are multiple stages of the development or where there are a large number of conditions to be met before works can commence. Such permits would have large fees attached but it is noted that subdivision permits now have reduced fees associated with the certification process so this may balance those permit fees out.



Fees for supervision of works

Stakeholder Question (p.59 RIS)

Under regulation 8 of the Subdivision (Fees) Interim Regulations 2015 (fee for supervision of works), a council or referral authority may charge of fee of up to 2.5 per cent of the estimated cost of constructing the works when they supervise the construction of works. Is the level of this fee appropriate? Is it likely to over recover costs? Please explain your views.

Response: Council officers have not had sufficient time to review figures on this.

INFRASTRUCTURE AND RECREATION

15. INFRASTRUCTURE AND RECREATION

15.1 LATROBE LEISURE MOE NEWBOROUGH HYDROTHERAPY PROGRAM

General Manager

Infrastructure and Recreation

For Decision

PURPOSE

The purpose of this report is to provide Councillors with information in relation to the future of the hydrotherapy program that has been conducted at Latrobe Leisure Moe Newborough (LLMN) since June 2015

EXECUTIVE SUMMARY

On 25th May 2015 Council resolved to undertake a hydrotherapy trial at LLMN for a period of 3 months which began on 28th June 2015. On 26th October 2016 Council resolved to continue to heat the LLMN pool one day per week for the remainder of the 2015/16 financial year, with a further report on the future of program to go back to council at the end of the 2015/16 financial year.

From May 2015 until April 2016, LLMN has seen an overall increase in the facilities aquatic attendances from 4046 in the previous corresponding dates to 5409 during the trial period. This equates to an increase of 1363. Of the 1363 additional attendances, 668 of those have been adult, child and family swim paid attendances with the remaining 728 attendances being additional member entries to the aquatic facility.

The rise in total attendances could be attributed to the closure of the Warragul Leisure Centre which occurred in April 2015 and is now due to reopen in November 2016. With the reopening of the Warragul Leisure Centre imminent, there is a risk that the increased attendance on Sundays will reduce significantly as patrons will have the option to attend the new facility in Warragul. Further to this, the newly developed facility has a purpose built hydrotherapy pool with an effective hot water program.

During the trial period, Latrobe Leisure staff received both positive and negative feedback regarding the hydrotherapy trial. Those participants attending the facility specifically to undertake hydrotherapy exercises have been very positive and appreciative in their feedback for the program. While lap swimmers and the Gippsland Flippers Masters Swimming Club have been displaced during the trial as the water is just too hot for them.

MOTION

Moved: Cr Gibbons
Seconded: Cr Harriman

That Council:

1. Continue the hydrotherapy program at LLMN on Sundays until a report is presented to Council in early 2017, which will provide time to assess the impact of the opening of the newly redeveloped Warragul Leisure Centre.
2. Advise key stakeholders (Pre-schools, schools, LCC childcare centres, aged care facilities, and medical centres) of Councils decision to continue the hydrotherapy program at LLMN until a report is presented to Council in early 2017.

CARRIED UNANIMOUSLY

Cr Sharon Gibson returned to the meeting, the time being 07:44 pm

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

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

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

*Latrobe City Council Plan 2013 - 2017**Theme and Objectives*

Theme 2: Appropriate, affordable and sustainable facilities, services and recreation

Objective - To provide facilities and services that are accessible and meet the needs of our diverse community.

Objective - To enhance the visual attractiveness and liveability of Latrobe City.

Strategic Directions:

Develop and maintain community infrastructure that meets the needs of our community.

**ORDINARY COUNCIL MEETING MINUTES
11 JULY 2016 (CM486)**

Promote and support opportunities for people to enhance their health and wellbeing.

Encourage and create opportunities for more community participation in sports, recreation, arts, culture and community activities.

BACKGROUND

On 10th, 23rd and 30th March 2015, Latrobe City Council received letters from Lenore Cox and the Advance Morwell Group, requesting that Council raise the pool temperature at Latrobe Leisure Morwell or Latrobe Leisure Moe Newborough to over 32 degrees for 1 day per week. Furthermore, a petition was also received outlining the same request and was presented to Council for consideration.

At the Ordinary Council Meeting held 25 May 2015 Council resolved to:

Trial the hydrotherapy program 1 day per week for a 3 month period and for officer's to review the attendance and viability of this program.

Fund the 3 month trial from the 2014/15 & 2015/16 financial year's recurrent budgets.

A further report presented to council prior to the end of the trial detailing the benefits and impacts associated with the trial.

It was determined that the most suitable day to conduct the trial of increased water temperature was Sundays and prior to the beginning of the trial, Latrobe Leisure installed a digital thermal controller at LLMN to ensure the pool temperature could be accurately managed and monitored.

Nearing the end of the 3 month trial period, Council received a letter from the Gippsland Flippers Masters Swimming Club dated 17 September 2015 expressing their objection to the LLMN pool being turned into a hydrotherapy pool one day per week. The Flippers group indicated that the increase in water temperature was unsuitable and had resulted in them having to move their Sunday training sessions to Latrobe Leisure Morwell since the trial began.

At the Ordinary Council Meeting held 26 October 2016, Council were provided with a summary of the trial period in terms of attendances, costs and community impacts. At this meeting, Council resolved to:

Continues to heat the Latrobe Leisure Moe Newborough pool one day per week for the remainder of the 2015/16 financial year.

Requests a further report presented to council prior to the end of the financial year detailing the metrics of the extension to the heating of the pool for hydrotherapy.

Latrobe Leisure will continue to operate this program until a decision has been made by council.

KEY POINTS/ISSUES

Pool Temperature Control

Prior to the beginning of the hydrotherapy trial, Latrobe Leisure had a digital thermometer installed at LLMN to ensure the facility can control and manage the water temperature. The time estimated to raise the pool temperature from the standard 30.5 degrees to 32.5 degrees at LLMN is 18 to 22 hours and to reduce back is approximately 20 hours. As such, following the Sunday rise in temperature, the pool is operating at approximately 31.7 degrees on Monday when the facility opens at 6.00am and does not return to standard temperature until approximately 12pm.

Considering the heating (boiler heating the water) and cooling (boiler idle) of the pool is taking approximately the same time, there has been no increase in the cost of gas to operate the pool due to this program.

Facility Attendance

From May 2015 until April 2016, LLMN has seen an overall increase in the facilities aquatic attendances of 1363. The below table illustrates the facility aquatic attendance from May to April 2014/15 (Sunday only) versus 2015/16,

Attendances from May to April (aquatic only)	2014/15	2015/16	Total Attendance Increase:
Total attendances during the hydrotherapy trial:	4046	5409	1363

Of the 1363 additional attendances, 668 of those have been adult, child and family swim paid attendances with the remaining 728 attendances being additional member entries to the aquatic facility. The average Sunday attendance in 2015/16 is now 104, an increase from 78 in 2014/15.

The introduction of the hydrotherapy trial has provided access to warm water for families and children which have resulted in increased attendances from this group.

A hydrotherapy pool was located at the Warragul Leisure Centre and that facility was closed in April 2015 for redevelopment and is due to reopen in November 2016. The rise in total attendances during the trial period at LLMN may be attributed to this closure. The closure of this facility has left two options for residents in the Baw Baw Shire to access indoor aquatic facilities, travel to Pakenham or to the LLMN in Moe.

Issues Associated with Increased Pool Temperature

Over the duration of the trial period and beyond, Council officers have been provided with written feedback from the Gippsland Flippers Masters Swimming Club and verbally by lap swimmers that the water temperature of 32 degrees on Sundays is too hot for general lap and fitness swimming.

Some individuals that utilised the pool for lap and fitness swimming indicated that they believe there is a greater risk of physical incidents as a result of the increased water temperature. There have been lodged incidents reported at LLMN in relation to the increased temperature,

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although it should be noted that there was a decreased number of lap swimmers in attendance on the Sundays.

With the Warragul Leisure Centre due to open its redeveloped indoor and outdoor aquatic facility in November 2015, there is a risk that the increased attendance on Sundays will reduce significantly as patrons will have the option to attend the new facility in Warragul. Further to this, the newly developed facility has a purpose built hydrotherapy pool with an effective hot water program.

RISK IMPLICATIONS

Over the duration of the trial period and beyond, Council officers have been provided with written feedback from the Gippsland Flippers Masters Swimming Club and verbally by lap swimmers that the water temperature of 32 degrees on Sundays too hot for general lap and fitness swimming.

Some individuals that utilised the pool for lap and fitness swimming indicated that they believe there is a greater risk of physical incidents as a result of the increased water temperature. There have been lodged incidents reported at LLMN in relation to the increased temperature, although it should be noted that there was a decreased number of lap swimmers in attendance on the Sundays.

FINANCIAL AND RESOURCES IMPLICATIONS

The increased LLMN paid entries (668) has increased the facility's income by \$3,406.80. Although the additional 728 member entries cannot be measured in direct income, this would suggest that the hydrotherapy program is adding value to the facility.

There has been no additional cost of running the hydrotherapy program as there has been no increase to the costs associated with the heating of the pool and the program has required no additional staffing to operate.

INTERNAL/EXTERNAL CONSULTATION

Latrobe Leisure has been liaising with all stakeholders during the trial program. The main concern for lap swimmers is that on a regular basis the pool on a Monday morning is remaining at a minimum of 31.7 degrees, above the general temperature of 30.5 degrees. This has resulted in a number of verbal complaints being received by staff at LLMN.

Since the beginning of the hydrotherapy program, the Gippsland Flippers Group, consisting of 8 to 10 people per week have moved to Latrobe Leisure Morwell to undertake their regular lap swimming program on Sundays as they too, believe the water temperature is too warm for lap swimming. Latrobe Leisure has had verbal complaints from patrons that wish to swim laps on Sundays and early Monday mornings that the pool is too hot.

LLMN has seen an overall increase in the number of families and children utilising the pool on the Sunday as they prefer to swim in the warmer water. The feedback from families and parents has been very positive as it provides them with access to warm water swimming which they otherwise don't have access to.

**ORDINARY COUNCIL MEETING MINUTES
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Those patrons attending the pool for hydrotherapy exercises have also provided positive verbal feedback since the beginning of the trial and have been very appreciative of the facility offering this opportunity to the community.

OPTIONS

1. Continue the hydrotherapy program at LLMN on Sundays until a report is presented to Council in early 2017, which will provide time to assess the impact of the opening of the newly redeveloped Warragul Leisure Centre.
2. Continue the hydrotherapy program at LLMN on Sundays until the newly redeveloped Warragul Leisure Centre is opened, then cease the program.
3. Continue the hydrotherapy program at LLMN every Sunday indefinitely.

CONCLUSION

There have been 1363 additional attendances into the aquatic area on Sundays since May 2015 (during the hydrotherapy program). The facility has made an additional \$3,406.80 of income directly as a result of the additional entries and there are no additional costs to operating this program. This increased paid patronage may be in part from people who would return to the Warragul Leisure Centre December 2016 when its renovation is complete, as the Warragul facility is a purpose built hydrotherapy pool with disability access and higher temperature.

The increased water temperature has not been supported by lap swimmers, and some are using other facilities.

SUPPORTING DOCUMENTS

Nil

Attachments

Nil

COMMUNITY SERVICES

16. COMMUNITY SERVICES

Nil reports

CORPORATE SERVICES

17. CORPORATE SERVICES

17.1 UPDATE TO THE DELEGATION TO THE CHIEF EXECUTIVE OFFICER

General Manager

Corporate Services

For Decision

PURPOSE

For Council to authorise the *S5.Instrument of Delegation to Chief Executive Officer* to reflect the individual variation amount to the Chief Executive Officer as amended by the adopted Procurement Policy.

EXECUTIVE SUMMARY

To present Council with documents for the purpose of Signing and Sealing under section 96 *Local Government Act 1989*.

At the Council Meeting held on 15 November 2015, Council adopted as part of the Procurement Policy, new delegation levels for the Chief Executive Officer. The original resolution required for the relevant delegation registers to reflect the Procurement Policy, however, as the delegation to the Chief Executive Officer is required to be sealed, it is provided back to Council as an updated document to sign and seal accordingly.

MOTION

Moved: Cr White
Seconded: Cr Gibbons

That Council in the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and other legislation referred to in the attached instrument of delegation, resolves:

1. There be delegated to the person holding the position, acting in or performing the duties of the Chief Executive Officer the powers, duties and functions set out in the attached *S5. Instrument of Delegation to the Chief Executive Officer.[16 DEL-1]*, subject to the conditions and limitations specified in that Instrument;
2. The instrument comes into force immediately upon the common seal of Council being affixed to the instrument;
3. On coming into force of the instrument all previous delegations to the Chief Executive Officer are revoked;
4. The duties and functions set out in the instrument must be performed, and the powers set out in the instrument must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt; and
5. It is noted that the instrument includes a power of delegation to members of Council staff, in accordance with section 98(3) of the Act.

