



LatrobeCity
a new energy

LATROBE CITY COUNCIL

MINUTES OF ORDINARY COUNCIL MEETING

HELD IN THE
NAMBUR WARIGA MEETING ROOM,
CORPORATE HEADQUARTERS, MORWELL
AT 7:00 PM ON 01 SEPTEMBER 2008

PRESENT:

Cr Bruce Lougheed, Mayor - Tanjil Ward

Cr Doug Caulfield - Gonyah Ward

Cr Sandy Kam - Galbraith Ward

Cr Susan Lloyd - Burnet Ward

Cr Graeme Middlemiss - Rintoull Ward

Cr Lisa Price - Farley Ward

Cr Darrell White - Firmin Ward

Cr Anthony Zimora - Merton Ward

Paul Buckley, Chief Executive Officer

Seona Conway, General Manager Organisational Excellence

Michael Edgar, Acting General Manager Community Liveability

Caroline Flake, Manager Council Operations - Legal Counsel

Katie Garlick, Council Operations Administration Officer

Allison Jones, General Manager Economic Sustainability

Philip Marsh, Acting General Manager Governance

Peter Quigley, General Manager Built and Natural Environment Sustainability

Grantley Switzer, Acting General Manager Recreational and Cultural Liveability

INDEX

OPENING PRAYER	4
APOLOGIES FOR ABSENCE	4
DECLARATION OF INTERESTS	4
ADOPTION OF MINUTES	4
PUBLIC QUESTION TIME	
<hr/>	
NOTICES OF MOTION	
<hr/>	
NIL	
ITEMS REFERRED BY THE COUNCIL	
<hr/>	
7.1 VICTORIAN LOCAL GOVERNMENT WOMEN'S CHARTER	11
CORRESPONDENCE	
<hr/>	
9.1 CORRESPONDENCE RECEIVED FROM STABLE PROPERTY GROUP REGARDING SALE OF CHILDCARE CENTRE	18
9.2 TRAFFIC SAFETY IN THE TOWNSHIP OF TYERS	20
PRESENTATION OF PETITIONS	
<hr/>	
10.1 PETITION - PROPOSED SALE OF KINGSFORD RESERVE - BETWEEN KINGSFORD AND HINKLER STREETS, MOE	25
CHIEF EXECUTIVE OFFICER	
<hr/>	
11.1.1 INSTRUMENT OF DELEGATION - DELEGATION TO THE ACTING CHIEF EXECUTIVE OFFICER	49
ECONOMIC SUSTAINABILITY	
<hr/>	
NIL	
BUILT AND NATURAL ENVIRONMENT SUSTAINABILITY	
<hr/>	
11.3.1 LATROBE PLANNING SCHEME - MUNICIPAL STRATEGIC STATEMENT REVIEW STAGE 2	58
11.3.2 TRARALGON EARLY LEARNING CENTRE - FURTHER ASSESSMENT AND CONSULTATION	64
RECREATIONAL AND CULTURAL LIVEABILITY	
<hr/>	
NIL	
COMMUNITY LIVEABILITY	
<hr/>	
NIL	

GOVERNANCE

11.6.1	CONFIDENTIALITY OF COUNCIL INFORMATION	74
11.6.2	DOCUMENTS PRESENTED FOR SIGNING AND SEALING	78
11.6.3	DOMESTIC ANIMAL MANAGEMENT PLAN 2008	79
11.6.4	REVISED DELEGATION GUIDELINES	85

ORGANISATIONAL EXCELLENCE

NIL

URGENT BUSINESS

TEA BREAK

ITEMS CLOSED TO THE PUBLIC

14.1	ADOPTION OF MINUTES	99
14.2	CONFIDENTIAL ITEMS	100
14.3	LATROBE CITY SPORTING HALL OF FAME - 2008 INDUCTIONS	101
14.4	PROVISION OF GLAZIER SERVICES	108

CLOSED

1. Opening Prayer

The Opening Prayer was read by the Mayor.

Recognition of Traditional Landholders

The Recognition of Traditional Landholders was read by the Mayor.

2. Apologies for Absence

Cr David Wilson - Dunbar Ward

3. Declaration of Interests

Nil

4. Adoption of Minutes

Moved: Cr Price

Seconded: Cr Caulfield

That the Minutes of the Ordinary Council Meeting, relating to those items discussed in open Council, held on 18 August 2008 (CM 275) be adopted.

CARRIED UNANIMOUSLY

PUBLIC QUESTION TIME

5.1 AVAILABILITY (AND ARCHIVING) OF DOCUMENTS ON COUNCIL WEBSITE

Mr Bruce Bremner asked the following questions:

Questions

- (a) Does Council archive or otherwise remove documents previously available on Council's website?

(Specifically, although the years 2003 and 2004 are shown as years for which documents are available – and certainly once were – there do not appear to be any remaining for any search category. Some also appear to be [now] missing for 2005 but I haven't tested this fully, or for the more recent years of 2006, 2007 & 2008 although, superficially at least, these seem ok.)

- (b) If documents are removed/archived, how can past documents be researched, as far back to 1998 when this Council was formed – short of lodging an FOI application? Does Council retain hard disk or DVD/CD electronic copies on site for instance?

(Enquiries with T'gon Historical Society reveal that they do not save/record copies of Council minutes and are of the opinion that they may be stored on third party premises such as the Public Records Office. Given the minimal costs involved in electronic storage medium these days there seems no immediately obvious reason why documents need to be removed from the website to the detriment of those who wish to research topics which may recur over the years. It does not appear unreasonable for key documents to be permanently available, or for at least a period of 10 years rather than perhaps three years as can be inferred as being the current position.)

- (c) Will Council consider including a documents archive section on the website if documents are not otherwise readily available to the public? Or, even if documents are readily available from Council in paper or electronic form as this would be the preferred alternative for most people wishing to refer to old records?

Answer

The Mayor paraphrased the question and responded that the question will be taken on notice with the answers provided in writing and also included in the Minutes of this meeting (see below).

Our Ref: DataWorks: 336622
BL:GS

9 September 2008

Mr Bruce Bemner
PO Box 719
TRARALGON VIC 3844

Dear Mr Bremner

AVAILABILITY AND ARCHIVING OF DOCUMENTS ON COUNCIL WEBSITE

I am writing in response to your submission in the public question time at the Council meeting held on Monday, 1 September 2008 regarding your question in relation to the availability and archiving of documents on the Latrobe City Council Website.

The Local Government (General) Regulations 2004 state in Clause 11(5) 'Documents to be made available for public inspection that':

- *A Council must make available for public inspection documents containing the following prescribed matters:*
 - *Agendas for and minutes of ordinary and special meetings held in the previous 12 months kept under section 93 of the Act, except if the minutes relate to parts of meetings which have been closed to members of the public under section 89 of the Act.*

In respect to the current Latrobe City Council website, it was modified and re-launched in December 2005. At this time Council ensured that agendas and minutes for the twelve months prior were included on the site as per the Regulations. The reason that the search function has a 2003 search date is that Latrobe City Council has documents from this time available for download, specifically the 2003/04 Annual Report.

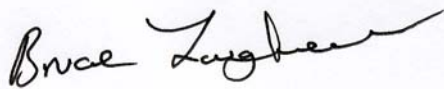
Whilst Latrobe City Council only has an obligation to publicly archive up to twelve months of Council agendas, we go well beyond the requirements of the Regulations and presently provide access to almost four years of such documents. In addition, it is not our intent to remove these documents from the publicly accessible archive and as time goes on this archive will grow.

Due to internal information technology and computer application changes, the provision of electronic agendas and minutes beyond 2005 isn't a simple task and Latrobe City Council does not currently have the resources to be able to undertake these works.

Accordingly, beyond this timeframe, Council will release council meeting agendas and minutes usually upon receipt of a valid application under the Freedom of Information Act; charging the relevant application fee and search charges.

Thank you for your question and I trust this response answers your enquiry.

Yours sincerely

A handwritten signature in black ink that reads "Bruce Lougheed". The signature is written in a cursive style with a long, sweeping underline.

CR BRUCE LOUGHEED
Mayor

5.2 RATES REFUND

Mr Bernie Carrington asked the following question:

Question

What has happened to the refund of the \$24?

Answer

The Mayor paraphrased the question and responded that the question will be taken on notice with the answers provided in writing and also included in the Minutes of this meeting (see below).

A written response from an officer in the Rates Department was forwarded to Mr Carrington on 2 September 2008, explaining that the \$24 hard waste vouchers were refunded prior to the payment of his final rates instalment.

ITEMS REFERRED BY THE COUNCIL

7.1 VICTORIAN LOCAL GOVERNMENT WOMEN'S CHARTER

AUTHOR: General Manager Economic Sustainability
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to provide Council with information regarding the Victorian Local Government Women's Charter and to seek Council adoption of the Charter.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2008-2012.

Latrobe 2021 and Council Plan 2008-2012

Strategic Objective - Community Capacity Building

Advocacy and Leadership - By maintaining an understanding of issues of local importance, Latrobe City will provide leadership in addressing such issues. Where appropriate, the City will advocate on behalf of the community to ensure that the community is well represented.

Strategic Action - Facilitate positive leadership and stewardship throughout the community.

Partnerships and Inclusiveness - By encouraging a diversity of social, cultural and community activities that promote inclusiveness and connectiveness.