CARRIED UNANIMOUSLY

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objective - Governance

Latrobe City Council Plan 2013 - 2017

Theme

Theme 3: Efficient, effective and accountable governance

ORDINARY COUNCIL MEETING MINUTES 11 JULY 2016 (CM486)

BACKGROUND

At the Council Meeting held on 15 November 2015, Council adopted the new delegation levels for the Chief Executive Officer as part of the adoption of the Procurement Policy. The resolution read:

That Council:

1. *Adopts the amended Procurement Policy [15 POL-08] including the following amendment to the variations delegation levels:*

<i>Individual Variation Amount</i>	<i>Cumulative Percentage of Contract Sum</i>	<i>Cumulative Variation Amount</i>	<i>Endorsed by</i>	<i>Approving Delegate</i>
<i><\$15,000</i>	<i>< 10%</i>	<i>\$15,000</i>	<i>Procurement Team Member</i>	<i>Manager</i>
	<i>> 10%</i>	<i>\$100,000</i>		<i>General Manager</i>
<i>>\$15,000 - \$100,000</i>	<i>< 20%</i>	<i>\$500,000</i>		<i>Chief Executive Officer</i>
	<i>> 20%</i>			
<i>>\$100,000 - \$500,000</i>	<i>N/A</i>	<i>>\$500,000</i>		<i>Council</i>
<i>>500,000</i>				

2. *Updates the 2013-2016 Council Policy Manual with the revised Procurement Policy [15 POL-08]*
3. *Updates the relevant delegation registers and supporting documents to reflect the adopted Procurement Policy [15 POL-08]*

The delegation has been updated to conform with the above resolution of Council. In accordance with the *Meeting Procedure Local Law*, Council's Common Seal (Seal) cannot be applied to a document unless it has been authorised by Council. As the delegation to the Chief Executive Officer is under Seal, a decision of Council to apply the Seal must be made.

DOCUMENTS FOR SEALING

S5. Instrument of Delegation to the Chief Executive Officer

Attachments

1. S5. Instrument of Delegation to the CEO [16 DEL-1]

17.1

Update to the Delegation to the Chief Executive Officer

- 1 S5. Instrument of Delegation to the CEO [16 DEL-1]..... 161**

Maddocks Delegations and Authorisations

S5. Instrument of Delegation to Chief Executive Officer



Latrobe City Council

Instrument of Delegation

to

The Chief Executive Officer

[16 DEL-1]

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 contracts greater than the value of \$500,000 for goods, services and works in accordance with the current Latrobe City Council Procurement Policy.
 - 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 determining pursuant to s37 of the Act that an extraordinary vacancy on Council not be filled;
 - 4.8 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
 - 4.9 appointment of councillor or community delegates or representatives to external organisations;
 - 4.10 the return of the general valuation and any supplementary valuations;
 - 4.11 appointment of an acting Chief Executive Officer for a period exceeding four weeks.

- 5 if the issue, action, act, or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
- 6 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;
- 7 if the determining of the issues, taking of the action or doing of the act or thing would or would likely to involve a decision which is inconsistent with a -
 - 7.1 policy; or
 - 7.2 strategy
adopted by Council; or
- 8 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
- 9 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.

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The Chief Executive Officer declared a direct interest under Section 77B of *The Local Government Act 1989* in respect to the below item.

The Chief Executive Officer left the meeting, the time being 07:45 pm

17.2 PRESENTATION OF THE CHIEF EXECUTIVE OFFICER EMPLOYMENT MATTERS COMMITTEE TERMS OF REFERENCE FOR ADOPTION

General Manager

Corporate Services

For Decision

PURPOSE

This report proposes for Council to create and adopt a committee structure for employment matters relating to the Chief Executive Officer.

EXECUTIVE SUMMARY

It has been identified that the current *Chief Executive Officer Performance Review Committee* (Committee) needs formalising as it provides an important function for Council.

Options have been considered as to the best structure to provide this function, and it is recommended that Council establishes an advisory committee for this purpose.

In accordance with the proposed Terms of Reference, and the *Instrument of Delegation 2012 – 2016 Council Delegates and Committees*, the Mayor, Deputy Mayor and Cr White are currently appointed. Cr Rossiter is currently also appointed in his own right, and therefore it is recommended that Council nominates an additional Councillor to the Committee to meet the membership requirements.

RECOMMENDATION

That Council:

1. Adopts the Terms of Reference for the Chief Executive Officer Employment Matters Advisory Committee (Committee) with an effective date of 11 July 2016;
2. Appoints the following Councillors to the Committee in accordance with the Terms of Reference:
 - a. Mayor
 - b. Deputy Mayor
 - c. Cr Darrell White
3. Nominates an additional Councillor to the Committee; and
4. Updates the *Instrument of Delegation 2012 – 2016 Council Delegates and Committees* accordingly.

MOTION**Moved:** Cr White**Seconded:** Cr Sindt**That Council:**

1. **Adopts the Terms of Reference for the Chief Executive Officer Employment Matters Advisory Committee (Committee) with an effective date of 11 July 2016;**
2. **Appoints the following Councillors to the Committee in accordance with the Terms of Reference:**
 - a. **Mayor**
 - b. **Deputy Mayor**
 - c. **Cr Darrell White**
3. **Nominates an additional Councillor to the Committee, being Cr Dale Harriman; and**
4. **Updates the *Instrument of Delegation 2012 – 2016 Council Delegates and Committees* accordingly.**

For: Crs White, Sindt, Middlemiss and Gibbons**Against:** Crs Rossiter, O'Callaghan, Kam, Harriman and Gibson**LOST****DECLARATION OF INTEREST**

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objective - Governance

Latrobe City Council Plan 2013 - 2017

Theme

Theme 3: Efficient, effective and accountable governance

BACKGROUND

The Council is responsible for appointing the Chief Executive Officer (CEO), determining the CEO's performance plan, assessing the CEO's performance against that plan and determining the remuneration of the CEO.

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It is appropriate to simplify and expedite the processes by forming and adopting an appropriate Committee structure to provide advice to Council on these duties.

In accordance with the *Establishment of Council Committee Policy* two options have been considered in formulating a Committee structure, being a Special Committee formed under Section 86 of the *Local Government Act 1989* (Act) or an Advisory Committee to Council.

A Councillor Briefing was held on Monday, 27 June 2016 to discuss both options.

The key difference between the two options was that the Special Committee option would be given the power to determine the arrangements for the conduct of the CEO's performance review and annual review of remuneration, whereas the Advisory Committee model would provide recommendations to the full Council.

Both options rely on the CEO's Employment contract to guide the processes, as well as have the support of a suitably qualified independent person where required.

KEY POINTS/ISSUES

In accordance with the Act, the only role that the Council has responsibility for is the CEO. It is therefore important that the matters that relate to the employment and performance of the CEO are managed with a sound governance structure.

It is also important that the Council has access to employment law expertise and appropriate governance advice. This ensures that conditions and performance measures set are appropriate for the role, and are compliant with legislative provisions.

The specific compliance requirements under the Act, such as public notices for Special Committees, and Assembly of Councillor provisions for Advisory Committees are provided for in the Terms of reference document put forward. These compliance requirements are designed to provide a level of transparency to the community.

Both a Special Committee formed under Section 86 of the Act and an Advisory Committee can provide a suitable structure that is required. However, the difference is the mechanism to bring back a decision to the full Council. It may be more efficient to adopt a Special Committee model as some decisions can be made by that Committee, however, an Advisory Committee structure provides for the full Council to remain responsible in all aspects of the performance of the CEO.

Appointment of Councillors

Currently Council has appointed the following Councillors to a Chief Executive Officer Performance Review Committee:

- Mayor
- Cr Gibson
- Cr White

ORDINARY COUNCIL MEETING MINUTES 11 JULY 2016 (CM486)

- Cr Rossiter

The proposed Terms of Reference stipulates the following membership:

- The Mayor
- The Deputy Mayor
- Two other Councillors

It is recommended that the existing appointments are carried over to become the appointments for the proposed Committee. However, as Cr Rossiter is also the appointed Mayor, it is recommended that Council nominates one other Councillor to this Committee.

RISK IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

FINANCIAL AND RESOURCES IMPLICATIONS

The proposed Terms of Reference indicates engaging with an independent person where required. It is expected that these costs will be absorbed within current budget allocations when required, and procurement policy processes followed.

INTERNAL/EXTERNAL CONSULTATION

Benchmarking with other councils has occurred in relation to the two different structure options, which informed the proposals.

In addition, consultation has occurred internally and with Councillors, and a preference for an Advisory Committee model was indicated by some Councillors.

OPTIONS

Council has the following options to consider:

1. Adopt the proposed Advisory Committee terms of reference as presented;
2. Adopt the proposed Advisory Committee terms of reference with additional changes; or
3. Do not adopt the proposed Advisory Committee terms of reference, and request officers to further develop a Special Committee formed under Section 86 terms of reference for adoption at a further meeting of Council.

CONCLUSION

It is recommended that Council adopts the proposed Advisory Committee terms of reference to create a formal structure for the management of CEO employment matters.

SUPPORTING DOCUMENTS

Establishment of Council Committee Policy

Instrument of Delegation 2012 – 2016 Council Delegates and Committees

Draft Chief Executive Officer Employment Matters Special Committee

Instrument of Delegation

Attachments

1. Proposed Chief Executive Officer Employment Matters Advisory Committee Terms of Reference

17.2

Presentation of the Chief Executive Officer Employment Matters Committee Terms of Reference for adoption

- 1 Proposed Chief Executive Officer Employment Matters
Advisory Committee Terms of Reference 171**

Chief Executive Officer Employment Matters Advisory Committee *Terms of Reference*



Draft June 2016





CONTENTS:

1. **Establishment of the Committee**
2. **Objectives**
3. **Membership**
 - Composition of the Committee
 - Length of appointment
 - Selection of members and filling of vacancies
 - Co-option of members
 - Attendance at meetings
4. **Proceedings**
 - Chair
 - Meeting Schedule
 - Meeting procedures
 - Quorum
 - Voting
 - Minutes
 - Reports to Council
5. **Review of Committee and Duration of the Committee**
6. **Authority and Compliance Requirements**



1. Establishment of the Committee

- 1.1. The Chief Executive Officer Employment Matters Advisory Committee (hereinafter referred to as “the Committee”), is a formally appointed Advisory Committee of Latrobe City Council for the purposes of the *Local Government Act 1989*.
- 1.2. The membership of this Committee and these Terms of Reference will be adopted by resolution of Latrobe City Council at an Ordinary Council Meeting.

2. Objectives

- 2.1. The Committee’s role is to report to the Council and provide recommendations, appropriate advice, information and feedback on matters relevant to this Terms of Reference in order to facilitate decision making by the Council in relation to the discharge of its responsibilities.
- 2.2. The Committee is an advisory committee only and has no delegated decision making authority.
- 2.3. The Committee is established to:
 - 2.3.1. make recommendations to Council on contractual matters relating to the Chief Executive Officer (CEO);
 - 2.3.2. make recommendations to Council on performance matters relating to the CEO (including remuneration); and
 - 2.3.3. to perform any other prescribed functions or responsibilities.
- 2.4. The Committee will carry out the following in order to achieve the objectives set:
 - 2.4.1. Recruitment and Extension of Appointment of the CEO
 - 2.4.1.1. Conduct the process to appoint the CEO with the assistance of a suitably qualified independent person;
 - 2.4.1.2. Provide a recommendation to Council on the appointment of a CEO;
 - 2.4.1.3. Provide a recommendation to Council on the remuneration and conditions of appointment of the CEO; and
 - 2.4.1.4. Provide a recommendation on any extension of the appointment of the CEO under section 94(4).



2.4.2. Performance Review

- 2.4.2.1. Engage in and undertake a developmental process to determine, in conjunction with the CEO and with the assistance of a suitably qualified independent person, relevant Key Performance criteria for the CEO;
- 2.4.2.2. Provide a recommendation to Council in relation to the setting of Key Performance criteria, standards and parameters for the measurement of the CEO's performance;
- 2.4.2.3. Undertake the formal review process of the performance of the CEO against the agreed Key Performance criteria in accordance with these terms of reference and the CEO contract;
- 2.4.2.4. Advise Council in relation to the performance of the CEO as measured by key performance criteria and other standards set by Council;
- 2.4.2.5. Provide a recommendation to Council in relation to any proposed changes in salary and/or conditions of employment of the CEO in accordance with these terms of reference and the CEO contract; and

2.4.3. Other Prescribed Functions or Responsibilities

- 2.4.3.1. Make other recommendations to the Council relevant to the employment and performance of the CEO in accordance with the CEO's employment contract and the *Local Government Act 1989*.

3. Membership

Composition of the Committee

- 3.1. The Committee shall comprise of four members, being:
 - 3.1.1. The Mayor, being the Chair of the Committee;
 - 3.1.2. The Deputy Mayor; and
 - 3.1.3. Two other Councillors.
 - 3.1.4. At least one member of the Committee will be male and at least one member of the Committee will be female.
 - 3.1.5. Persons other than Councillors cannot be appointed to the Committee.
- 3.2. Independent Person



- 3.2.1. A suitably qualified independent person will be recommended by the corporate services division to the Committee to assist the Committee undertake the requirements as set out in clauses 2.4.1 and 2.4.2.
- 3.2.2. The independent person is to be appointed via an appropriate procurement/Expression of Interest process, and will be a neutral person with appropriate experience.
- 3.2.3. The independent person is not a member of the Committee, but an advisor to the Committee.
- 3.3. The CEO, whilst not a member of the Committee, is required to:
 - 3.3.1. Participate actively in the performance review process as required by the Committee.
 - 3.3.2. Make use of constructive feedback from Councillors and the Committee in relation to the performance review process.
 - 3.3.3. Promptly bring to the attention of the Committee any situation where it might reasonably be appropriate to vary any aspects of the performance review standards and/or parameters in the light of current circumstances.

Length of appointment

- 3.4. Whilst a Committee shall be in place for as long as Latrobe City Council sees fit, the appointment of members shall be for a term as deemed appropriate by Council.
- 3.5. Prior to the expiration of each term, there will be a call for nominations for the next term. Current Committee members are able to re-nominate.

Co-option of members

- 3.6. With the approval of the Chair, the Committee may invite other Councillors to participate in the proceedings of the Committee on a regular or an occasional basis where the committee considers it would benefit from the presence of a co-opted member.
- 3.7. The Committee may also request the General Manager Corporate Services to assist in or provide advice on any other function specified in these terms of reference where appropriate.
- 3.8. As well as the requirements set out in 2.4.1.1 and 2.4.2.1, the Committee may also request the suitably qualified independent person to assist in any other function specified in these terms of reference where:
 - 3.8.1. the committee considers it would benefit from the presence; or
 - 3.8.2. where there is not a consensus on performance.



Attendance at meetings

- 3.9. All Committee members are expected to attend each meeting.
- 3.10. A member who misses two consecutive meetings without a formal apology may at the discretion of Latrobe City Council have their term of office revoked.
- 3.11. A member who is unable to attend the majority of meetings during the year may at the discretion of Latrobe City Council have their term of office revoked.

4. Proceedings

Chair

- 4.1. The Mayor shall Chair the meetings.
- 4.2. If the Mayor is unavailable he/she shall delegate to the Deputy Mayor in the first instance, and then any other nominated Councillor to Chair the meeting if the Deputy Mayor is unavailable.

Meeting schedule

- 4.3. The Committee will determine its meeting schedule and times for each of the meetings. The duration of each Committee meeting should generally not exceed two hours.
- 4.4. Meetings of the Committee will be held as may be deemed necessary by the Committee to fulfil the objectives of the Committee taking into account the CEO Contract of Employment, remuneration and Performance Review provisions processes.
- 4.5. Special meetings may be held on an as-needs basis.

Meeting procedures

- 4.6. Meetings will follow standard meeting procedures as established in any guidance material and outlined in these terms of reference for Advisory Committees provided (see appendix one for the agenda template).
- 4.7. All Committee meetings and records are considered confidential and shall be designated as confidential in accordance with Section 77 and section 89(2)(a) and (d) of the Act as the matters relate to personnel and contractual matters.
- 4.8. All recommendations, proposals and advice must be directed through the Chair.

Quorum

- 4.9. A majority of the formal members of the Committee constitutes a quorum.



4.10. If at any Committee meeting a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting shall be deemed adjourned.

Voting

4.11. There will be no official voting process, although all members shall have equal voting rights. Majority and minority opinions will be reflected in Committee minutes.

Minutes of the Meeting

4.12. The Chair will nominate another member of the Committee to take the minutes of each Committee meeting.

4.13. The minutes shall be in a standard format including a record of those present, apologies for absence, adoption of previous minutes and a list of adopted actions and resolutions of the Committee (see appendix two for the minutes template).

4.14. Where this meeting is also considered an Assembly of Councillors under the *Local Government Act 1989*, an Assembly of Councillors record must also be submitted in accordance with those requirements.

4.15. The minutes shall be stored in the Latrobe City Council corporate filing system (currently LCMS electronic document and records management system).

4.16. The agenda shall be distributed at least 48 hours in advance of the meeting to all Committee members, including alternative representatives.

4.17. A copy of the minutes shall be distributed to all Committee members (including alternative representatives) within 10 working days of the meeting.

Reports to Council

4.18. With the approval of the Chair, a report to Council may be tabled on the Committee's progress towards the objectives included in this Terms of Reference.

4.19. Reports to Council should reflect a consensus of view. Where consensus cannot be reached, the report should clearly outline any differing points of view.

4.20. Reports to Council will be co-ordinated through the Corporate Services General Manager.

5. Review of Committee and Duration of the Committee

5.1. A review of the Committee will take place at least once every three years at which time the Terms of Reference will also be reviewed.



5.2. A review will be conducted on a self-assessment basis (unless otherwise determined by Council) with appropriate input sought from the Council, the CEO, all Committee members, management and any other stakeholders, as determined by Council.

5.3. The review must consider:

5.3.1. The Committee's achievements

5.3.2. Whether there is a demonstrated need for the Committee to continue, and

5.3.3. Any other relevant matter.

6. Authority and Compliance Requirements

6.1. The Committee is an advisory committee only and has no executive powers nor does it have any delegated decision making or financial authority.

6.2. The Committee must comply with the Assembly of Councillor provisions provided for in the *Local Government Act 1989*.

6.3. Failure to comply with the provisions outlined in this Terms of Reference may result in termination of the Member's appointment.



Appendix 1: Agenda Template



[Name] Advisory Committee			
Meeting Day, XX Month Year Time Commencing: 00:00am/pm Expected Finish Time: 00:00am/pm Location: (include specific meeting room and address)			
<small>NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.</small>			
AGENDA ITEMS			
No.	Item	Responsible Officer	Attachment
1.	Welcome & introduction	Chair	N/a
2.	Apologies	All	
3.	Conflicts of Interest <i>Members of the Committee are to declare any Conflicts of interest in matters listed on the agenda</i>	All	
4.	Matters arising from previous meeting <i>Review of action progress from previous meetings</i>	All	
5.	Items for Consideration <i>Matters being presented for discussion in accordance with the terms of reference</i> • • • •		
6.	General Business • • •	All	



Appendix 2: Minutes Template



<p>[Name] Advisory Committee Minutes</p> <p>Meeting Day, XX Month Year Time Commenced: 00:00am/pm Finish Time: 00:00am/pm Location: (include specific meeting room and address)</p> <p>Meeting Chair: < Name ></p>			
<p>NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.</p>			
No.	Item	Responsible Person	Timeframe
1.	Present		
2.	Apologies		
3.	Conflicts of Interest Disclosures		
	<p><i>Members of the Committee declare any Conflicts of interest in matters discussed at the meeting.</i></p> <p>The following members of the Committee declared a Conflict of Interest at the meeting and left the meeting whilst the matter was being discussed:</p> <p><Name> ,Time left 00:00am/pm, Time returned 00:00am/pm</p> <p><Name> ,Time left 00:00am/pm, Time returned 00:00am/pm</p> <p><Name> ,Time left 00:00am/pm, Time returned 00:00am/pm</p>		





[Name] Advisory Committee Minutes

Meeting Day, XX Month Year
 Time Commenced: 00:00am/pm Finish Time: 00:00am/pm
 Location: (Include specific meeting room and address)

Meeting Chair: < Name >

NOTE: In accordance with Section 90 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting

No.	Item	Responsible Person	Timeframe
4.	Matters arising from previous meeting		
	<i>List the item and action agreed and assign any follow up actions and expected timeframes</i> 1. Item Heading Action(s): • • 2. Item Heading Action(s): • •		
5.	Items for Consideration		
	<i>List the item and action agreed as per agenda and assign any follow up actions and expected timeframes</i> 1. Item Heading Action(s): • 2. Item Heading Action(s): • 3. Item Heading Action(s): •		





[Name] Advisory Committee Minutes

Meeting Day, XX Month Year
 Time Commenced: 00:00am/pm Finish Time: 00:00am/pm
 Location: (include specific meeting room and address)

Meeting Chair: < Name >

NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.

No.	Item	Responsible Person	Timeframe
6.	General Business		
	<i>List the item and action agreed and assign any follow up actions and expected timeframes</i> 1. Item Heading Action(s): • 2. Item Heading Action(s): •		

Next Meeting: <Provide details of the next meeting date, time and location>.



The Chief Executive Officer returned to the meeting, the time being 08:06 pm

17.3 PRESENTATION OF ADVISORY COMMITTEE TERMS OF REFERENCE FOR ADOPTION

General Manager

Corporate Services

For Decision

PURPOSE

The purpose of this report is to present to Council for adoption the following Advisory Committee Terms of Reference:

- Latrobe City International Relations Committee
- Rail Freight Working Group

EXECUTIVE SUMMARY

A review of Council Committees and their structures has been in progress. In July 2015 Council, adopted a new template and policy, and a number of Committees have now undergone the review process.

After consultation with the committees, the following terms of reference are now provided for adoption by Council:

- Latrobe City International Relations Committee
- Rail Freight Working Group

The standard template has been used for each of the above Terms of Reference. However, they have been individualised in sections two and three. The Rail Freight Working Group has also had a change within section 4.9 to ensure that quorum includes at least one Councillor.

RECOMMENDATION

That Council:

1. Adopts the Terms of Reference for the
 - a. Latrobe City International Relations Committee; and
 - b. Rail Freight Working Groupwith an effective date of 11 July 2016;
2. Notes that with the adoption of these Terms of Reference, that any previous versions are rescinded; and
3. Notifies the Committees accordingly.

**ORDINARY COUNCIL MEETING MINUTES
11 JULY 2016 (CM486)****MOTION**

Moved: Cr Middlemiss
Seconded: Cr White

That Council:

1. **Adopts the Terms of Reference for the Rail Freight Working Group with the following amendments:**
 - a. **Add the words “and wider connectivity to the rail system” at the end of the sentence in paragraph 2.3.1**
 - b. **Add the words “/Gippsland Intermodal Freight Terminal” after the words “Gippsland Logistics Precinct” in paragraph 2.4.1 and 2.4.1.1**
with an effective date of 11 July 2016;
2. **Notes that with the adoption of these Terms of Reference, that any previous versions are rescinded; and**
3. **Notifies the Committees accordingly.**

CARRIED UNANIMOUSLY**MOTION**

Moved: Cr Middlemiss
Seconded: Cr White

That Council:

1. **Adopts the Terms of Reference for the Latrobe City International Relations Committee with an effective date of 11 July 2016;**
2. **Notes that with the adoption of these Terms of Reference, that any previous versions are rescinded; and**
3. **Notifies the Committees accordingly.**

For: Crs Rossiter, White, Sindt, O'Callaghan, Middlemiss, Harriman, Gibbons and Gibson

Against: Cr Kam

CARRIED

EXTENSION OF TIME

Moved: Cr Sindt
Seconded: Cr Gibbons

That Council extends the speaking time for Cr White.

CARRIED UNANIMOUSLY

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objective - Governance

Latrobe City Council Plan 2013 - 2017

Theme

Theme 3: Efficient, effective and accountable governance

BACKGROUND

To assist Council in the delivery of a range of complex tasks, Committees are constituted to undertake specific delegated functions (Special Committees) or to provide expert advice on specific topics or projects (Advisory Committees). These Committees provide insight and information that Council may not otherwise receive either internally or externally. The role of a Committee is to inform and enhance, not replace the role or responsibilities of Council and individual Councillors.

At the Council Meeting held on 27 July 2015, Council resolved to adopt the *Establishment of Council Committee Policy* as well as a new Terms of Reference template for use through a review process of all Advisory Committees.

KEY POINTS/ISSUES

A significant improvement can be made to assist in engaging with the community by Council through the management of Council Committees. The template used in developing each of the new Terms of Reference for the Committees outlined, provides the minimum standards required in the terms of reference for an advisory committee and aligns with the adopted *Establishment of Council Committee Policy*.

Latrobe City International Relations Committee

The Latrobe City International Relations Committee is established to mainly provide advice into matters relating to all aspects of international relations, including economic, tourism and cultural development.

The Terms of Reference was reviewed, and the objectives have been updated to provide clarification of the objectives and role of the Committee.

Rail Freight Working Group

The role of the Rail Freight Working Group is to provide advice regarding the development of rail freight infrastructure as well as advice regarding the development of the Gippsland Logistics Precinct, and to also provide advice.

No changes have been made to the Terms of Reference except for updating it to the current Terms of Reference template.

RISK IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications with the continuance of the committees under new Terms of Reference, as support is already provided for within resources and budgets.

INTERNAL/EXTERNAL CONSULTATION

Benchmarking on committee structures has occurred within the local government sector. Engagement has occurred within the organisation and with Councillors and Committee members in regards to the review of each of the Terms of Reference tabled.

OPTIONS

Council has the following options to consider:

1. Adopt the reviewed terms of reference as presented;
2. Adopt the reviewed terms of reference with additional changes; or
3. Do not adopt the reviewed terms of reference, and request officers to seek further advice.

CONCLUSION

Having undertaken a review process against the *Establishment of Council Committee Policy*, and consultation processes, the Terms of Reference are being presented to Council for adoption.

SUPPORTING DOCUMENTS

Establishment of Council Committee Policy

Attachments

1. Proposed Latrobe City International Relations Advisory Committee Terms of Reference
2. Proposed Rail Freight Working Group Terms of Reference

17.3

Presentation of Advisory Committee Terms of Reference for Adoption

- | | | |
|----------|---|------------|
| 1 | Proposed Latrobe City International Relations Advisory Committee Terms of Reference..... | 189 |
| 2 | Proposed Rail Freight Working Group Terms of Reference | 201 |

Latrobe City International Relations Advisory Committee

Terms of Reference



January 2016





CONTENTS:

1. **Establishment of the Committee**
2. **Objectives**
3. **Membership**
 - Composition of the Committee
 - Length of appointment
 - Selection of members and filling of vacancies
 - Co-option of members
 - Attendance at meetings
 - Resignations
4. **Proceedings**
 - Chair
 - Meeting Schedule
 - Meeting procedures
 - Quorum
 - Voting
 - Minutes
 - Reports to Council
5. **Review of Committee and Duration of the Committee**
6. **Authority and Compliance Requirements**



1. Establishment of the Committee

- 1.1. The Latrobe City International Relations Committee (hereinafter referred to as "the Committee"), is a formally appointed Advisory Committee of Latrobe City Council for the purposes of the *Local Government Act 1989*.
- 1.2. The membership of this Committee and these Terms of Reference will be adopted by resolution of Latrobe City Council at an Ordinary Council Meeting.