Strategic Action - Strengthen and increase civic participation in the community.

Strategic Objective - Governance

Democratic Governance - By representing the interests of the community and conducting its affairs openly and with integrity, reflecting the highest level of good management and governance.

Strategic Action - Support and promote community input into Council decision-making.

3. **BACKGROUND**

The revised Victorian Local Government Women's Charter (the Charter) is based on "the need for increased women's participation in key decision making forums in the community and in democratic governance". The Charter (refer attached) supports three principles of:

1. Gender equity - that women and men have an equal right to be representatives in local government, committees and decision-making positions.
2. Diversity - the inclusion of different experiences and perspectives in local governments and community decision-making strengthens local democratic governance and helps build cohesive communities. Councils and communities encourage and welcome the participation of all women.
3. Active citizenship - local governments will work with the community to increase the numbers and participation of women in public life, so that decision-making more clearly represents and reflects the interests and demographics of communities.

At the Ordinary Council Meeting held on 7 July 2008, Council resolved the following:

1. *That officers provide a report on the Victorian Local Government Women's Charter and the implications of its adoption by Latrobe City Council*
2. *That the Mayor write to all Gippsland Local Government Mayors and encourage them to adopt of the Victorian Local Government Women's Charter to demonstrate regional leadership.*

This report has been prepared in response to the Council resolution.

4. **ISSUES**

Women are currently under represented in Gippsland councils. Women represent 51.1% of Gippsland's population yet of the 51 Councillors within the six Gippsland local government areas there are only 14 female Councillors which equates to 27.5%.

Latrobe City has a population of 72,075 residents (ABS Census 2006) with women representing 51.1% of the total population. Women represent 33% of elected Councillors. Adoption of the Charter by Latrobe City Council would demonstrate Council's commitment to recognising the need for increased women's participation in the key decision making forums in the community and in democratic governance.

Women are currently better represented in Latrobe City, giving Latrobe City Council a good basis on which to provide regional leadership on this issue. In addition, the upcoming election provides an excellent opportunity to highlight the principles of the Charter.

It is proposed that leadership be demonstrated by a combination of a symbolic gesture of adopting the charter and reinforcing this by aiming to increase participation in the upcoming Council election. This approach has the broad support of women elected representatives of five out of six Gippsland Councils who are pursuing it within their own Councils.

In May 2008, an evening session was run in Gippsland and facilitated by the Women's Participation in Local Government Coalition. The session was designed to highlight the Charter to community leaders in Gippsland. Attendees were community leaders, current Councillors across the region and possible council candidates. The outcome of the information session was a discussion on the Charter and the development of practical ways of implementing it and the challenges of doing so.

Elected representatives of five of the six Gippsland local government areas were in attendance and discussion ensued as to the potential for all of Gippsland to endorse the Charter. The discussion centred on the following three elements:

1. 2008 is the Centenary of Suffrage in Australia, celebrating 100 years of women's right to vote.
2. All Victorian Councils will be undergoing an election in November this year which provides an opportunity to deliver on the third principle of the Charter-Active Citizenship.
3. A Gippsland wide adoption of the Charter would elevate the Charter and demonstrate Gippsland's leadership in this area.

To demonstrate adoption of the Charter, a suggested action for implementation is a Latrobe City Council sponsored information session for women interested in standing for local government at the upcoming elections. This proposed action will complement an existing initiative that was held on 27 August 2008 under the "Women Matter in Local Democracy" project. This project celebrated the Centenary of Suffrage and provided an opportunity for women across the region to hear from local women from Latrobe City with experience in advocacy, democracy and making a difference. This event was one of eight held across Victoria to mark 100 years of women's suffrage.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

The recommendations of this report are able to be accommodated within existing resources and budget.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

This report has been prepared in consultation with the Women's Participation in Local Government Coalition and elected representatives from all GLGN Councils.

7. **OPTIONS**

Council has the following options:

1. Adopt the Victorian Local Government Women's Charter and support an activity to signify the adoption; or
2. Not adopt the Victorian Local Government Women's Charter.

8. **CONCLUSION**

The charter is based on the need for increased women's participation in the key decision-making forums in the community and in democratic governance. Adoption of the charter by Latrobe City would demonstrate recognition of the importance of diversity in decision making and its impact on strengthening community decision making.

9. RECOMMENDATION

1. That Council adopts the Victorian Local Government Women's Charter.
2. That Council commits to demonstrating adoption of the Victorian Local Government Women's Charter through an event designed to encourage women to consider active citizenship.

Moved: Cr Price

Seconded: Cr Lloyd

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

Supporting Women's Participation in Victorian Local Governments

Local governments, in their capacity as the governments closest to communities, are in a unique position to contribute to the global goal of gender equity for women.

This Charter is consistent with national and international protocols which highlight equal rights and opportunities as central to good local governance including: the Declaration on the Role of Australian Local Government (1997), the Worldwide Declaration on Women in Local Government (1998), the Victorian Code of Good Governance (2000) and the National Framework for Women in Local Government (2001).

Victorian Local Government Women's Charter

RECOGNISING the need for increased women's participation in the key decision making forums in the community and in democratic governance, we, the local governments of Victoria, on behalf of our communities support the following principles:

GENDER EQUITY

That women and men have an equal right to be representatives in local governments, committees and decision-making positions.

DIVERSITY

The inclusion of different experiences and perspectives in local governments and community decision-making strengthens local democratic governance and helps build cohesive communities. Councils and communities encourage and welcome the participation of all women.

ACTIVE CITIZENSHIP

Local governments will work with the community to increase the numbers and participation of women in public life, so that decision-making more clearly represents and reflects the interests and demographics of communities.



Councillor Brad Matheson
President, MAV




Councillor Judith Voce
Chair, WPILGC



WOMEN'S PARTICIPATION
IN LOCAL GOVERNMENT
COALITION
STRENGTHENING
THROUGH WOMEN'S PARTICIPATION



Councillor Julie Hansen
President, Victorian Local Government Association



CORRESPONDENCE

9.1 **CORRESPONDENCE RECEIVED FROM STABLE PROPERTY GROUP REGARDING SALE OF CHILDCARE CENTRE**

FILE NO: 03/36/0001

AUTHOR: General Manager Built and Natural Environment Sustainability

1. INTRODUCTION

Correspondence has been received from the Stable Property Group advising that the childcare centre located at Lot 83 Mapleson Drive, Traralgon is for sale.

2. OFFICER'S COMMENTS

Copy of letter below.



PO Box 380 Morwell, Victoria 3840
 T (03) 5133 9955 F (03) 5134 8850
 E wes@stablepropertygroup.com.au
 ABN 61 044 905 462
 CB-L 26677 / DB-M 29024

11/08/2008

Mr Paul Buckley
 Latrobe City
 PO Box 264
 Morwell Vic 3840

Re: Child Care Centre sale

Dear Paul

Stable Property Group offer for sale the 120 place child care centre located at lot 83 Mapleson drive, Traralgon.

This centre is near new and offers exceptional value, DHS approved for 120 children modern purpose build facility, maintenance free external play equipment meets all requirements offering rubber fake grass just to mention some features, external storage area for play toys with lots more to offer. Inside the building you see the workmanship that's been applied while being constructed.

For further information on this facility please contact myself on 0412 891977.

Regards,


 Westley Buhagiar
 Business Development

Latrobe City	
12 AUG 2008	
Doc. No:	
Action Officer:	D. Welch
Disposal Code:	
Comments:	

The childcare centre at Lot 83 Mapleson Drive, Traralgon (also known as 2 Mapleson Drive), is a purpose built 120 place facility constructed in 2006.

The facility is owned by the Stable Property Group and currently leased to a national childcare provider.

Officers are currently assessing six sites short-listed by Council as options for the Traralgon Early Learning Centre Redevelopment Project (TELC). Sites are being assessed against a number of criteria including accessibility, proximity to transport and commercial areas, size and dimensions, public visibility, surrounding land use, connection with other children's services, topography and financial cost or benefit to Council.

On initial consideration, the property at Lot 83 Mapleson Drive has potential to provide an alternative site for the relocation of the TELC based on these criteria.

It is proposed that this new site be assessed utilising the same process for consultation and assessment applied to the other six sites previously shortlisted by Council. This assessment process to be undertaken will be covered in a separate report to be presented at this meeting.

3. RECOMMENDATION

- 1. That Council writes to the Stable Property group acknowledging that the property located at Lot 83 Mapleson Drive, Traralgon is for sale.**
- 2. That Council includes the property located at Lot 83 Mapleson Drive, Traralgon as one of the options for investigation as a potential site for the Traralgon Early Learning Centre, and be assessed along with other previously identified options using the criteria and process adopted for all potential sites.**

Moved: Cr Caulfield

Seconded: Cr Lloyd

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

9.2**TRAFFIC SAFETY IN THE TOWNSHIP OF TYERS****FILE NO: N/A****AUTHOR: General Manager Built and Natural Environment Sustainability****1. INTRODUCTION**

The Tyers and District Community Association has written to Council expressing concerns about traffic safety in the township of Tyers. The concerns relate to speed limits, lack of police presence and the intersection of the Moe-Glengarry Road and Traralgon-Tyers Road on the eastern approach to Tyers.