2. Objectives

- 2.1. The Committee's role is to report to the Council and provide appropriate advice, information and feedback on matters relevant to this Terms of Reference in order to facilitate decision making by the Council in relation to the discharge of its responsibilities.
- 2.2. The Committee is an advisory committee only and has no delegated decision making authority.
- 2.3. The Committee is established to:
 - 2.3.1. provide advice to Council on matters related to all aspects of International Relations, specifically to promote economic, tourism and cultural development;
 - 2.3.2. support Councils initiatives in respect to International Relations across the community of Latrobe City;
 - 2.3.3. liaise where relevant with other Council committees on internal aspects of international relations
- 2.4. The Committee will carry out the following through the contribution of their expertise and advice in achieving the objectives and deliverables of the Latrobe City International Relations Plan These include;
 - 2.4.1. To provide advice and assistance with the development of a range of economic, cultural, sporting, educational, youth and exchange opportunities;
 - 2.4.2. To promote, through sister city and other international relationships, greater understanding between the communities of Latrobe City and the participating cities and, in doing so, contribute to the mutual welfare of all the communities involved;
 - 2.4.3. To advise Council of new international relationship opportunities;



- 2.4.4. Increase community awareness and participation in the various aspects of the Australian Sister Cities networks
- 2.4.5. In support of the Council, act as an advocate and channel of communication for the community and other stakeholders to enhance international relationships;
- 2.4.6. To engage with multicultural communities within Latrobe City to foster knowledge, understanding and co-operation;
- 2.4.7. Policy and Strategy Development
 - 2.4.7.1. Provide advice as part of a policy, strategy (or other relevant document) review or development processes as required from time to time.
- 2.4.8. Perform other activities related to this Terms of Reference as requested by the Council.

3. Membership

Composition of the Committee

- 3.1. The Committee shall comprise a maximum of 21 members, being:
 - 3.1.1. Up to three Councillors
 - 3.1.2. Up to 9 Community representatives appointed via expression of interest process.
 - 3.1.3. Latrobe City Council Officers.
 - 3.1.4. Manager Economic Development
 - 3.1.5. Coordinator Events and International Relations
 - 3.1.6. International Relations Officer
 - 3.1.7. Individuals co-opted to represent key stakeholders

Length of appointment

- 3.2. Whilst a Committee shall be in place for as long as Latrobe City Council sees fit, the appointment of members shall be for a term as deemed appropriate by Council.
- 3.3. Prior to the expiration of each term, there will be a call for nominations for the next term. Current Committee members are able to re-nominate.



Selection of members and filling of vacancies

- 3.4. Latrobe City Council shall determine the original membership of a Committee based on expressions of interest received from members of the community and nominations received from organisations.
- 3.5. The Committee may fill any vacancies that occur within the determined year period of appointment, subject to the approval of the General Manager of the relevant division and endorsement of Council. Where a vacancy is filled in this way, the appointment shall be limited to the remainder of the period of the original appointment.

Co-option of members

- 3.6. With the approval of the Chair, the Committee may invite other individuals to participate in the proceedings of the Committee on a regular or an occasional basis and including in the proceedings of any sub-committees formed.

Attendance at meetings

- 3.7. All Committee members are expected to attend each meeting.
- 3.8. A member who misses two consecutive meetings without a formal apology may at the discretion of Latrobe City Council have their term of office revoked.
- 3.9. A member who is unable to attend the majority of meetings during the year may at the discretion of Latrobe City Council have their term of office revoked.

Resignations

- 3.10. All resignations from members of the Committee are to be submitted in writing to the General Manager of the relevant division, Latrobe City Council, PO Box 264, Morwell VIC 3840.

4. Proceedings

Chair

- 4.1. The nominated Councillor shall Chair the meetings.
- 4.2. If the Councillor delegate is unavailable he/she shall delegate to the other nominated Councillor to chair the meeting.
- 4.3. If neither Councillor is available, the Chair may nominate a replacement from the current membership of the Committee to chair the meeting.

Meeting schedule

- 4.4. The Committee will determine its meeting schedule and times for each of the meetings. The duration of each Committee meeting should generally not exceed two hours.



- 4.5. Meetings of the Committee will be held monthly initially or as may be deemed necessary by Latrobe City Council or the Committee to fulfil the objectives of the Committee. Special meetings may be held on an as-needs basis.

Meeting procedures

- 4.6. Meetings will follow standard meeting procedures as established in any guidance material and outlined in these terms of reference for Advisory Committees provided (see appendix one for the agenda template).
- 4.7. All Committee meetings and records are considered confidential and may be designated as confidential in accordance with Section 77 of the Act. Non Confidential must be identified in the minutes.
- 4.8. All recommendations, proposals and advice must be directed through the Chair.

Quorum

- 4.9. A majority of the members constitutes a quorum.
- 4.10. If at any Committee meeting a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting shall be deemed adjourned.

Voting

- 4.11. There will be no official voting process, although all members shall have equal voting rights. Majority and minority opinions will be reflected in Committee minutes.

Minutes of the Meeting

- 4.12. A Latrobe City Officer or authorised agent shall take the minutes of each Committee meeting.
- 4.13. The minutes shall be in a standard format including a record of those present, apologies for absence, adoption of previous minutes and a list of adopted actions and resolutions of the Committee (see appendix two for the minutes template).
- 4.14. Where this meeting is also considered an Assembly of Councillors under the *Local Government Act 1989*, an Assembly of Councillors record must also be submitted in accordance with those requirements.
- 4.15. The minutes shall be stored in the Latrobe City Council corporate filing system (currently LCMS electronic document and records management system).
- 4.16. The agenda shall be distributed at least 48 hours in advance of the meeting to all Committee members, including alternative representatives.



- 4.17. A copy of the minutes shall be distributed to all Committee members (including alternative representatives) within 10 working days of the meeting.

Reports to Council

- 4.18. With the approval of the Chair, a report to Council will be tabled annually on the Committee's progress towards the objectives included in this Terms of Reference.
- 4.19. Reports to Council should reflect a consensus of view. Where consensus cannot be reached, the report should clearly outline any differing points of view.
- 4.20. Reports to Council will be co-ordinated through the General Manager of the relevant division that the Committee falls under.

5. Review of Committee and Duration of the Committee

- 5.1. The committee will cease to exist by resolution of the Council, or once the objectives at item 2.3 have been demonstrated that they have been met, whichever occurs first.
- 5.2. A review of the Committee will take place at least once every three years at which time the Terms of Reference will also be reviewed.
- 5.3. A review will be conducted on a self-assessment basis (unless otherwise determined by Council) with appropriate input sought from the Council, the CEO, all Committee members, management and any other stakeholders, as determined by Council.
- 5.4. The review must consider:
- 5.4.1. The Committee's achievements
 - 5.4.2. Whether there is a demonstrated need for the Committee to continue, and
 - 5.4.3. Any other relevant matter.

6. Authority and Compliance Requirements

- 6.1. The Committee is a consultative committee only and has no executive powers nor does it have any delegated decision making or financial authority.
- 6.2. The Committee must comply with the Assembly of Councillor provisions provided for in the *Local Government Act 1989*.

Failure to comply with the provisions outlined in this Terms of Reference may result in termination of the Member's appointment.



Appendix 1: Agenda Template



[Name] Advisory Committee			
Meeting Day, XX Month Year Time Commencing: 00:00am/pm Expected Finish Time: 00:00am/pm Location: (include specific meeting room and address)			
<small>NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.</small>			
AGENDA ITEMS			
No.	Item	Responsible Officer	Attachment
1.	Welcome & introduction	Chair	N/a
2.	Apologies	All	
3.	Conflicts of Interest <i>Members of the Committee are to declare any Conflicts of interest in matters listed on the agenda</i>	All	
4.	Matters arising from previous meeting <i>Review of action progress from previous meetings</i>	All	
5.	Items for Consideration <i>Matters being presented for discussion in accordance with the terms of reference</i> • • • •		
6.	General Business • • •	All	



Appendix 2: Minutes Template



[Name] Advisory Committee Minutes

Meeting Day, XX Month Year
 Time Commenced: 00:00am/pm Finish Time: 00:00am/pm
 Location: (include specific meeting room and address)

Meeting Chair: < Name >

NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.

No.	Item	Responsible Person	Timeframe
1.	Present		
2.	Apologies		
3.	Conflicts of Interest Disclosures		
	<p><i>Members of the Committee declare any Conflicts of interest in matters discussed at the meeting.</i></p> <p>The following members of the Committee declared a Conflict of Interest at the meeting and left the meeting whilst the matter was being discussed:</p> <p><Name> ,Time left 00:00am/pm, Time returned 00:00am/pm</p> <p><Name> ,Time left 00:00am/pm, Time returned 00:00am/pm</p> <p><Name> ,Time left 00:00am/pm, Time returned 00:00am/pm</p>		





[Name] Advisory Committee Minutes

Meeting Day, XX Month Year
Time Commenced: 00:00am/pm Finish Time: 00:00am/pm
Location: (include specific meeting room and address)

Meeting Chair: < Name >

NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.

No.	Item	Responsible Person	Timeframe
4.	Matters arising from previous meeting		
	<i>List the item and action agreed and assign any follow up actions and expected timeframes</i> 1. Item Heading Action(s): • • 2. Item Heading Action(s): • •		
5.	Items for Consideration		
	<i>List the item and action agreed as per agenda and assign any follow up actions and expected timeframes</i> 1. Item Heading Action(s): • 2. Item Heading Action(s): • 3. Item Heading Action(s): •		





[Name] Advisory Committee Minutes

Meeting Day, XX Month Year
 Time Commenced: 00:00am/pm Finish Time: 00:00am/pm
 Location: (include specific meeting room and address)

Meeting Chair: < Name >

NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting

No.	Item	Responsible Person	Timeframe
6.	General Business		
	<i>List the item and action agreed and assign any follow up actions and expected timeframes</i> 1. Item Heading Action(s): • 2. Item Heading Action(s): •		

Next Meeting: <Provide details of the next meeting date, time and location>.



Latrobe City Council Rail Freight Working Group

Terms of Reference



<Insert: Month/Year>

1.

CONTENTS:

1. **Establishment of the Working Group**
2. **Objectives**
3. **Membership**
 - Composition of the Working Group
 - Length of appointment
 - Selection of members and filling of vacancies
 - Co-option of members
 - Attendance at meetings
 - Resignations
4. **Proceedings**
 - Chair
 - Meeting Schedule
 - Meeting procedures
 - Quorum
 - Voting
 - Minutes
 - Reports to Council
5. **Review of Committee and Duration of the Working Group**
6. **Authority and Compliance Requirements**

1. Establishment of the Working Group

- 1.1. The Rail Freight Working Group (hereinafter referred to as “the Working Group”), is a formally appointed Advisory Committee of Latrobe City Council for the purposes of the *Local Government Act 1989*.
- 1.2. The membership of this Working Group and these Terms of Reference will be adopted by resolution of Latrobe City Council at an Ordinary Council Meeting.

2. Objectives

- 2.1. The Working Group’s role is to report to the Council and provide appropriate advice, information and feedback on matters relevant to this Terms of Reference in order to facilitate decision making by the Council in relation to the discharge of its responsibilities.
- 2.2. The Working Group is an advisory committee only and has no delegated decision making authority.
- 2.3. The Working Group is established to:
 - 2.3.1. To provide guidance regarding the development of rail freight infrastructure in the City.
- 2.4. The Committee will carry out the following in order to achieve the objectives set:
 - 2.4.1. Gippsland Logistics Precinct
 - 2.4.1.1. Provide advice regarding the development of the Gippsland Logistics Precinct in accordance with the adopted Project Plan, Masterplan and resolutions of Council.
 - 2.4.2. Policy and Strategy Development
 - 2.4.2.1. Provide advice as part of a policy, strategy (or other relevant document) review or development processes as required from time to time.
 - 2.4.3. Perform other activities related to this Terms of Reference as requested by the Council.

3. Membership

Composition of the Committee

- 3.1. The Committee shall comprise of five members, being:

3.1.1. Up to two Councillors

3.1.2. Three Latrobe City Council Officers.

Length of appointment

3.2. Whilst a Committee shall be in place for as long as Latrobe City Council sees fit, the appointment of members shall be for a term as deemed appropriate by Council.

3.3. Prior to the expiration of each term, there will be a call for nominations for the next term. Current Committee members are able to re-nominate.

Selection of members and filling of vacancies

3.4. Latrobe City Council shall determine the original membership of a Working Group.

3.5. The Working Group may fill any vacancies that occur within the determined year period of appointment, subject to the approval of the General Manager of the relevant division and endorsement of Council. Where a vacancy is filled in this way, the appointment shall be limited to the remainder of the period of the original appointment.

Co-option of members

3.6. With the approval of the Chair, the Working Group may invite other individuals to participate in the proceedings of the Working Group on a regular or an occasional basis and including in the proceedings of any sub-committees formed.

Attendance at meetings

3.7. All Working Group members are expected to attend each meeting.

3.8. A member who misses two consecutive meetings without a formal apology may at the discretion of Latrobe City Council have their term of office revoked.

3.9. A member who is unable to attend the majority of meetings during the year may at the discretion of Latrobe City Council have their term of office revoked.

Resignations

3.10. All resignations from members of the Committee are to be submitted in writing to the General Manager of the relevant division, Latrobe City Council, PO Box 264, Morwell VIC 3840.

4. Proceedings

Chair

- 4.1. The nominated Councillor shall Chair the meetings.
- 4.2. If the Councillor delegate is unavailable he/she shall delegate to the other nominated Councillor to chair the meeting.
- 4.3. If neither Councillor is available, the Chair may nominate a replacement from the current membership of the Committee to chair the meeting.

Meeting schedule

- 4.4. The Working Group will determine its meeting schedule and times for each of the meetings. The duration of each Working Group meeting should generally not exceed two hours.
- 4.5. Meetings of the Working Group will be held monthly initially or as may be deemed necessary by Latrobe City Council or the Working Group to fulfil the objectives of the Working Group. Special meetings may be held on an as-needs basis.

Meeting procedures

- 4.6. Meetings will follow standard meeting procedures as established in any guidance material and outlined in these terms of reference for Advisory Committees provided (see appendix one for the agenda template).
- 4.7. All Working Group meetings and records are considered confidential and may be designated as confidential in accordance with Section 77 of the Act.
- 4.8. All recommendations, proposals and advice must be directed through the Chair.

Quorum

- 4.9. A majority of the members constitutes a quorum.
- 4.10. If at any Working Group meeting a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting shall be deemed adjourned.

Voting

- 4.11. There will be no official voting process, although all members shall have equal voting rights. Majority and minority opinions will be reflected in Working Group minutes.

Minutes of the Meeting

- 4.12. A Latrobe City Officer or authorised agent shall take the minutes of each Working Group meeting.

- 4.13. The minutes shall be in a standard format including a record of those present, apologies for absence, adoption of previous minutes and a list of adopted actions and resolutions of the Working Group (see appendix two for the minutes template).
- 4.14. Where this meeting is also considered an Assembly of Councillors under the *Local Government Act 1989*, an Assembly of Councillors record must also be submitted in accordance with those requirements.
- 4.15. The minutes shall be stored in the Latrobe City Council corporate filing system (currently LCMS electronic document and records management system).
- 4.16. The agenda shall be distributed at least 48 hours in advance of the meeting to all Committee members, including alternative representatives.
- 4.17. A copy of the minutes shall be distributed to all Working Group members (including alternative representatives) within 10 working days of the meeting.

Reports to Council

- 4.18. With the approval of the Chair, a report to Council may be tabled on the Working Group's progress towards the objectives included in this Terms of Reference.
- 4.19. Reports to Council should reflect a consensus of view. Where consensus cannot be reached, the report should clearly outline any differing points of view.
- 4.20. Reports to Council will be co-ordinated through the General Manager of the relevant division that the Working Group falls under.

5. Review of Committee and Duration of the Committee

- 5.1. The committee will cease to exist by resolution of the Council, or once the objectives at item 2.3 have been demonstrated that they have been met, whichever occurs first.
- 5.2. A review of the Working Group will take place at least once every three years at which time the Terms of Reference will also be reviewed.
- 5.3. A review will be conducted on a self-assessment basis (unless otherwise determined by Council) with appropriate input sought from the Council, the CEO, all Committee members, management and any other stakeholders, as determined by Council.
- 5.4. The review must consider:
 - 5.4.1. The Working Group's achievements

5.4.2. Whether there is a demonstrated need for the Working Group to continue, and

5.4.3. Any other relevant matter.

6. Authority and Compliance Requirements

- 6.1. The Committee is a consultative committee only and has no executive powers nor does it have any delegated decision making or financial authority.
- 6.2. The Committee must comply with the Assembly of Councillor provisions provided for in the *Local Government Act 1989*.
- 6.3. Failure to comply with the provisions outlined in this Terms of Reference may result in termination of the Member's appointment.

Appendix 1: Agenda Template



<p>[Name] Advisory Committee</p> <p>Meeting Day, XX Month Year Time Commencing: 00:00am/pm Expected Finish Time: 00:00am/pm</p> <p>Location: (include specific meeting room and address)</p>			
<p><i>NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.</i></p>			
<p>AGENDA ITEMS</p>			
No.	Item	Responsible Officer	Attachment
1.	Welcome & introduction	Chair	N/a
2.	Apologies	All	
3.	Conflicts of Interest	All	
	<i>Members of the Committee are to declare any Conflicts of interest in matters listed on the agenda</i>		
4.	Matters arising from previous meeting	All	
	<i>Review of action progress from previous meetings</i>		
5.	Items for Consideration		
	<i>Matters being presented for discussion in accordance with the terms of reference</i>		
	• • • •		
6.	General Business		
	• • •	All	

Appendix 2: Minutes Template



<p>[Name] Advisory Committee Minutes</p> <p>Meeting Day, XX Month Year Time Commenced: 00:00am/pm Finish Time: 00:00am/pm Location: (include specific meeting room and address)</p> <p>Meeting Chair: < Name ></p>			
<p><i>NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.</i></p>			
No.	Item	Responsible Person	Timeframe
1.	Present		
2.	Apologies		
3.	Conflicts of Interest Disclosures		
<p><i>Members of the Committee declare any Conflicts of interest in matters discussed at the meeting.</i></p> <p>The following members of the Committee declared a Conflict of Interest at the meeting and left the meeting whilst the matter was being discussed:</p> <p><Name> ,Time left 00:00am/pm, Time returned 00:00am/pm</p> <p><Name> ,Time left 00:00am/pm, Time returned 00:00am/pm</p> <p><Name> ,Time left 00:00am/pm, Time returned 00:00am/pm</p>			





[Name] Advisory Committee Minutes

Meeting Day, XX Month Year
Time Commenced: 00:00am/pm Finish Time: 00:00am/pm
Location: (include specific meeting room and address)

Meeting Chair: < Name >

NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.

No.	Item	Responsible Person	Timeframe
4.	Matters arising from previous meeting		
	<i>List the item and action agreed and assign any follow up actions and expected timeframes</i> 1. Item Heading Action(s): • • 2. Item Heading Action(s): • •		
5.	Items for Consideration		
	<i>List the item and action agreed as per agenda and assign any follow up actions and expected timeframes</i> 1. Item Heading Action(s): • 2. Item Heading Action(s): • 3. Item Heading Action(s): •		





[Name] Advisory Committee Minutes

Meeting Day, XX Month Year
Time Commenced: 00:00am/pm Finish Time: 00:00am/pm
Location: (include specific meeting room and address)

Meeting Chair: < Name >

NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.

No.	Item	Responsible Person	Timeframe
6.	General Business		
	<i>List the item and action agreed and assign any follow up actions and expected timeframes</i> 1. Item Heading Action(s): • 2. Item Heading Action(s): •		
Next Meeting: <Provide details of the next meeting date, time and location>.			



ORDINARY COUNCIL MEETING MINUTES 11 JULY 2016 (CM486)

Cr Dale Harriman left the meeting, the time being 08:32 pm

17.4 REVIEW OF COUNCIL POLICIES

General Manager

Corporate Services

For Decision

PURPOSE

This report is to present for consideration of Council, the proposed abolition of the *Purchasing Card Policy*.

EXECUTIVE SUMMARY

Good governance principles establish that Council should determine its policy position and put in place a periodic review process. Council adopted a new *Council Policy Development Policy* at its meeting held on 29 February 2016. With the adoption of this policy, Council policy reviews have recommenced. This is the third report provided to Council since the program has recommenced.

A review process has been undertaken on the *Purchasing Card Policy*, and it is recommended this Policy be abolished as it is operational and will be replaced by an operational policy adopted by the Executive. The Audit and Risk Committee support this approach.

MOTION

Moved: Cr Gibson
Seconded: Cr White

That Council rescinds the *Purchasing Card Policy* effective from 12 July 2016 and removes this Policy from circulation.

CARRIED UNANIMOUSLY

DECLARATION OF INTEREST

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

STRATEGIC FRAMEWORK

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives - Governance

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Theme 3: Efficient, effective and accountable governance

ORDINARY COUNCIL MEETING MINUTES 11 JULY 2016 (CM486)

BACKGROUND

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

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

Adopted Policy Title	Statutory Review	No change	Title Change	Minor Change(s)	Significant Change(s)	Superseded / Obsolete	New
Purchasing Card Policy						X	

KEY POINTS/ISSUES

Purchasing Card Policy

The Policy has been reviewed, and feedback sought from the Audit and Risk Committee at their meeting held on 02 June 2016. They were in agreement that this Policy was operational in nature.

The Policy is recommended to be replaced by an operational Policy as it relates to internal requirements, rather than being at the strategic/Council level.

Therefore it is recommended that the Policy is abolished at the Council level and replaced by an operational Policy.

RISK IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

FINANCIAL AND RESOURCES IMPLICATIONS

There are no financial or resource implications in relation rescission of the policy as outlined in this report.

INTERNAL/EXTERNAL CONSULTATION

As part of the review process, most policies will require a form of consultation where there is significant change, or where there are sensitivities around the subject matter.

The Purchasing Card Policy has had consultation with Council's Audit and Risk Committee, who support the recommended action to abolish the Council policy and replace it with an operational Policy.

OPTIONS

Council has the following options:

1. To accept the officers recommendation to rescind the *Purchasing Card Policy*; or
2. To not accept the recommendation and to provide an alternative position on the *Purchasing Card Policy*.

CONCLUSION

A comprehensive review of the *Purchasing Card Policy* has been completed.

SUPPORTING DOCUMENTS

Council Policy Development Policy

Attachments

1. Policy proposed to be abolished - Purchasing Card Policy

17.4

Review of Council Policies

- 1 Policy proposed to be abolished - Purchasing Card
Policy 217**

Document Name: **Purchasing Card Policy** **13 POL-1**

Adopted by Council: **16 December 2013**

Policy Goals

The goal of purchasing cards is to reduce the costs, paperwork and time associated with purchasing goods and services of a relatively low value and infrequent nature and to ensure purchases made via purchasing cards have appropriate internal controls and comply with the Latrobe City Councils Procurement Policy.

Relationship to Latrobe 2026 & Council Plan

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

Latrobe 2026

Governance

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

Regulation and Accountability

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

Council Plan 2013-2017

Theme:

Efficient, Effective & Accountable Governance

Objectives

- To achieve the highest standards of financial probity and meet all statutory obligations
- To provide open, transparent and accountable governance
- Work to minimise rate increases for our community

Strategic Directions:

- Continuously review our policies and processes to increase efficiency and quality of our facilities and the service we provide.
- Increase local procurement of goods and services received by Council where feasible.
- Establish and maintain rigorous Council policies that comply with legislation and respond to community expectations.

- Increase community awareness and satisfaction with Council's services and facilities.
- Continuously improve financial management and reporting.
- Continuously improve decision-making structures and processes.

Policy Implementation

Latrobe City Council aims to provide responsible financial management through a strict, transparent and sound control environment. This document aims to assist cardholders in the interpretation and application of internal requirements when using Council issued purchasing cards.

1. Definitions

Defined words are highlighted in italics throughout these rules. Where a conflict occurs between the words defined in these rules and the words used in any policies issued by Council, or the words used in the terms and conditions issued by the *card provider*, the definitions in these rules prevail.

In the directions and rules:

accountable officer has the same meaning as in section 3 of the *Financial Management Act 1994*. For Council this will be the *Chief Executive Officer*.

Finance administrator is a person nominated by the Council with specific responsibility for oversight of the operation of *purchasing cards*.

authorised officer/ authorised signatory means the person nominated by the *accountable officer* with specific responsibility for:

- reviewing and approving transactions appearing on the cardholder statements; and
- approving payment of incurred expenses for specified cardholders.

cardholder means a person who has been issued with a *purchasing card*.

card provider means the approved supplier of the purchasing card facility account.

employee means a person who is employed by Council. This includes persons employed on a 'fixed term' contract basis who are on Councils payroll.

facility account means the individual purchasing and settlement facility between the *card provider* and the Council.

official purposes means purposes that are in direct connection with, or a direct consequence of, the *cardholder's* functions and duties within Council

purchasing card means any type of *credit card* used by Council (i.e. corporate card, *credit card* facility).

unauthorised use means any instance of non-compliance with the Directions and Rules, whether by the cardholder or by someone else.

2. Scope of the Rules

The Rules contained in this document set out the principles to be applied, and the procedures to be followed in relation to the use and administration of a *purchasing card*.

3. Role of Cardholders

The Rules apply to all *cardholders* of Council. Instances of non-compliance are to be reviewed by the *accountable officer* and if necessary, referred to the Police for investigation and action (please refer to unauthorised use below).

The *finance administrator* must ensure that the following procedures are followed in relation to intended *cardholders*:

- The employee reads the card provider's terms and conditions provided with the card;
- The employee reads and signs the "Undertaking by the cardholder" as set out in Appendix A;
- The employee is appropriately trained on the operation and use of purchasing cards;
- The employee signs the purchasing card immediately; and
- Cardholders are provided with a copy(s) of any revised rules issued.

It must always be remembered that purchasing cards are a purchasing facility, not a convenient alternative for employees who might otherwise have to seek reimbursement for minor work-related expenses. This principle is reflected within the structure of the Rules.

The *accountable officer* is responsible for ensuring systems and processes are in place to enable the Council to implement rigorous controls in relation to the use and administration of *purchasing cards*.