2. OFFICER'S COMMENTS

The letter is reproduced below:

Tyers and District Community Association
C/- Post Office
TYERS
3844

June 12th 2008

Latrobe City CEO
Paul Buckley

Dear Paul,

I am writing to you on behalf of the above Association to outline our concerns about traffic issues within the township of Tyers.

The following points pertain to the signage on the eastern entry to the town and relate to the road speed signs. We believe that housing growth on this side of town has seen a change in traffic flow and traffic conditions that warrant consideration of change.

- The T-intersection of the Tyers-Glengarry Rd and the Tyers-Traralgon Rd meet where the speed limit on both of these roads is 100km. This speed adds to the intersection's danger as it is unsafe to move onto the Tyers-Glengarry Rd without creeping forward of the intersection to gain sight of traffic coming from the Glengarry direction at up to 100km and also coming from the north from Mays Rd. The road heights (Tyers-Traralgon Rd is lower than the Tyers-Glengarry Rd) make it more difficult to view traffic coming to the intersection in either direction again heightened by the speed at which these vehicles are moving.
- Housing developments between this T-intersection and the Tyers Shop (a distance of approx. 1.1km) have created a number of driveways meeting the Tyers-Glengarry Rd. Either entering or leaving these driveways is difficult given that the speed limits of either 80km or 60km are not adhered to by motorists on a regular basis moving either into or out of Tyers. Pedestrians and cyclists also use the roadside asphalted verge at various times throughout the day adding to the potential danger. The proposed housing development on the northern side of this road will only add to the problem without some changes being made to address the situation.
- Infrequent police presence in the township adds to the perception that it is opportune to either speed into Tyers or leave it at speed often well beyond the 60 or 80km.

- 3 JUL 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

Suggested solutions:

1. We believe that the speed restrictions on the eastern side of Tyers should be altered so that the speed limits are moved out beyond the Tyers-Traralgon T-intersection. In other words the 80km speed restriction is east of this point and then the 100km further still to the east. This would then mean that travelling to and from Tyers from this point is done so at 80km or less. This move would then reduce the difficulties outlined above in the various dot points.
2. Works required at the T-intersection as mentioned above to improve visibility and make entering and exiting this point much safer.
3. Increased police presence within the township and its surrounds can only make the township a safer place to live.

We hope to meet with representatives of a number of groups to find a solution to our issues and would welcome your involvement.

I may be contacted at the above address or by phone on 51918384 (H) or 51341793 (W).

Yours sincerely,
Peter Credlin
Assistant Secretary
Tyers and District Community Association



VicRoads are the statutory authority for determining speed limits on all roads throughout Victoria. They have adopted reasonably stringent guidelines for assessment of limits; however opinions are often sought from local authorities.

The intersection of Moe-Glengarry Road and Traralgon-Tyers Road is under the direct control of VicRoads due to the Class C Road status of both roads.

It is proposed that VicRoads be requested to carry out a review of the current speed limit and a safety assessment of the intersection with a particular emphasis on the available intersection sight distance.

The letter also requested support for an increased police presence in the township of Tyers.

A check of the recent speed count undertaken by Latrobe City Council in the vicinity of the existing school crossing on Moe-Glengarry Road, has indicated approximately 50% of drivers exceeding the school time based speed limit. This matter will be passed on to the Police Traffic Unit for their attention together with the overall request to increase the Police presence in Tyers.

3. RECOMMENDATION

- 1. That Council writes to VicRoads in support of the Tyers and District Community Association's request to extend the 80kph speed limit on the Moe-Glengarry Road and to carry out a safety audit of the intersection of Moe-Glengarry Road and Traralgon-Tyers Road.**
- 2. That Council writes to Victoria Police in support of an increased police presence in the township of Tyers and to seek assistance from the Victoria Police to actively enforce the 40kmh speed limit in Moe-Glengarry Road in the vicinity of the school crossing.**

Moved: Cr Kam

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

Suspension of Standing Orders

Moved: Cr White
Seconded: Cr Middlemiss

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

CARRIED UNANIMOUSLY

Standing Orders were suspended at 7.15 pm

Mr Tony Paul was provided with the opportunity to speak to his submission, however he was not present.

Ms Dionne Gunter, addressed Council in relation to Item 10.1 – Petition- proposed sale of Kingsford Reserve – between Kingsford and Hinkler Streets, Moe and answered questions put to her.

The Mayor thanked Ms Gunter for addressing Council and for her submission.

Resumption of Standing Orders

Moved: Cr Middlemiss
Seconded: Cr Price

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 7.21 pm

PRESENTATION OF PETITIONS

10.1 **PETITION - PROPOSED SALE OF KINGSFORD RESERVE -
BETWEEN KINGSFORD AND HINKLER STREETS, MOE**

AUTHOR: Acting General Manager Governance
(ATTACHMENT - YES)

1. PURPOSE

The purpose of this report is to present the public submissions, including one petition, received for Council's consideration in relation to the proposal to sell by private treaty the Kingsford Reserve, between Kingsford and Hinkler Streets, Moe.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2008-2012.

Latrobe 2021 and Council Plan 2008-2012

Strategic Objective - Governance

To ensure governance and leadership through a strong commitment and adherence to democratic processes and legislative requirements.

Strategic Action - Ensure compliance with the Local Government Act.

Policy No. GEN-EO 012 - Sale of Council Owned Property

Policy Goals

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

Policy No. GEN-CI 014 - Open Space Policy

Policy Goals

The purpose of the policy is to document a comprehensive set of guidelines for the development and future management of public open space in a manner which conserves and protects the natural and heritage resources of the Latrobe City.

3. **BACKGROUND**

Kingsford Reserve is freehold land owned by Latrobe City Council contained in Certificate of Title Volume 8812, Folio 181, being described as Lots 1 and 2 on TP42038.

At the Ordinary Council Meeting held on 21 July 2008, Council resolved:

1. *That Council seeks public comment to determine if the Kingsford and Hinkler Streets Reserve Moe is surplus to community requirements and gives public notice of its intention to consider the potential sale of this property by private treaty, pursuant to Section 189 of the Local Government Act 1989 and Sale of Council Property Policy.*
2. *That Council notes that the Moe Newborough Outdoor Recreation Plan (October 2007) adopted at the Council Meeting held the 5 November 2007 identified the Kingsford Street Reserve as surplus to recreation requirements and the proceeds from sale of land be allocated to the development of the Ted Summerton Reserve Moe.*
3. *That Council considers any submissions received in relation to the community requirements and possible sale of the Kingsford and Hinkler Streets Reserve Moe, at the Ordinary Council Meeting to be held on Monday, 18 August 2008.*

Council subsequently resolved at the 18 August 2008 Ordinary Council Meeting to defer consideration of any submissions received in relation to the community requirements and possible sale of the Kingsford Reserve to the Ordinary Council Meeting to be held on Monday, 1 September 2008.

The Latrobe City Recreation and Leisure Strategy 2006 committed Council to the objective of reusing or removing unused sporting facilities. The strategy specifically identified the Kingsford Street Reserve tennis courts as such a facility. The Moe Newborough Outdoor Recreation Plan (adopted by Council on 5 November 2007), which was developed with significant consultation with the community and Council to develop a clear set of recommendations for the future benefit of the Moe Newborough community, identified the Kingsford Street Reserve for potential disposal of part or all of reserve in the context of the Latrobe City Open Space Plan 2007. The adopted plan identified that proceeds from sale of land would be applied to upgrades to the Ted Summerton Reserve, Moe.

The Moe Activity Centre Plan December 2007 identified within 'Project 6: Southern Precinct Housing' a range of sites within the southern precinct that would be suitable for higher density, affordable and accessible housing. The Kingsford Street Reserve site is identified within the Plan and progressing the sale of this site for the purposes of a demonstration housing project would be in line with the Moe Activity Centre Plan. A copy of the relevant page of this plan with the Kingsford Street Reserve highlighted is attached to this report.

4. ISSUES

In accordance with the legislative and policy requirements, public notice was given advising of Council's intention to potentially sell the land by private treaty and inviting community comment and written submissions. The closing date to receive written submissions was Friday, 22 August 2008. At the time of preparing this report four letters and one petition relating to the sale of Kingsford Reserve have been submitted to Council.

Furthermore, at the Ordinary Council Meeting held on 18 August 2008, Council resolved to undertake a consultation process in relation to potential sites for the *Moe Early Learning Centre Redevelopment Project*. One of the potential sites identified is Kingsford Reserve. A report detailing the outcome of the community consultation process for a Moe Early Learning Centre, recommending a preferred site and outlining the next steps for this project is proposed to be presented to Council for consideration at the Ordinary Council Meeting to be held on 6 October 2008.

Section 223(b) of the *Local Government Act 1989* requires that Council must consider written submissions within 14 days after the publication of the public notice stating that submissions will be considered. In addition, section 223(c) requires that any person who has made a written submission and requested that he or she be heard is entitled to appear in person or by person acting on his or her behalf before a meeting of Council.

Four submissions were received and these are outlined in the consultation section of this report.

5. FINANCIAL AND RESOURCES IMPLICATIONS

In addition to the cost of obtaining a valuation of this property, the cost of placing public notices inviting community comment and written submissions have also been incurred.

All costs are within the current budget allocation.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

Three public notices were published in the Latrobe Valley Express and one public notice was published in the Moe News inviting written submissions.

Details of Community/Consultation Results of Engagement:

Five submissions and one petition were received as a result of the public notice process. These submissions have been provided as attachments to this report and are summarised as follows:

Ms M Hall:

Ms Hall supports the sale due to the land being unsightly and under utilised.

Mr P Wells:

Mr Wells supports the concept of selling the land to Try Youth, however he does "strongly object to the proceeds of the sale of this property being used for upgrade works at the Ted Summerton Reserve for the following reasons:

1. The proposed land was always used for passive recreational pursuits and available to the local residents at all times. The proceeds should be used to enhance land that still meets that criteria and not excluded for community use during the winter football season.
2. With land that is currently used for passive recreation in the immediate area, Apex Park, being swallowed up and having its access restricted by the increased activity of the Moe Racing Club, it would be more prudent and more widely acceptable to spend the proceeds of sale on similar and more accessible type land in close proximity such as the Edward Hunter Reserve or the more central Botanic Gardens site.
3. The only beneficiaries of the benefits attributed to the sale of "park land" should be the entire community through upgrading parks and gardens in close proximity, not where a club or community group reap the benefits of the expenditure derived from selling "community" assets."

Mr I Lee:

Mr Lee objects to the proposed sale of public land and suggests that it should be kept for future generations. The area is uninviting and should be landscaped to make it more attractive and encourage community use. The proposed Try Youth development could be established elsewhere. He is concerned with the time frame allowed for community to consider the proposal and submit submissions.

Mr D A Paul:

Mr Paul objects to the proposed sale of land. He is concerned with 'lack of transparency', 'haste' and lack of information in regards to the proposed sale. He has asked several questions in relation to the proposal and process for identifying and selling surplus land. Mr Paul wishes to be heard on this matter.

Ms D Gunter

Ms Gunter objects to the proposed sale of land. She recently purchased an adjoining property with the intention of using the reserve for recreation and leisure. She suggests the objectives of planning scheme and the Latrobe City Public Open Space Plan support retaining the land for community use. Ms Gunter wishes to be heard on this matter.

Petition:

A petition with 52 signatures has been received. The signatories state: 'We the undersigned Citizens of Moe call upon Latrobe City Council to reject any proposal to acquire parkland known as the "Kingsford and Hinkler Street Reserve". This is not excess to our needs and as such we call on the Latrobe City Council to reject any proposals to deprive the community of their asset and instead to reinvest in active recreation facilities for young people and families living in this area.'

7. OPTIONS

Council, having resolved to consider submissions to the proposed sale of Kingsford Reserve Moe and also having resolved to undertake consultation on potential sites for the Moe Early Learning Centre (MELC) Redevelopment Project has the following options:

1. Consider the submissions and lay the petition on the table and defer forming an opinion as to whether the Kingsford Reserve is surplus to community and Council requirements until Council has selected a preferred site for the Moe Early Learning Centre Redevelopment Project.
2. Consider the submissions, resolve to consider the petition at this meeting and make a decision that the Kingsford Reserve is surplus to Council requirements and sell the land by private treaty.
3. Consider the submissions, resolve to consider the petition at this meeting and make a decision that Kingsford Reserve is not surplus to Council requirements.

8. **CONCLUSION**

In order to comply with the requirements of sections 189 and 223 of the *Local Government Act* 1989 and the Sale of Council Owned Property Policy in relation to the proposed sale of Kingsford Reserve Council must consider the submissions at this meeting. Four submissions and one petition have been received in regards to the proposed sale.

Council has also resolved to undertake a consultation process in relation to potential sites for the Moe Early Learning Centre Redevelopment Project. One of the potential sites identified is Kingsford Reserve. As a result of this resolution, it may be prudent to defer making a decision regarding the proposed sale of this reserve until the site is selected or rejected as the site for the Moe Early Learning Centre Redevelopment Project. Pursuant to Council's Local Law No 1, Council must either lay the petition on the table or resolve to consider the petition at this meeting.

Furthermore, in accordance with Council's resolution of 18 August 2008, Council must consider submissions received at this meeting. Considering that there are a number of issues needing to be addressed prior to Council formulating a decision on this site, it is recommended that Council lay the petition on the table and defer making further decisions about this site until a further decision has been made about the Moe Early Learning Centre redevelopment.

9. RECOMMENDATION

1. That Council, having considered submissions in accordance with section 223 of the *Local Government Act 1989* and pursuant to the Sale of Council Owned Property Policy, defers forming an opinion as to whether the Kingsford Reserve is surplus to community and Council requirements until Council has selected a preferred site for the Moe Early Learning Centre Redevelopment Project; and
2. That Council lays the petition in relation to the sale of Kingsford Reserve Moe on the table until Council has selected a preferred site for the Moe Early Learning Centre Redevelopment Project; and
3. That Council gives written notification to all people who made a submission and the head petitioner of Council's decision in relation to the proposed sale by private treaty the land known as Kingsford Reserve between Kingsford and Hinkler Streets, Moe until Council has selected a preferred site for the Moe Early Learning Centre Redevelopment Project.

Moved: Cr Price

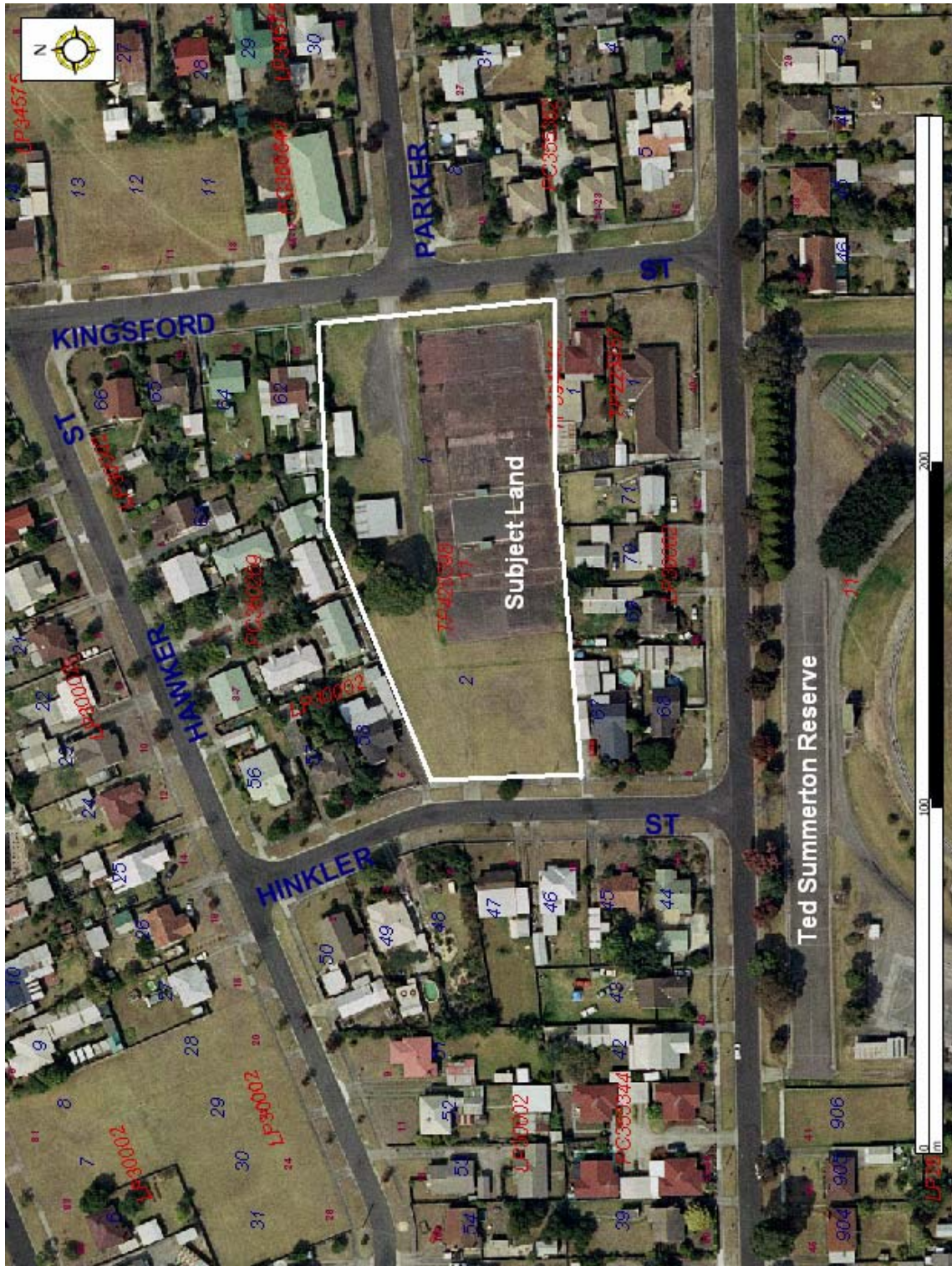
Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