4. Role of the Finance Team

The Finance Team undertakes the role of adviser to the Council in respect to the use and administration of *purchasing cards*.

This involves:

- nominating a central administrator ("administrator");
- formulating strategies to promote the use of *purchasing cards* and the benefit of its use across the Council as a purchasing mechanism (this is done in conjunction with the *card provider*);
- monitoring usage statistics;

-
- monitoring the performance and facilitate regular evaluation of the *card provider's* contract; and
 - systematic review of card usage.

5. Unauthorised Use

Unauthorised use means any instance of non-compliance with the Directions and Rules, whether by the cardholder or by someone else.

The *accountable officer* is responsible for investigating all instances of unauthorised use.

In the event a *cardholder* knows or suspects that unauthorised transactions have been made using the *cardholder's purchasing card*, the *cardholder* must immediately notify the *card provider* and the *finance administrator* who must promptly refer all cases of *unauthorised use* to the *accountable officer*.

The *accountable officer* must provide a written report on significant instances of unauthorised use to Council's Audit Committee as soon as the *accountable officer* has completed an inquiry into the *unauthorised use*. This report must provide details of any police involvement or disciplinary action taken.

The *unauthorised use of a purchasing card* may constitute a criminal offence. The *accountable officer* is responsible for determining whether a breach of the Directions and Rules is significant and requires referral to police for immediate investigation and action.

Where the *accountable officer* has determined that a significant breach has occurred but does not warrant police involvement, he/she must either refer the matter for disciplinary action or, if he/she is the responsible officer, initiate disciplinary action. Disciplinary action is to conform with Council's disciplinary policy and procedures. The *accountable officer* has a discretion not to proceed with disciplinary action if he/she is satisfied that the unauthorised use was accidental, and it was not part of a pattern of unauthorised use (accidental or not).

In addition to referral for disciplinary action, should three separate breaches have occurred, irrespective of the dollar amount, consideration should be given to withdrawing the purchasing card immediately. The purchasing card must be withdrawn if any one breach involves \$500 and above.

Cases involving \$500 and above, or any repeated non-compliance with the Directions and Rules may result in a finding of misconduct which could lead to the employee's termination.

6. Rules

1.	Establish the facility account, including a maximum monthly account limit
<i>Facility accounts</i>	Council will establish a facility account with the card provider. The accountable officer is required to authorise the opening of the facility account with the card provider on behalf of Council.
<i>Maximum facility account Limits</i>	Council is required to set a maximum monthly facility account limit with the card provider.
2.	Ensure only one Card is issued to each employee approved as a cardholder
<i>Who is eligible to be a cardholder?</i>	<p>Only an employee of Council can be a cardholder. This includes employees on a 'fixed term' contract registered on the payroll of Council. Other persons associated with Council, such as independent contractors, are not eligible to exercise financial delegations or hold a purchasing card.</p> <p>Councillors are not eligible to be cardholders unless authorised by the Council.</p>
<i>Conditions for issue to employees</i>	A purchasing card may be issued to an employee whose functions and duties relating to official purposes within Council would be enhanced through the efficiencies that arise from use of the Card. Purchasing cards should not be issued to employees on the basis of their seniority in Council. A purchasing card approved for the use of a specific cardholder must only be used by the person whose signature appears on the Card.
3.	Ensure cardholders use the Card for official business and that purchases of goods and services are for Council purpose
<i>Liability for the Card</i>	The liability for any charges on purchasing cards rests with the Council and not the individual cardholder. For this reason, these rules must be strictly adhered to as a means of limiting the financial exposure of Council.

Official Purposes

The purchasing card is to be used for official purposes only. This means that the card is to be used for purposes that are in direct connection with, or as a direct consequence of, the cardholder's functions and duties within Council.

This applies regardless of:

- the amount of the transaction involved; and
- the type of transaction made using a purchasing card. For example, whether the card is used to pay for goods or services which are bought directly from a merchant, or by mail or telephone order, or through electronic means.

Expenses in relation to Conferences, Seminars & Training

Whilst in attendance, employees must exercise appropriate financial accountability when incurring expenses. Appropriate and acceptable expenses are in accordance with Councils Conferences, Seminars and Training Operational Framework and includes;

Travel

- Business train fare and economy flight fare where required
- Taxi or public transport charges direct to and from other forms of public transport
- Council vehicle, and associated cost of parking (*personal vehicle expenses will only be reimbursed where no other option for travel is available*)

Accommodation

- Accommodation is booked within an appropriate proximity to the venue using Council's preferred accommodation where available
- Accommodation is discussed and pre-approved by the relevant line manager
- There is adherence to Council's Procurement Policy

Meals (*where meals are not provided*)

- Breakfast (*Full breakfast up to standard accommodation rate*)
- Lunch (*Up to \$30.00*)
- Dinner (*Up to \$50.00*)

These allowances are to be utilised independently for each meal type per day and not to be added together for one meal.

Private Expenses	On occasions a cardholder may incur coincident official and private expenditure recorded on a single billing system. For example, a cardholder may make private telephone calls or purchase goods for private consumption that are subsequently charged to a hotel account. Cardholders must settle all such private expenses prior to charging the balance on the purchasing card.
Determination of 'official purposes'	<p>Judgements about the nature and legitimacy of particular transactions must be made having regard to all policy statements issued by Council.</p> <p>The determination of whether an expense is for official purposes must not differ between one purchasing method and another. In other words, the tests applied by cardholders to determine whether a purchase can legitimately be paid for using purchasing cards must be the same as if the transaction was being managed through Councils procurement and payment systems.</p> <p>Cardholders who are in doubt as to the private or official nature of a particular transaction, for example the purchase of gifts or flowers for staff who are leaving the organisation or are ill, must take advice from their <i>authorised officer</i> <u>prior</u> to the expenditure being incurred.</p>
Purchases by other means	A cardholder must not use a purchasing card to pay for expenses, which, under the rules issued by Council must be paid for by means other than purchasing cards. For example, Council may impose additional restrictions on the types of goods or services for which the cardholder may use the purchasing card, such as restrictions on expenses incurred in relation to domestic and overseas travel, hospitality or entertainment.
Cash	A cardholder must not use a purchasing card to obtain cash.
Other card purchasing arrangements	A cardholder must not use a purchasing card for purchases covered by other existing card purchasing contracts to which Council is a signatory, for example, fuel cards except in the circumstance when the cardholder may be awaiting a new fuel card.
Reimbursement	A cardholder must not use a purchasing card to pay for an expense where reimbursement has been made (or will be made) to the cardholder in respect of that same expense from any allowance, which exists in Council. For example, accommodation expenses must only be claimed once; either through the use of a

	card or through reimbursement of payments made by the cardholder personally.
4.	Require cardholders to provide supporting documentation for all transactions and ensure that expenditure is approved by the most appropriate financial delegate prior to setting the monthly account with the card provider
Supporting Documentation	<p>The authorising officer of Council must ensure that all transactions made using purchasing cards are supported by sufficient supporting documentation.</p> <p>A cardholder must obtain sufficient supporting documentation in relation to each and all transactions made using the purchasing card. There are no materiality thresholds in relation to this requirement.</p> <p>Accordingly transactions:</p> <ul style="list-style-type: none"> • made directly with a merchant must be supported by appropriate documentation; and • made by telephone, mail or electronic means must be supported by an invoice or receipt which the cardholder must request be sent at the time of making the order. <p>The requirement for sufficient supporting documentation applies –</p> <ul style="list-style-type: none"> • irrespective of the form of the transaction, such as transactions conducted directly with a merchant, or by telephone or mail order, or transactions made using electronic means; and • irrespective of the amount of the transaction made using the purchasing card. <p>Supporting documentation consists of, but not limited to receipts, tax invoices and merchant records (airplane boarding passes etc.).</p> <p>Where original supporting documentation is not obtainable, copies of such documentation can be provided in its place, when it has been endorsed (signed) by the cardholder stating why original documentation was not available.</p>
What if appropriate supporting documentation is unable to be obtained?	<p>In exceptional circumstances where appropriate supporting documentation cannot be obtained, alternate certification may be acceptable. In these cases the advice of the authorising officer and/or appropriate Council personnel should be sought before a monthly statement is verified.</p>

	<p>All supporting documentation must be sufficiently detailed to adequately support the payment processes.</p> <p>To avoid any doubt as to the level of documentation required in respect of various transactions, Council may determine thresholds and transaction substantiation requirements.</p>
Tax Invoices	<p>Where GST input tax credits are being claimed, a valid tax invoice is required for supplies greater than \$82.50 (GST inclusive), or any revised amount advised by the ATO from time to time. The ATO has ruled that the card provider statement itself may be considered a valid tax invoice for claiming input tax credits.</p> <p>Transactions made using purchasing cards must also comply with other requirements such as the Fringe Benefits Tax legislation.</p>
Electronic procurement	<p>Any electronic procurement system that Council operate must have specific rules established to ensure that the requirements for signatories and sufficient supporting documentation are met in an adequate electronic form that can be audited.</p>
Payments director to card provider	<p>A cardholder must not make any payments directly to the card provider in respect of expenses the cardholder incurred using the purchasing card.</p>
Authorisation	<p>A cardholders expense must be authorised by an employee who is senior to the cardholder. In the case of expenses incurred by Chief Executive Officer arrangements should be made for cardholder statements to be authorised by the Mayor.</p>
Review of monthly statement	<p>A cardholder must ensure that the monthly statement issued by the card provider is reviewed for completeness and accuracy and transactions appearing on the statement are matched to supporting documentation.</p> <p>The monthly statement provided by the card provider must be signed by the cardholder to verify that transactions appearing on the statement have been made for official purposes. The signed monthly statement (with attached supporting documentation) is then forwarded to the relevant authorised officer for approval.</p> <p>The approval of the authorised officer must be evidenced on the card provider's statement. The approved statement is then forwarded to the finance administrator for processing.</p>

Procedures to be followed	<p>The cardholder must ensure that the following procedures are also followed:</p> <ul style="list-style-type: none"> • reconciliations must be performed on a monthly basis, within 5 days of receipt of the monthly statement; • discrepancies on the statement are followed up with the card provider and promptly advised to the finance administrator; • goods or services paid for using the card have actually delivered or provided; • credits on the card are raised where, for example, a good or service is not delivered or not provided in accordance with original expectations; • each transaction appearing on the card provider's statement is appropriately coded for accounting purposes; and • sufficient supporting documentation for each transaction is attached to the card provider's statement when statements are provided by the cardholder to the authorised officer for approval.
5.	Ensure cardholders hold a financial delegation and their individual transaction limits do not exceed this delegation
Limits	<p>The following limits must be set for each cardholder:</p> <ul style="list-style-type: none"> • maximum limits on the total credit available in each monthly billing period; • where applicable maximum limits on the amount of any individual transaction which can be made using a purchasing card; and • where applicable, restrictions on the types of goods or services for which the cardholder may use the card, for example, restrictions on domestic and overseas travel, hospitality and entertainment. <p>The limits also apply to purchasing cards issued on a temporary basis.</p>
Financial Delegations	<p>Cardholders must hold a financial delegation and their purchasing card individual transaction limits must not exceed this delegation.</p> <p>Expenditure incurred and commitments on the card must be taken into account when monitoring delegation limits expended by cardholders. Council should install preventative and monitoring controls that prevent and detect:</p> <ul style="list-style-type: none"> • misuse of purchasing cards; • purchasing cards being issued to employees who do not hold a financial delegation; and • expenditure and commitments incurred on a purchasing card, and from other sources, exceeding a cardholder's

	<p>maximum:</p> <ul style="list-style-type: none"> ○ individual transaction limit; ○ monthly card limit; and ○ financial delegation limit.
6.	Ensure that all individual card limits do not exceed \$10,000, unless approved by the Chief Executive Officer
	<p>A cardholder must not exceed the overall maximum limit set for the cardholder's purchasing card.</p> <p>The limits placed on a cardholders overall card limit may vary depending on an individual cardholder's financial delegation, however this limit must not exceed \$10,000 unless it is approved by the Chief Executive Officer.</p> <p>Cardholders must not purchase items using a 'stringing' arrangement, that is, splitting one transaction into many to avoid exceeding card limits.</p>
7.	Ensure adequate monitoring and security procedures are in place
<p><i>The Council must ensure that appropriate internal controls are in place and maintained</i></p>	<p>Council must ensure that the following controls are in place and maintained:</p> <ul style="list-style-type: none"> • appropriate training is given to employees before they are issued with a purchasing card; • appropriate purchasing card limits are set and reviewed in line with the cardholder's actual usage; • sufficient documentation is obtained and maintained covering the authorisation and identification of transactions, including merchant records and approved and reconciled statements; • the allocation of transactions to expenditure types is made in the same manner as other expenditure; • purchasing cards are withdrawn and immediately cancelled: <ul style="list-style-type: none"> ○ On the termination, or notification of resignation of the cardholders employment within Council ○ Where the card has been lost, stolen or misused. ○ Where the card is no longer relevant to the performance, of the cardholder's functions and duties within Council; or ○ If the cardholder's account is inactive. ○ Monthly reports are monitored by the finance administrator.
Purchasing Card Policy 13 POL-1	Page 11 of 17