KINGSFORD RESERVE – Between Kingsford and Hinkler Streets, Moe



Moe Activity Centre Plan December 2007 Project 6: Southern Precinct Housing

6.0 IMPLEMENTATION PROJECTS

PROJECT 07

4.8 Southern Precinct Housing

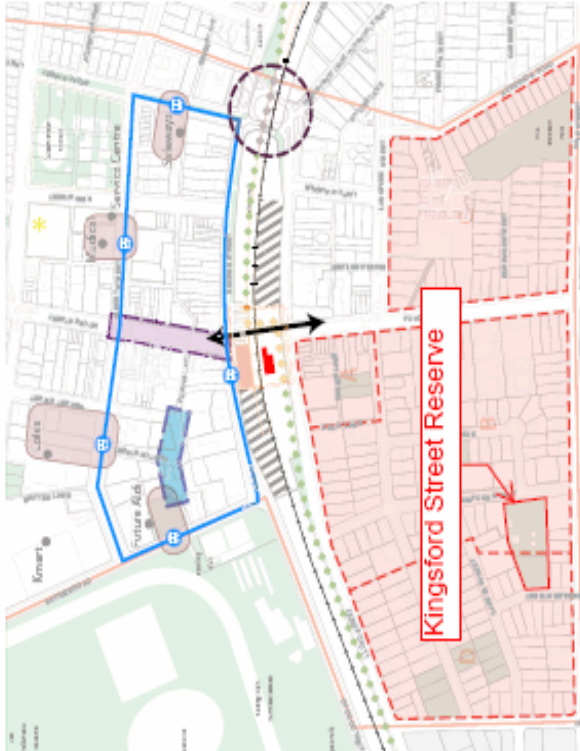


Key Principles

- Support the orderly redevelopment of higher density housing to the south of Moe town centre and train station through a demonstration project and precinct planning
- Inclusion of housing options to VicTrack land from previous structure planning is not supported by commercial reality
- Capitalise on significant government land holdings, and site opportunities for affordable and accessible housing
- Strengthen connections to Moe town centre and train station precinct through a revitalised Fowler Street

Key Actions

- Further scope opportunities for "whole of government" demonstration project in Langford street "court house" block.
- Consider better utilising Affordable Housing Association models rather than public housing
- Develop a masterplan for the precinct adopting current best practice urban renewal principles comparable to other DHS projects eg Corio Morlane



Current interface between train station precinct and southern housing precinct

Submissions

22A Saxtons Drive
MOE 3825

July 30, 2008

Mr Paul Buckley
C.E.O.
Latrobe City
P.O. Box 264
MORWELL 3840

Dear Mr Buckley

Re: SALE OF KINGSFORD/HINKLER STREETS RESERVE

I wish to offer my view in regard to the future potential sale/development of the above property.

By all means, this reserve should be sold off as soon as possible due to its unsightly condition and much under-utilised facilities (though now somewhat derelict).

Any potential development would be a much preferred option, particularly if the sale funds were to be redirected to the Ted Summerton Reserve, which would have to be the only main reserve of any large town lacking even the most basic of facilities such as member clubrooms!

Yours faithfully

Maree Hall

Maree Hall

Latrobe City	
31 JUL 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

Thursday 31st July 2008.

Mr Paul Buckley
Chief Executive Officer
Latrobe City Council
PO Box 264
Morwell Vic 3840

Latrobe City	
- 4 AUG 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

Dear Mr Buckley

RE: PROPOSED SALE OF LAND – Kingsford and Hinkler Streets Moe.

As a means of introduction, I have lived in and around Moe for the past 55 years and was a former Councillor with the now defunct City of Moe representing the ward where this property is located. I have memories of attending the local YMCA which was located on the site for many years and was in office at the time the Moe Bocce Club was formed, also on the site. I also lived in Kingsford Street for over 20 years.

Quite clearly, the immediate area has undergone a major transformation in recent years with the demolition of many stand-alone residences once owned by the Ministry of Housing. The number of younger people in the area has decreased and the forms of recreation for those today is far different to what it was in previous years.

On that basis and the fact that there has been an improvement in passive recreation space in close proximity to the property in question, I believe that the land could be deemed “surplus” and disposed of for more beneficial purposes.

I would support totally the concept of selling the land to an organisation such as Try Youth, providing the sale is for the purpose of increasing the availability of residential accommodation that, as I understand, is the purpose. This along with the experiences being offered to “at risk” young people makes the sale even more palatable.

OBJECTION:

I do however strongly object to the proceeds of the sale of this property being used for upgrade works at the Ted Summerton Reserve for the following reasons;

1. The proposed land was always used for passive recreational pursuits and available to the local residents at all times. The proceeds should be used to enhance land that still meets that criteria and not excluded for community use during the winter football season.

2. With land that is currently used for passive recreation in the immediate area, Apex Park, being swallowed up and having it's access restricted by the increased activity of the Moe Racing Club, it would be more prudent and more widely acceptable to spend the proceeds of sale on similar and more accessible type land in close proximity such as the Edward Hunter Reserve or the more central Botanic Gardens site.
3. The only beneficiaries of the benefits attributed to the sale of "park land" should be the entire community through upgrading parks and gardens in close proximity, not where a club or community group reap the benefits of the expenditure derived from selling "community" assets.

I am a little perturbed that in a recent news item in the Latrobe Valley Express, it was reported that the proceeds from the sale of this land in question **WILL** go to the Ted Summerton (Vale Street) Reserve. I sincerely hope that, that decision has not be en formally made before the community were/are consulted - or is this process one similar to that already underway between the Council and the Racing Club with the proposed relocation of Riding for the Disabled and the Moe Pony Club Activities?

Will this be another decision like the one that has been made regarding the Moe caravan park site where the decision to sell/lease community assets was done without due community input or offering an arrangement to other in the community by way of a call for expressions of interest,

Thank you for allowing me the opportunity to provide my thoughts on this issue. I hope that future decisions that affect the availability and ownership of community assets can be done more transparently.

Yours Sincerely



Peter Wells.
58 Chamberlain Road
Newborough Vic 3825

Latrobe City	
- 6 AUG 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

Box 161
Newborough,
(Residential 13 Richard St
Moe)
1st August, 2008.

Councillor Lisa Price,
and all the councillors,
Latrobe City.

Dear Lisa and all Councillors,

Re Public Reserve, Kingsford/Hinkler Streets, Moe

In "Moe News" on 29th. July was an article that the City was considering selling this reserve.

Would you all please reconsider this sale, looking to the future? The following points, I feel, should be made.


* Public land was set there originally as an amenity for the local people and should not be thought of as "surplus". Once sold it is gone --- forevermore.

- This particular piece of land could be considered at the moment to be under-utilised. Let's have a look at its current condition. Unimproved, with very limited use and fenced off tennis courts. Unaccessible bulding. Cluttered area, uninviting.

With a bit of trouble to the City, the whole plot could be landscaped, removing tennis courts, bulding, then treeing, shrubbing, seating, ~~patting~~ pathing, playgrounding, to make it hugely more attractive. The locals would then be much more likely to advantage of the surrounds and thank you ten years from now.

- From "no discussion" on this to "put in submissions in three weeks" , then accept what decision council makes does not seem in the slightest to be any sort of democracy at work. My thoughts are that council should be trying to maintain facilities was their aim, not removing them.
- Try Youth may be great for the community, personally I know nothing about them, what is its background?
If it is a private organisation, and wants to set up, it would be thought that enough commercial property would be available through estate agents. Even if it is a government, or semi-government organisation, until it is known and established in the community, could it be suggested that commercial ~~property~~ property be leased?
- Parkland such as this, as introduced at the beginning of this letter, belongs to the community and is so very precious, should be considered sacrosanct, and should NEVER EVER, be sold.

Yours faithfully,



FILE

Mr. P. Buckley
Chief Executive Officer
Latrobe City

Latrobe City	
1 8 AUG 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

54 Ollerton Avenue
Newborough
Victoria 3825
14 August 2008

Dear Paul ,

Re: Proposed Sale of Land , Kingsford & Hinkler Streets , Moe .

I write to lodge my objection to the above proposal which appears to have been developed to this stage with inordinate haste and without providing sufficient relevant information to enable ratepayers and residents to become acquainted with all of the pertinent facts .

The advertisement placed by Council on page 6 of Moe-Narracan News dated 12 August 2008 gives notice of Council's intention to consider the potential sale of the land by private treaty but fails to provide any further clarifying information .

- . under what circumstances has a potential purchaser indicated a desire to buy the subject land ;
- . who are the potential purchasers , and what is their connection with Moe ;
- . to what use and purpose do they propose to develop the land ;
- . will rezoning of the land be required to permit their intended use ;
- . why has not Council investigated what alternate uses the community may want / suggest ;
- . why has Council chosen to negotiate a sale by private treaty rather than elect to dispose of the land by widely advertising and inviting offers by public tender or sale by auction ;
- . the closing date for public comment is shown as 22 August 2008 which appears to have allowed the public only 10 days in which to make enquiries and form an opinion ;
- . however the feature article on page 1 of the Moe-Narracan News states that a final decision will be made (by Council) on Monday 18 August 2008 , which creates confusion and may lead readers to believe that they have missed the boat (if they did not see the later advert);
- . what criteria are Council going to use to judge whether the land is in fact surplus to community requirements ;
- . will future long-term potential for urban redevelopment of the surrounding area be taken into account when assessing the future requirements that community may have .

I am concerned at the lack of transparency in Council's handling of this matter so far , and the apparent mindset among council officers that valuable land assets are fair game for persons in the know to somehow reach an accommodation which gives them an unfair advantage in obtaining those assets ; the Moe Library and Council Service Centre spring to mind . I wish to be heard in this matter .

Yours faithfully ,



Mr. D. A (Tony) Paul

To: Chief Executive Officer Paul Buckley,
Latrobe City Council, PO Box 264, MORWELL 3840

**RE: PROPOSED SALE OF LAND
KINGSFORD STREET RESERVE, MOE**

Latrobe City	
25 AUG 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

Dear Paul,

In writing the following, I trust that the Latrobe City Council will be receptive to my ideas as part of meeting their commitment to community consultation.

I hereby lodge an

OBJECTION TO THE PROPOSED SALE OF THE KINGSFORD STREET RESERVE

Please note that I wish to speak in support of this objection.

Why this proposal affects me:

My property at 16 Kingsford Street, adjoins (on the Northern side) the Kingsford Street Reserve. I am doing up the house and intend to move in when renovations are completed.

Main reasons I bought the property in April 2008 include (but are not limited to)

- Kingsford Street is spacious and quiet, with little through traffic. In the afternoons and evenings there is a steady flow of quiet pedestrian activity- people of all ages walking their dogs in the reserve, walking home through the reserve, and children playing in the reserve- and youths using the paved courts to practice ball skills and the basketball ring to shoot goals.
My son and I had envisaged being able to do the same, and also envisaged being able to have a casual game of tennis on the tennis courts there.
- There are two direct existing access tracks between my property at 16 Kingsford Street and the Kingsford Street Reserve, which have evidently provided continuous access to the Reserve for many years. I have already been utilising these points to go out and enjoy the area.
- There is a magnificent view of the mountains from the tennis/basketball courts. I am concerned that we and other users will be denied this if the reserve is sold.

Relevant Information**THE OBJECTIVES OF PLANNING IN VICTORIA**

Planning Schemes in Victoria must seek to achieve the objectives of planning in Victoria as set out in Section 4(1) of the Planning & Environment Act 1987. These objectives include:

"To provide for the fair, orderly, economic and sustainable use and development of land.

To provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity."

To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.

FROM THE PLANNING SCHEME:**LATROBE STRATEGY PLAN VISION includes:**

"A cohesive municipal community which: provides the opportunity for rich and varied lifestyles satisfies the community's needs for employment, housing, social interaction, shopping, education, health, entertainment, recreation, leisure and culture...."

FROM THE DRAFT LATROBE CITY PUBLIC OPEN SPACE PLAN:

"On 5 February 2007 Council endorsed the following key principles to be used in the development of the public open space plan.

1. Latrobe City is committed to providing a **variety** of high quality public open space facilities including active sports grounds, walking and bicycle paths, playgrounds, bush reserves, lake sides, BBQ / picnic areas, civic areas, streetscapes, **informal activity areas and amenity space.**

2. Provision in residential areas:

Local -The majority of houses in residential areas should have access to a minimum of 0.5 hectares of public open space within a 500 metre radius. [This is a national requirement]

District -The majority of houses in residential areas should have access to district level public open space within a 3 km

radius.

Regional -Each town with a population of over 5,000 should have regional level public open space within the township boundaries.

...

4. All community accessible public open space should have a clearly identified use, either active or passive recreation, community amenity space or nature conservation.

5. Community accessible public open space should be managed by the most appropriate governing body.

6. Council is committed to ensuring future residential areas maximise the community benefit and functionality of public open space provision and development. "

How the sale of the Kingsford Street Reserve would affect me and my son:

- Loss of the possibility of enjoying (in the Kingsford Street Reserve) casual outdoor recreation in the form of tennis, shooting some hoops, kicking the footy, playing with the dogs, backyard style cricket practice, picnicking on the grass, enjoying the fresh air, the open space and the beautiful view of the mountains
- Loss of the feeling of spaciousness- the character of the street. Potential actual loss of open space.
- There are no other public available outdoor basketball /tennis courts in the area that we could readily access at no charge
- Interference with existing direct access to the open space, fresh air and views in the Reserve area for us

Why keeping the Kingsford Street Reserve would be in the best interests of the local community:

- There are few reserves with both grassy areas and solid surfaced courts which are available for public use free of charge which can be used for both casual exercise and passive recreation any day of the year. Both of the other reserves with tennis facilities are located on the Newborough side of town. The Vale Street Reserve,

although nearby, is full with many clubs holding organised activities during our available times for recreation.

- Access for all members of the community- it is not necessary to be a member of a club, to be a serious sports star, or to be a particular age or gender to use the Kingsford Street Reserve- anyone can use it, any time.
- Kingsford Street Reserve provides a valuable open space very close to the CBD of Moe, which could easily be planted with a few more trees to ensure the quality of air is kept at a healthy level and to provide more habitat trees for the variety of birds already inhabiting in the area.
The planning scheme requires that council looks after the environment and encourages the wildlife.
- From reading the Draft Latrobe City Public Open space plan it seems we should have access to a minimum of 0.5 hectares of public open space within a 500 metre radius of our house.

If the Kingsford Street Reserve is sold, we will lose this. Will Council be acting in contravention of one of the principles that it endorsed in 2007, and in contravention of a national requirement ?

- Quote from the Draft Plan:

" 2. Provision in residential areas:

Local -The majority of houses in residential areas should have access to a minimum of 0.5 hectares of public open space within a 500 metre radius."

This is a national requirement.

- Australia is experiencing an epidemic of obesity, which is estimated to be costing the Government \$21 billion annually. Any action which encourages more people to participate in outdoor activities and must be seen as a positive step in improving the overall health of individuals.

Under the Planning and Environment Act council must act

"to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;"
[section 4 (2) (d)] .

If council sells the reserve will it be failing in its obligations under the Act and in the Principles it endorsed to be used for providing Public Open Space?

Conclusion

The Kingsford Street Reserve is one of the lovely assets for people in the town. The value of these open space assets must be taken together. Removal of one will diminish the value of the whole. If more open space is taken, it will be part of a slow "death by 1,000 cuts" for Moe residents and visitors.

I am vehemently opposed to the sale of the Kingsford Street Reserve, which I consider to be a valuable public asset. If it were sold and developed, it would be a great loss to my son, the local community and myself, and would never be able to be reclaimed.

I have read the Latrobe City Council's documents regarding community consultation, and I do hope they are more than just words.

Why was the advertisement worded as it was?

Why list the land proposed for sale as Kingsford Street and Hinkler Street in bold in the heading, which seems a bit strange when the Kingsford Street Reserve is named by Latrobe City Council in its October 2007 Moe Newborough Outdoor Recreation Plan, and the Kingsford Street Reserve is known by its name in the community?

Why did the heading not say Proposed Sale of Land - Kingsford Street Reserve?

I thought Council was required under the Local Government and the Planning and Environment Acts to consult properly and to give the community a good chance to be heard, particularly when one of its assets is to be taken away.

Sincerely,



Dionne Gunter
16 Kingsford Street MOE VIC 3825

Friday 22 August, 2008

PETITION

Hand Delivered
18/8/08
6:55 p.m.

We, the undersigned citizens of Moe call upon the Latrobe City Council to reject any proposal to acquire the parkland known as the "Kingsford & Hinkler St Reserve. This is not excess to our needs and as such we call on the Latrobe City Council to reject any proposals to deprive the community of their asset and instead to reinvest in active recreation facilities for young people and families living in this area.

NAME	ADDRESS	SIGNATURE
MRS. L. PAUL	54 OLLERTON AVENUE NEWBOROUGH	L. Paul
MR. D. A. PAUL	54 OLLERTON AVENUE NEWBOROUGH	D. A. Paul
G. Prosser	Po Box 353 Newborough	G. Prosser
GERALD DROOG	16. FERGUSON ST MOE	G. Droog
Sally Morrey	27 Parer Ave Moe	Sally Morrey
Elizabeth Morrey	25 Parer Ave Moe	E. Morrey
Jim Morrey	25 Parer Ave Moe	J. Morrey
Ian Trew	21 PARER AVE Moe	I. Trew
Melissa Jogis	19 PARER AVE Moe	Melissa Jogis
SAMUEL JOGIS	19 PARER AVE Moe	S. Jogis
Way Bowen	18 PARER. AVE MOE	W. Bowen
Donna Campbell	16 Parer Avenue MOE.	D. Campbell
Lally Britt	12 PARER AVE Moe	L. Britt
JASLYN MATTHEWS	2 PARER AVE MOE.	J. Matthews
Paul Matthews	6 Keith Ave Moe	P. Matthews
ANDY CAMPBELL	59 LANGFORD ST MOE 3825	A. Campbell
ELIZABETH CAMPBELL	59 LANGFORD ST MOE 3825	E. Campbell
Joy Small	5 Kingsford St Moe	J. Small
Lorna Prosser	7 Kingsford St Moe 3825	L. Prosser
Penny Fudge	11 3 Hawker St Moe 3825	P. Fudge
EILEEN VANDERKAM	1 HAWKER ST. MOE 3825	E. Vanderkam
EMILT HOAN	3/3 HAWKER ST MOE 3825	E. Hoan
Mary Graham	4/3 HAWKER ST MOE 3825	M. Graham
Cheryl	5/3 HAWKER ST MOE	C. Graham
Cheryl	6-3 HAWKER ST MOE	C. Graham
J. Burgess	7/3 HAWKER MOE	J. Burgess
W. Hooper	10/3 Hawker St Moe	W. Hooper
A. Wallace	44 Vale St Moe	A. Wallace
H Jennings	46 Vale St Moe	H. Jennings
H. Jennings	" "	H. Jennings
K Jennings	" "	K. Jennings
Wade Smith	9 Hinkler St Moe	W. Smith
DAMIANS	" "	D. Smith
DAMIANS ROSS	14 Hinkler St.	D. Ross
D. Dyer	12 HINKLER ST. MOE	D. Dyer

To: <anthonyzi@latrobe.vic.gov.au>, <brucelo@latrobe.vic.gov.au>, <darrellwh@latrobe.vic.gov.au>, <davidwi@latrobe.vic.gov.au>, <sandyka@latrobe.vic.gov.au>, <dougca@latrobe.vic.gov.au>, <graememi@latrobe.vic.gov.au>, <lprice@latrobe.vic.gov.au>, <susanll@latrobe.vic.gov.au>

Subject: Kingsford Street Reserve- Please Read!