<p><i>Transactions must be subject to controls</i></p>	<p>To ensure that purchasing cards are used in accordance with these rules, transactions must be subject to the following controls:</p> <ul style="list-style-type: none"> • regular audits by the Council's internal auditors; • reports by managers on card usage within their areas; based on regular checks of samples of transactions; • random checks carried out by the finance administrator; • regular review of monthly reports on card usage issued by the card provider; and • regular review to ascertain whether cardholders have an ongoing or changed requirement for the card.
<p><i>The Council must ensure adequate security procedures are in place</i></p>	<p>Council must ensure that adequate procedures are in place to:</p> <ul style="list-style-type: none"> • provide for the secure delivery of purchasing cards from the card provider to the Council and from the finance administrator to each cardholder; • ensure the recovery of all unused cards and their destruction in accordance with the card provider's requirements; and • recover cards from cardholders leaving the employment of the Council and/or cardholder's who have been requested to return their card. <p>The Council must reconcile payment of the purchasing card liability to their bank account to the general ledger and other supporting records</p>
<p><i>Loss and theft of card</i></p>	<p>A cardholder must also immediately report the loss or theft of the cardholder's purchasing card to the finance administrator and the card provider. Notification must be made using the 24 hour emergency number provided by the card provider. A cardholder must retain any notification number or other acknowledgment provided by the card provider as evidence of the date and time of the notification.</p> <p>Where the cardholder changes position within Council it is the responsibility of the finance administrator within Council to assess the requirement for ongoing issue of the card to the current cardholder, as well as the limits and types of expenses for which the card can continue to be used by the cardholder.</p>
<p><i>Cardholder may be personally liable for any unauthorised use of the card</i></p>	<p>The cardholder may be held to be personally liable for any unauthorised use of the purchasing card unless the unauthorised use is the result of the card being lost or stolen (provided the cardholder took adequate measures to prevent the card from being lost or stolen) or is otherwise the result of fraud on the part of some third party such as a merchant.</p>

8.	Include in the audit program a review of the Card scheme and the use of cards issued
	<p>The objective of any set of rules is to assist in the management of risk. As a consequence Council should consider the following as part of a broader risk management strategy overseen by its audit committee.</p> <p>Council should perform a number of roles in relation to the administration of purchasing cards. Council should:</p> <ul style="list-style-type: none">• Identify relevant administrative personnel (e.g. authorised officers, finance administrator) to ensure the efficient and effective administration of the facility account within Council. Persons identified to such positions should be at a level appropriate to the responsibilities of that position;• assess the costs and benefits of using purchasing cards;• develop adequate internal controls, security measures and reporting procedures to implement and control the operation of the purchasing cards;• determine internal rules or policies in relation to the use and administration of the purchasing card, particularly in respect of electronic commerce, which supplement the rules in this document;• administer and monitor the operation of purchasing cards on a day-to-day basis in compliance with these rules. Service issues should first be raised with the card provider. A summary of service issues raised should be provided to the finance administrator as requested from time to time;• ensure cardholders are appropriately briefed before they are issued with a card;• authorise and process the relevant documentation for the operation of purchasing cards;• maintain all documents, statements and reconciliations required to be kept in relation to the use and administration.

7. Guidelines

Guideline 7.1

The procedures for timely and accurate recording of expenditure should cover:

- Identification and recording of expenditures incurred irrespective of any subsequent cash flow;
- Expenditure only to be incurred when duly approved, within available budgets and for authorised purposes;
- Systems to ensure all disbursements and payments are approved by an appropriately authorised officer;
- Procedures to ensure that disbursements and payments are not duplicated;
- Payments only being made on original tax invoices or in accordance with ATO tax rulings in this area, with instances of non-compliance monitored by the finance administrator;
- An audit trail which substantiates payments and demonstrates that internal control systems and procedures have been adhered to;
- A mechanism for periodic review of all major suppliers for performance and competitiveness should be established; and
- Mechanisms to ensure all legal and taxation requirements, such as for GST and FBT are satisfied.

Guideline 7.2

With respect to the approval of expenditure, where practical, appropriate segregation of duties within the procurement and payment processes would typically incorporate segregation of the following:

- Initiating expenditure;
- Approving expenditure;
- Receipt of goods and services;
- Invoice verification and processing;
- Disbursement and payments processing; and
- Maintenance of vendor records.

Appendix A Undertaking by the cardholder

PURCHASING CARD AGREEMENT AND ACKNOWLEDGMENT BY CARDHOLDER

Cardholder name: _____
 Position: _____
 Division: _____
 Accountable officer: _____
 Authorised officer: _____

I understand and agree that the Purchasing card is issued to me on the express understanding that I will, at all times, comply with the following conditions.

USE

1. The purchasing card is the property of Latrobe City Council and is in my possession and under my strict control.
2. I will not permit the purchasing card to be used by any person other than myself.
3. I will only use the purchasing card for official purposes.
4. I will immediately report any suspected or known unauthorised use of the purchasing card to the card provider and the finance administrator.
5. I will not use the purchasing card to pay for expenses that have already been claimed (or will be claimed) by any form of allowance.
6. I can use the purchasing card to a maximum limit of \$ _____ in any one transaction and to a maximum monthly limit of \$ _____. My use of the purchasing card is subject to the following restrictions on transaction types (specify):
7. I hold a financial delegation that is at least equivalent to the transaction limit in 6 above.
8. I understand that any purchasing information will be periodically reviewed by Council's Finance Team and Internal Auditors.

MONTHLY RECONCILIATION

9. I will be issued with a monthly statement by the card provider. I will ensure that all transactions that appear on the monthly statement are verified by me and that sufficient supporting documentation is attached to the monthly statement when it is submitted for approval. I will ensure that goods or services paid for using the purchasing card are actually delivered or provided. I will ensure that each transaction appearing on the card provider's statement is appropriately coded for accounting purposes.

-
10. I will sign the monthly statement provided by the card provider to indicate that the transactions being paid have been made only for official purposes.
 11. I will ensure that credits are requested in relation to transactions made using the purchasing card as soon as I become aware of the need for a credit, for example, where a good or service is not delivered or not provided in accordance with original expectations.

CHANGE IN CARDHOLDER DETAILS

12. I will immediately advise the finance administrator of any change in my name or contact details.

UPON RESIGNATION OR TRANSFER

13. I will immediately return my purchasing card to the finance administrator if I resign or retire, or if my services as an employee of Latrobe City Council are otherwise terminated or if I am instructed to do so by the authorised officer or the finance administrator.

LOST OR STOLEN CARDS

14. I will immediately report the loss or theft of my purchasing card to the card provider (24 hour service) and the finance administrator.

DECLARATION

15. I confirm that I have access to only one purchasing card.
16. I acknowledge receipt of the Purchasing card Rules for Use and Administration.
17. I have been briefed on, and understand, all aspects of the operation and use of the purchasing card.

Signature of cardholder

Signature of finance administrator

Name of cardholder


Name of finance administrator

Date

Date

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.

Charter acknowledgement - for internal auditing purposes only:	
YES / NO	Name: _____ Date: / / 2013

Signed :  Date : 19/12/ 2013.
Chief Executive Officer

ORDINARY COUNCIL MEETING MINUTES 11 JULY 2016 (CM486)

17.5 ASSEMBLIES OF COUNCILLORS

General Manager

Corporate Services

For Information

PURPOSE

The purpose of this report is to present to Council the Assembly of Councillor forms submitted since the Ordinary Council Meeting held on 23 May 2016.

EXECUTIVE SUMMARY

The following Assemblies of Councillors took place:

Date	Assembly Details	In Attendance	Confidential	Conflicts of Interest Declared
08 June 2016	Morwell Town Common Development Plan Project Control Group	Councillors: Cr Middlemiss Officers: Simon Clark	No	Nil
14 June 2016	Churchill & District Community Hub Advisory Committee Meeting	Councillors: Cr White Officers: Edith Heiberg, Carole Ayres	No	Nil
15 June 2016	Victory Park Precinct Advisory Committee	Councillors: Cr Kam, Cr Harriman Officers: Simon Clark	No	Nil
20 June 2016	Early Years Reference Committee Meeting	Councillors: Cr O'Callaghan Officers: Bill MacPherson, Carole Ayres	No	Nil
23 June 2016	Yinnar Community Centre Community Engagement Project	Councillors: Cr White Officers: Liam Bantock, Heather Farley, Debra Kealy	No	Nil

ORDINARY COUNCIL MEETING MINUTES 11 JULY 2016 (CM486)

Date	Assembly Details	In Attendance	Confidential	Conflicts of Interest Declared
27 June 2016	Rail Freight Working Group	Councillors: Cr Gibbons, Cr Middlemiss Officers: Donna Taylor	Yes – Section (e) Proposed developments	No
27 June 2016	Councillor Briefing	Councillors: Cr Middlemiss, Cr Gibbons, Cr Harriman, Cr O’Callaghan, Cr Kam, Cr White, Cr Rossiter, Cr Gibson Officers: Gary Van Driel, Sara Rhodes-Ward, Sarah Cumming, Susan Gillett, Steve Piasente, Michael Bloyce, Amy Phillips, Natalie Tanner, Deanne Smith, Stuart Simmie	Yes - Section 89(2) (e) Proposed Developments	Yes – Cr Gibbons x 2

RECOMMENDATION

That Council receives and notes the Assemblies of Councillors records submitted which have been held within the period 08 June 2016 to 27 June 2016.

Cr Dale Harriman returned to the meeting, the time being 08:34 pm

MOTION

Moved: Cr O’Callaghan
Seconded: Cr Gibbons

That Council receives and notes the Assemblies of Councillors records submitted which have been held within the period 08 June 2016 to 27 June 2016, with a correction to the Early Years Reference Committee Meeting on 20 June 2016 to remove Cr White in attendance.

CARRIED UNANIMOUSLY

DECLARATION OF INTEREST

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

Attachments

1. Morwell Town Common Development Plan Project Control Group
2. Churchill & District Community Hub Advisory Committee
3. Victory Park Precinct Advisory Committee
4. Early Years Reference Committee Meeting
5. Yinnar Community Centre Community Engagement Project
6. Rail Freight Working Group
7. Councillor Briefing

17.5

Assemblies of Councillors

1	Morwell Town Common Development Plan Project Control Group	239
2	Churchill & District Community Hub Advisory Committee	243
3	Victory Park Precinct Advisory Committee	247
4	Early Years Reference Committee Meeting	251
5	Yinnar Community Centre Community Engagement Project	255
6	Rail Freight Working Group	257
7	Councillor Briefing	259



Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Governance Team for processing as soon as possible.

Assembly details:	Morwell Town Common Development Plan Project Control Group
Date:	8 June 2016
Time:	5:08pm
Assembly Location:	NAMBUR WARIGA ROOM LATROBE CITY COUNCIL CORPORATE HEADQUARTERS COMMERCIAL ROAD, MORWELL

In Attendance

Councillors: Arrival / Departure Time:	<input type="checkbox"/> Cr Christine Sindt	<input checked="" type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
Officer/s:	Simon Clark		
Matters discussed:	<p>Discussion was held regarding the proposed Morwell Town Common historical sign. Simon has received an amount of information regarding sport at the facility however there continues to be a limited amount of photos available. Simon has spoken to a former resident of Chapel Street Mrs Holman, who lived there around the 1930's. Mrs Holman had a few very interesting pieces of information regarding the common however again no photo's. Cr Middlemiss recommended that in the absence of photo's the Committee might engage a graphic designer/artist to draw some pictures depicting the activities that were known to have been undertaken at the common. The Committee thought this was a good idea. Simon recommended that the Committee should proceed to engage the graphic designer to commence working on the project.</p> <p>Cr Middlemiss informed the meeting that Simon would be presenting a report to Council regarding the review of the 2004 Development Plan and recommended that as part of that report that a comment be provided regarding the Committee's views on their continuing involvement in the common. The meeting resolved to request that the Council report reflect</p>		



	<p>that the Committee wished an updated Development Plan and that the Committee sees itself relevant for a further one to three years duration.</p> <p>Simon informed the meeting that he met with Simon Klapish, Manager Corporate Social Responsibility with Engie who wants to install a historical sign at the playground. Cr Middlemiss requested that a draft of the sign be shown to the Committee so that similar information is not used on the Engie sign and the Committee's historical sign.</p>
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Are any of the matters discussed, considered confidential under the *Local Government Act 1989*?

Yes No

Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.

Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No

Record Completed by: Simon Clark





Guidance Notes for Completing Assembly of Councillor Records

Assembly of Councillors *Local Government Act 1989* requirements:

Section 3 Definition

"An Assembly of Councillors (however titled) means 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 Council staff which considers matters that are intended or likely to be—

- (a) the subject of a decision of the Council; or*
- (b) subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee—*

but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation;"

Section 80A – Written Record

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

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

The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable –

- (a) reported at an ordinary meeting of the Council; and*
- (b) incorporated in the minutes of that Council meeting"*

Section 80A – Conflict of Interest

"(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, at the time set out in subsection (4), disclose to the assembly that he or she has a conflict of interest and leave the assembly whilst the matter is being considered by the assembly.

- (4) A Councillor must disclose the conflict of interest either—*
 - (c) immediately before the matter in relation to which the Councillor has a conflict of interest is considered; or*
 - (d) if the Councillor realises that he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware that he or she has a conflict of interest."*

Additional Notes and Examples

Examples of an Assembly of Councillors include:

- Councillor Briefings; onsite inspections; meetings with residents, developers, other clients of Council; meetings with local organisations, Government Departments, Statutory Authorities

Provided:

- The meeting was planned;
- At least five Councillors and one Council Officer is present (excluding Advisory Committees)
- 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; and
- That the meeting was not a meeting of any other organisation.