Dear Mr Mayor, Mr Deputy- Mayor, Councillor Zimora, Councillor White, Councillor Kam, Councillor Caulfied, Councillor Middlemiss, Councillor Price and Councillor Lloyd

I am writing to express my concern at the proposed sale of the Kingsford Street Reserve in Moe- as someone who has recently bought a house on the Northern boundary of Kingsford Street Reserve I feel dismayed that Council is considering its sale!

A member of the community who enjoys the outdoors immensely, I had looked forward to having a practise game of tennis with my son or getting some basketball skills from him, in view of the mountains, outside in the fresh air in the Kingsford Street Reserve. I thought what foresight someone had had, to set aside such a lovely little reserve, and build the tennis courts there- I could imagine it being a lovely social environment humming with happy sounds in its heyday.

Children need somewhere (off the roads!) to run and play in the sun, to listen to birds, to practise their ball skills, practise cricket and play. Young mothers with children need somewhere to meet and chat with other mothers while their children run around enjoy the outdoors. Older residents need somewhere to walk, maybe paint a picture and enjoy the same sounds and sights.

Not every community member wants to book a time and place to travel to a club venue to partake in a formal sports activity- some of us just want to have a practice hit of tennis or cricket, or a bounce and throw of a basketball in an unplanned, relaxed way. We like the sound of children playing, the sound of birds, the view of the mountains and the fresh breath of air available at any time of day.

With backyards getting smaller and smaller, we all need a place to go, away from the tv, away from the computer, to unwind and get some time in the elements.

Dear Mr Mayor, Mr Deputy- Mayor, Councillor Zimora, Councillor White, Councillor Kam, Councillor Caulfied, Councillor Middlemiss, Councillor Price and Councillor Lloyd- please consider how valuable a small reserve like the Kingsford Street is to its local community, and how it can impact on the whole health, social function, well- being of a community, just by its existence.

I look forward to meeting you all in person at the Council meeting on Monday night.

Sincerely,

Dionne Gunter,
16 Kingsford Street Moe VIC 3825
Sunday 31 August, 2008

CHIEF EXECUTIVE OFFICER

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

FILE NO: N/A

**AUTHOR: General Manager Executive Projects
(ATTACHMENT - YES)**

1. PURPOSE

This is a procedural report recommending that Council approves the appointment of Mr Philip Marsh to act in the position of Chief Executive Officer for the period from Thursday, 18 September 2008 to Sunday, 5 October 2008 inclusive.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2008-2012.

There is no formal policy applicable. The Council is required, pursuant to the *Local Government Act* 1989, to appoint a Chief Executive Officer which states:

“94. The Chief Executive Officer

- (1) A Council must appoint a natural person to be its Chief Executive Officer.
- (2) The Chief Executive Officer is a member of Council staff.
- (3) A Council may appoint a person to be its Chief Executive Officer after it has invited applications for the position in a notice in a newspaper circulating generally throughout Victoria and has considered all applications received by it that comply with the conditions specified in the notice.
- (4A) Sub-section (3) does not apply if a Council appoints a person to act as its Chief Executive Officer for a period of not more than 12 months.
- (5) A Council must not remunerate in any way a person who has filled the Chief Executive Officer's position on an acting basis for 12 months for anything the person does in respect of that position after that 12 month period (unless the person is appointed after the Council has complied with sub-section (3).”

3. BACKGROUND

Due to the temporary absence of the Chief Executive Officer, Mr Paul Buckley, between the period Thursday, 18 September 2008 to Sunday, 5 October 2008 inclusive, Council is asked to approve the appointment of an Acting Chief Executive Officer.

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

The Council, by resolution on the 4 September 2006, delegated *“to the member of Council staff holding, acting in or performing the position of Chief Executive Officer, the powers, duties and functions set out in the Schedule”* of the Instrument of Delegation.

4. ISSUES

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

“98. Delegations

- (4) A Council may by instrument of delegation delegate to a member of its staff and power, duty or function of a Council under this Act or any other Act other than:
 - (a) this power of delegation;
 - (b) the power to declare a rate or charge;
 - (c) the power to borrow money except as provided in section 149;
 - (d) the power to approve any expenditure not contained in a budget approved by the Council;
 - (e) any power, duty or function of the Council under section 223; and
 - (f) any prescribed power.
- (2) The Chief Executive Officer may by instrument of delegation, delegate to the member of the Council staff any power, duty or function of his or her office other than this power of delegation unless sub-section (3) applies.
- (3) The instrument of delegation to the Chief Executive Officer may empower the Chief Executive Officer to delegate a power of the Council other than the power of delegation to a member of the Council staff.”

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

There is no effect to budget allocations.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

The proposed arrangements have been discussed at Executive Team level.

Details of Community/Consultation Results of Engagement:

Not applicable.

7. **OPTIONS**

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

8. **CONCLUSION**

This is a procedural report and the delegation of functions, duties and powers to Mr Philip Marsh (during the period Thursday, 18 September 2008 to Sunday, 5 October 2008 inclusive) is required to cover the period of absence of the Chief Executive Officer, Mr Paul Buckley.

A copy of the Instrument of Delegation and Authorisation to be signed on 2 September 2008 from Mr Paul Buckley to Mr Philip Marsh is attached.

9. **RECOMMENDATION**

That Council approves the appointment of Acting Chief Executive Officer to Mr Philip Marsh during the period Thursday, 18 September 2008 to Sunday, 5 October 2008 inclusive, and authorises the delegation of Chief Executive Officer powers, functions and duties in accordance with the Instrument of Delegation dated 4 September 2006.

Moved: Cr Middlemiss

Seconded: Cr Zimora

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

Maddocks Delegations and Authorisations

S5. Instrument of Delegation to Chief Executive Officer

Latrobe City Council

Instrument of Delegation

to

The Chief Executive Officer

LATROBE CITY COUNCIL

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

I **PAUL BUCKLEY**, Chief Executive Officer of the Latrobe City Council **HEREBY APPOINT PHILIP MARSH**, General Manager Executive Projects as Acting Chief Executive Officer and, pursuant to and in the exercise of the power conferred by section 98(2) of the *Local Government Act 1989* (the Act), I **HEREBY DELEGATE TO PHILIP MARSH**, General Manager Executive Projects, all those powers duties or functions of my office as provided for by legislation and the Instrument of Delegation dated 4 September 2006.

AND HEREBY DECLARE THAT:

1. Such appointment and delegation shall have force and effect from 18 September 2008, and shall remain in force until 5 October 2008 inclusive, or such time as I shall determine either to vary or revoke the delegation.
2. The powers duties and functions so specified shall be exercised and performed in accordance with:
 - (a) any policies of the Council that may be adopted from time to time;
 - (b) this Instrument of Delegation and subject to any conditions and limitations specified herein.

.....
CHIEF EXECUTIVE OFFICER – PAUL BUCKLEY

.....
GENERAL MANAGER EXECUTIVE PROJECTS – PHILIP MARSH

DATE:

SCHEDULE

The power to:

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

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

Conditions and Limitations

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

4. if the issue, action, act or thing is an issue, action, act or thing which involves:
 - 4.1 awarding a contract exceeding the value of \$100,000, (GST Inclusive);
 - 4.2 making a local law under s.119 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 and Annual Financial Statements under Part 6 of the Act;
 - 4.7 noting Declarations of Impartiality by Valuers pursuant to section 13DH(2) of the Valuation of Land Act 1960;
 - 4.8 determining pursuant to s.37 of the Act that an extraordinary vacancy on Council not be filled;
 - 4.9 exempting a member of a special committee who is not a Councillor from submitting a return under s.81 of the Act;
 - 4.10 appointment of councillor or community delegates or representatives to external organisations; or
 - 4.11 the return of the general valuation and any supplementary valuations;

5. if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
6. if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a:
 - 6.1 policy; or
 - 6.2 strategyadopted by Council; or
7. if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 98(1)(a)-(f) (inclusive) of the Act, section 188 of the Planning and Environment Act 1987 or section 58A of the Food Act 1984 or otherwise; or
8. the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

BUILT AND NATURAL ENVIRONMENT SUSTAINABILITY

**11.3.1 LATROBE PLANNING SCHEME - MUNICIPAL STRATEGIC
STATEMENT REVIEW STAGE 2**

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

1. PURPOSE

The purpose of this report is to seek Council's endorsement of the draft Latrobe Planning Scheme Local Planning Policy Framework (including Municipal Strategic Statement - MSS) rewrite that is to accompany a request to the Minister for Planning to authorise Council to prepare and place the new MSS on public exhibition as part of a planning scheme amendment.