Advisory Committee meetings require at least one Councillor to be in attendance in order to be classed as an Assembly of Councillors.



Public events **are not** classified as an Assembly of Councillors.

Audit and Risk Committee **is not** classified as an Assembly of Councillors.

For all items, only the title of the matter being discussed is required to be listed, not the details or minutes of any discussion. This includes confidential matters.

Conflicts of Interest

All Councillors and Council Officers are required:

- To declare any Conflict of Interest prior to the discussion of any matter, or as soon as they become aware of a conflict; and
- Leave the meeting while the item is being discussed, and have this noted on the Assembly of Councillor record. To leave the meeting, a Councillor or Officer should move to a location outside the room where he or she cannot see or hear the meeting. Arrangements should be made to notify the Councillor when the relevant matter is concluded.

Recording of Confidential Matters

Assembly of Councillor records are presented in the public section of Council Meetings wherever possible.

Confidential Matters discussed should be listed with a note, including the confidential reason as per the *Local Government Act 1989* as below:

Example only

Matters discussed:	<ol style="list-style-type: none"> 1. Matter discussed 2. Matter discussed - confidential under Section 89(2)(e) proposed developments (Please choose the reason that applies) 3. Matter discussed
---------------------------	---

The Assembly of Councillors record will then be provided as a confidential attachment to the open Council report.

Confidential reasons:

- (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 other person;

Leaving a Meeting

It is only necessary to record when a Councillor or Officer leaves the room due to a Conflict of Interest. It is not necessary to list any other arrivals or departures.

Officer completing Assembly of Councillors record

Please insert your name, and title in the Record Completed By field

Any queries on whether a meeting forms an Assembly of Councillors, how to list a confidential item or any other question should be directed to the Governance Officer on 5128 5717 or egovernance@latrobe.vic.gov.au



Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Governance Team for processing as soon as possible.

Assembly details:	Churchill & District Community Hub Advisory Committee meeting
Date:	Tuesday 14 June, 2016
Time:	5.00pm
Assembly Location:	Meeting Room, Churchill & District Community Hub, 9-11 Philip Parade, Churchill.

In Attendance

Councillors: Arrival / Departure Time:	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Sandy Kam
	<input checked="" type="checkbox"/> Cr Darrell White 5.00pm	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
Officer/s:	Edith Heiberg (CEO Delegate) Carole Ayres (Secretariat Support)		
Matters discussed:	Churchill Town Hall usage data & financial sustainability review LCC Library screening and airlock at front entrance Churchill Neighbourhood Centre Community Café (monthly lunches)		
<p>Are any of the matters discussed, considered confidential under the <i>Local Government Act 1989</i>?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.</p>			

Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No



Record Completed by: Carole Ayres, Executive Assistant Community Services



Guidance Notes for Completing Assembly of Councillor Records

Assembly of Councillors *Local Government Act 1989* requirements:

Section 3 Definition

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but does not include a meeting of the Council, a special committee of the Council, an audit committee established under section 139, a club, association, peak body, political party or other organisation;"

Section 80A – Written Record

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

- (a) the names of all Councillors and members of Council staff attending;*
- (b) the matters considered;*
- (c) any conflict of interest disclosures made by a Councillor attending under subsection (3);*

(2) whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly."

The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable –

- (a) reported at an ordinary meeting of the Council; and*
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"(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, at the time set out in subsection (4), disclose to the assembly that he or she has a conflict of interest and leave the assembly whilst the matter is being considered by the assembly.

- (4) A Councillor must disclose the conflict of interest either—*
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 - (d) if the Councillor realises that he or she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware that he or she has a conflict of interest."*

Additional Notes and Examples

Examples of an Assembly of Councillors include:

- Councillor Briefings; onsite inspections; meetings with residents, developers, other clients of Council; meetings with local organisations, Government Departments, Statutory Authorities

Provided:

- The meeting was planned;
- At least five Councillors and one Council Officer is present (excluding Advisory Committees)
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Recording of Confidential Matters

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Example only

Matters discussed:	1. Matter discussed 2. Matter discussed - confidential under Section 89(2)(e) proposed developments (Please choose the reason that applies) 3. Matter discussed
---------------------------	---

The Assembly of Councillors record will then be provided as a confidential attachment to the open Council report.

Confidential reasons:

- (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 other person;

Leaving a Meeting

It is only necessary to record when a Councillor or Officer leaves the room due to a Conflict of Interest. It is not necessary to list any other arrivals or departures.

Officer completing Assembly of Councillors record

Please insert your name, and title in the Record Completed By field

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Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Governance Team for processing as soon as possible.

Assembly details:	Victory Park Precinct Advisory Committee
Date:	15 June 2016
Time:	5:12pm
Assembly Location:	Traralgon Service Centre - Meeting Room 1

In Attendance

Councillors: Arrival / Departure Time:	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input checked="" type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input checked="" type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
Officer/s:	Simon Clark		
Matters discussed:	<p>Information to and consultation for Committee regarding Council's review of their Community Committees.</p> <p>Information and update on proposed Gippsland Model Engineering Societies (GMES) Five Year Development Program Council report.</p> <p>Inspections report on wooden decking's along Traralgon Creek.</p> <p>Discussion on proposed maintenance works in Victory Park, Newman Park and Doorty Park by Council's Parks and Garden Team.</p>		
<p>Are any of the matters discussed, considered confidential under the <i>Local Government Act 1989</i>?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please list the confidentiality reasoning next to the matter discussed, as per the example in the</p>			



guidance notes.

Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No

Record Completed by: Simon Clark



Guidance Notes for Completing Assembly of Councillor Records

Assembly of Councillors *Local Government Act 1989* requirements:

Section 3 Definition

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Additional Notes and Examples

Examples of an Assembly of Councillors include:

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Provided:

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Recording of Confidential Matters

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- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any other person;

Leaving a Meeting

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Officer completing Assembly of Councillors record

Please insert your name, and title in the Record Completed By field

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Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Governance Team for processing as soon as possible.

Assembly details:	Early Years Reference Committee Meeting
Date:	Monday 20 June, 2016
Time:	1.00pm
Assembly Location:	Meeting Room 6, Latrobe City Council Headquarters, 141 Commercial Road, Morwell

In Attendance

Councillors: Arrival / Departure Time:	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input checked="" type="checkbox"/> Cr Kellie O'Callaghan 1.00pm	<input type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
Officer/s:	Bill MacPherson (CEO Delegate, a/g Mgr Family Services) Carole Ayres (Admin support)		
Matters discussed:	Draft Municipal Early Years Plan Preschool enrolments 2017 update Child Safety Reforms and Committee Project Morwell Primary School development update		
Are any of the matters discussed, considered confidential under the <i>Local Government Act 1989</i>? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.			

Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No



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Record Completed by: Carole Ayres, Executive Assistant Community Services



Guidance Notes for Completing Assembly of Councillor Records

Assembly of Councillors *Local Government Act 1989* requirements:

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Example only

Matters discussed:	1. Matter discussed 2. Matter discussed - confidential under Section 89(2)(e) proposed developments (Please choose the reason that applies) 3. Matter discussed
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The Assembly of Councillors record will then be provided as a confidential attachment to the open Council report.

Confidential reasons:

- (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 other person;

Leaving a Meeting

It is only necessary to record when a Councillor or Officer leaves the room due to a Conflict of Interest. It is not necessary to list any other arrivals or departures.

Officer completing Assembly of Councillors record

Please insert your name, and title in the Record Completed By field

Any queries on whether a meeting forms an Assembly of Councillors, how to list a confidential item or any other question should be directed to the Governance Officer on 5128 5717 or egovernance@latrobe.vic.gov.au



Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Council Operations Team for processing as soon as possible.

Assembly details:	Yinnar Community Centre Community Engagement Project
Date:	23 June 2016
Time:	7.00 pm
Assembly Location:	Yinnar Primary School

In Attendance

Councillors: Arrival / Departure Time:	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Sandy Kam
	<input checked="" type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
Officer/s:	Liam Bantock, Community Development Officer. Heather Farley, Acting Manager Healthy Communities. Debra Kealy, Yinnar Preschool Educator		
Matters discussed:	Update on progress of the public comment phase of the project. Key themes of initial responses. Project next steps.		
Are any of the matters discussed, considered confidential under the <i>Local Government Act 1989</i>? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.			

Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No

Record Completed by: Liam Bantock, Community Development Officer



Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Governance Team for processing as soon as possible.

Assembly details:	Rail Freight Working Group
Date:	27 June 2016
Time:	4.00 pm – 4.30 pm
Assembly Location:	Executive Meeting Room, Latrobe City HQ

In Attendance

Councillors: Arrival / Departure Time:	<input type="checkbox"/> Cr Christine Sindt	<input checked="" type="checkbox"/> Cr Graeme Middlemiss	<input checked="" type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
Officer/s:	Donna Taylor, Coordinator Business Development		
Matters discussed:	\$10 Million Gippsland Logistics Precinct (GLP) Funding Commitment - S89 (2) e - Proposed Developments Upcoming meeting with Regional Development Minister - S 89 (2) e - Proposed Developments		
Are any of the matters discussed, considered confidential under the <i>Local Government Act 1989</i>? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.			

Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No



Record Completed by: Donna Taylor



Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Governance Team for processing as soon as possible.

Assembly details:	Councillor Briefing
Date:	27 June 2016
Time:	6.00pm - 10.39pm
Assembly Location:	Nambur Wariga Meeting Room, Council Headquarters, Morwell

In Attendance

Councillors: Arrival / Departure Time:	<input type="checkbox"/> Cr Christine Sindt	<input checked="" type="checkbox"/> Cr Graeme Middlemiss	<input checked="" type="checkbox"/> Cr Peter Gibbons
	<input checked="" type="checkbox"/> Cr Dale Harriman	<input checked="" type="checkbox"/> Cr Kellie O'Callaghan via phone	<input checked="" type="checkbox"/> Cr Sandy Kam
	<input checked="" type="checkbox"/> Cr Darrell White	<input checked="" type="checkbox"/> Cr Michael Rossiter	<input checked="" type="checkbox"/> Cr Sharon Gibson
Officer/s:	Gary Van Driel, Sara Rhodes-Ward, Sarah Cumming, Susan Gillett, Steve Piasente, Michael Bloyce, Amy Phillips, Natalie Tanner (until 6.30pm), Deanne Smith (until 6.30pm), Stuart Simmie (6.30pm-7.48pm)		
Matters discussed:	Planning and Subdivision Fees Review Future Morwell Future Presentations Matters Arising from Presentations Conducting a Transition Workshop - Implementation of Council Resolution 20 June 2016 Proposal for Tourism and Major Events Advisory Board Destination Gippsland Ltd Proposed Amendments to Constitution Latrobe Leisure Moe Newborough Hydrotherapy Program Future Morwell Revitalisation Plan - Confidential Section 89(2) (d) Contractual Matter Homelessness in Latrobe City Our Future Our Place - Confidential Section 89(2) (e) Proposed Developments Proposed Chief Executive Officer Employment Matters Committee Request for Representative - City of Traralgon Band		



	Review of Council Policies Outstanding Issues Strategic Issues for Future Briefings
<p>Are any of the matters discussed, considered confidential under the <i>Local Government Act 1989</i>?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.</p>	

Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No
Cr Peter Gibbons x 2	Yes x 2

Record Completed by: Amy Phillips, Coordinator Governance

URGENT BUSINESS

18. URGENT BUSINESS

Nil reports

MEETING CLOSED TO THE PUBLIC

19. MEETING CLOSED TO THE PUBLIC

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

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

MOTION

Moved: Cr White
Seconded: Cr Middlemiss

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

- 19.1 CONFIDENTIAL ITEMS HELD OVER**
Agenda item 19.1 *Confidential Items Held Over* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)
- 19.2 STATUTORY INSURANCE RENEWALS**
Agenda item 19.2 *Statutory Insurance Renewals* is designated as confidential as it relates to contractual matters (s89 2d)
- 19.3 PRESENTATION OF THE AUDIT AND RISK COMMITTEE MINUTES**
Agenda item 19.3 *Presentation of the Audit and Risk Committee Minutes* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)
- 19.4 COMMUNITY GRANT - REQUEST FOR CHANGE OF PROJECT FROM 1ST GLENGARRY SCOUT GROUP**
Agenda item 19.4 *Community Grant - Request For Change of Project From 1ST Glengarry Scout Group* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)

**ORDINARY COUNCIL MEETING MINUTES
11 JULY 2016 (CM486)**

- 19.5 BAD DEBTS REPORT - MAY 2016**
Agenda item 19.5 *Bad Debts Report - May 2016* is designated as confidential as it relates to personal hardship of any resident or ratepayer (s89 2b)
- 19.6 STAR HOTEL KITCHEN RELOCATION DEED OF SETTLEMENT AND RELEASE**
Agenda item 19.6 *Star Hotel Kitchen relocation Deed of Settlement and Release* is designated as confidential as it relates to contractual matters (s89 2d)
- 19.7 TED SUMMERTON RESERVE CONTRACT ADMINISTRATION**
Agenda item 19.7 *Ted Summerton Reserve Contract Administration* is designated as confidential as it relates to contractual matters (s89 2d)

CARRIED UNANIMOUSLY

The Meeting closed to the public at 8:34 pm.

The meeting reopened to the public at 9.46 pm.

There being no further business the meeting was declared closed at 9:46 pm

I certify that these minutes have been confirmed.

Mayor: _____

Date: _____