2. POLICY IMPLICATIONS

The new Municipal Strategic Statement (MSS) is consistent with Council's Latrobe 2021 vision document and the Council Plan 2008-2012.

Latrobe 2021 and Council Plan 2008-2012

Strategic Objective - Sustainability:

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

To provide leadership and to facilitate a well connected, interactive economy.

Built Environment Sustainability Community Outcome:

Develop clear directions and strategies through consultation with the community ensuring sustainable and balanced development.

Strategic Action:

Promote and support high quality urban design within the built environment.

Strive to ensure all proposed developments enhance the liveability and sustainability of the community.

A key priority and action of the Council Plan 2007-2011 is to “review the Municipal Strategic Statement and present to Council for consideration...”.

3. BACKGROUND

The Latrobe Planning Scheme was approved on 2 March 2000 and was accompanied by a letter of approval from the Minister for Planning which noted that there were a number of outstanding matters that required further action to be undertaken by Council. Furthermore, the Independent Panel which had assessed the initial planning scheme in November 1998 identified approximately 100 matters which also needed to be addressed. In 2001 the then Department of Infrastructure MSS Practice Note required Councils to review their MSS every three years.

Council documented the first MSS review and continuous improvement program in a report titled, *The Reference Guide to Strategic Land Use Projects* dated November 2003 (the guide). The guide detailed the strategic land use projects that had commenced since the introduction of the new planning scheme including some of those required by the earlier Panel report. The guide was considered by Council at its Ordinary meeting on 15 December 2003 and was then submitted to the Minister to meet the review requirements of the *Planning and Environment Act 1987* and demonstrate the continuous improvement model.

As a result of changes made in the *Planning and Environment (General Amendment) Act 2004*, the Minister for Planning required a four yearly review to address the entire planning scheme and not just the MSS.

The 2007/2008 Latrobe Planning Scheme Review project consists of three stages. Stage one was to review the strengths and weakness of the current Latrobe Planning Scheme and recommend changes to the scheme. Stage one resulted in the Latrobe Planning Scheme four yearly review report April 2008 which was adopted by Council at the Ordinary Council Meeting held on 5 May 2008.

Stage two involved the technical drafting of the Local Planning Policy Framework (including the MSS). This included rewriting and updating the Local Planning Policy Framework in the Latrobe Planning Scheme to reflect Council's current adopted strategic work. The Stage two MSS rewrite is the main subject of this Council report. The draft new MSS is provided as an attachment to this report and directly implements some of the key recommendations of the Stage one review report.

Stage three includes the public exhibition of the redrafted Local Planning Policy Framework (including MSS) and the subsequent Panel process. Stages two and three are to be facilitated by way of the authorisation request to the Minister for Planning.

4. ISSUES

At the Ordinary Council Meeting held on 5 May 2008, Council resolved to adopt the Latrobe Planning Scheme four yearly review report April 2008 and request the Minister for Planning to authorise Latrobe City Council as a planning authority to prepare a Local Planning Policy Framework (including MSS) planning scheme amendment and subsequent exhibition. Since that time a new MSS has been drafted. Therefore Council has already resolved to request authorisation and the purpose of this report is to seek Council's endorsement of the draft Latrobe Planning Scheme Local Planning Policy Framework (including MSS) rewrite that is to accompany an authorisation request to the Minister for Planning.

The MSS rewrite is closely aligned with the structure of *Latrobe 2021: The Vision for Latrobe Valley* framework and reflects the four strategic objectives, particularly sustainability and liveability. Whilst the structure is different from the State Planning Policy Framework (SPPF) contained within all Victorian planning schemes, it is still consistent with the SPPF.

It is considered that the MSS building blocks of the Latrobe Planning Scheme require review and inclusion in the Latrobe Planning Scheme prior to implementing new zones and overlays. Therefore the new MSS and subsequent planning scheme amendment exhibition does not include new zone or overlay proposals. These aspects have been addressed in the *Further Strategic Work Program* of the MSS rewrite. This program is for Council's consideration over the coming years but will also be addressed through planning scheme amendment requests from the private sector.

The State Government's *Making Local Policy Stronger 2007* document recommends the need to increase the effectiveness of local policy by simplifying the way it is presented in planning schemes and to restructure MSS clauses 20 - 22 to produce a simplified MSS. The draft Latrobe Planning Scheme Local Planning Policy Framework (including Municipal Strategic Statement - MSS) rewrite combines the existing Latrobe Planning Scheme MSS clauses 20 - 22 into one clause. The new MSS reduces the existing MSS pages from 83 down to approximately 38 (including maps) thereby increasing the effectiveness of the local policy in the Latrobe Planning Scheme.

The recent Coal Resources Planning Provisions Review project is a component of the *Developing the Latrobe Valley Resources Future* initiative being implemented by the Department of Primary Industries (DPI) and proposes new coal provisions for the Latrobe Planning Scheme. There is a high level of sensitivity about potential future land use planning conflicts between coal mining operations and urban development in Latrobe City. The Coal Resources Planning Provisions Review project has progressed in an environment of significant uncertainty, during a time when Council was awaiting the outcome of the Traralgon By-Pass Supplementary Inquiry and the role and scope of the Clean Coal Authority (now Clean Coal Victoria) has not been clearly defined.

Therefore the DPI has been consulted regarding the proposed coal related sections of the new MSS. Other than condensing the length of the coal provisions, the rewrite has included the intent and wording as it exists in the current Latrobe Planning Scheme and therefore results in a policy neutral position. DPI has provided feedback on the new MSS and their comments have been considered when drafting the new MSS.

The recently adopted Latrobe Structure Plans for Moe, Morwell, Traralgon, and Churchill are included in the new MSS and will form part of the authorisation request and subsequent planning scheme exhibition process.

5. FINANCIAL AND RESOURCES IMPLICATIONS

Funds have been allocated in the current 2008/09 budget year to enable the planning scheme amendment to proceed.

6. INTERNAL/EXTERNAL CONSULTATION

The Department of Planning and Community Development's *Practice Note Review of Planning Schemes February 2006* recommends a preferred consultation strategy when conducting a review of or rewriting Victorian planning schemes including the Latrobe Planning Scheme. The consultation strategy of the review and the rewriting of the new MSS have followed the recommendations of the Practice Note.

A number of targeted workshops with councillors, council officers, external agencies, local developers and consultants were undertaken during January through until June 2008. Latrobe City Council officers and departments, 19 agencies, and 37 local developers/consultants were invited to attend the workshops and information sessions. In addition to the verbal input provided at the workshops, 12 written submissions and over 20 brief written feedback responses were also received. A Councillor Committee was appointed to provide input into the stage 1 review report and the stage 2 MSS rewrite and to oversee and guide the project.

Council officers have held discussions with the Department of Planning and Community Development relating to the form and content of the new MSS, and the Department of Primary Industries regarding the coal policy sections of the rewrite.

Many of the documents that have informed the MSS rewrite (e.g. Latrobe 2021, Council Plan, Transit Centres Precinct Master Plans, Main Town Structure Plans, Greening Latrobe, Natural Environment Sustainability Strategy) have already undergone significant consultation within the community.

Once ministerial authorisation is given to prepare the amendment to the Latrobe Planning Scheme, the amendment can be placed on public exhibition for a period of no less than one calendar month. Agencies, local developers and consultants, and the general community will be provided with a further opportunity to make comment and participate in the amendment process.

7. OPTIONS

Council has the following options:

1. Confirm that the draft Latrobe Planning Scheme Local Planning Policy Framework (including Municipal Strategic Statement - MSS) rewrite is suitable to accompany a request to the Minister for Planning to authorise Council to prepare and place the new MSS on public exhibition as part of a planning scheme amendment.
2. Decide that the draft Latrobe Planning Scheme Local Planning Policy Framework (including Municipal Strategic Statement - MSS) rewrite is not suitable to accompany a request to the Minister for Planning to authorise Council to prepare and place the new MSS on public exhibition as part of a planning scheme amendment.

However to meet the requirements of Council's previous 5 May 2008 resolution, Council would need to prepare a new or modified MSS rewrite which would cause significant delays.

8. CONCLUSION

The new MSS directly implements some of the key recommendations of the Latrobe Planning Scheme four yearly review report April 2008 which was adopted by Council on 5 May 2008.

The new MSS has considered the views of key internal and external stakeholders and addressed a number of strategic urban land use planning issues that are relevant to Latrobe City. The MSS rewrite better reflects Latrobe 2021 and adopted Council land use planning policies and strategies.

It is important for Council to exhibit the new streamlined MSS which contains the most critical land use planning strategies and policies of relevance to Latrobe City.

This streamlined MSS is a 'template' for the inclusion of further strategic research, policies, and strategies once adopted.

9. RECOMMENDATION

That Council endorses the draft Latrobe Planning Scheme Local Planning Policy Framework (including Municipal Strategic Statement - MSS) that is to accompany a request to the Minister for Planning to authorise Council to prepare and place the rewrite on public exhibition as part of a planning scheme amendment.

Moved: Cr White

Seconded: Cr Lloyd

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

**11.3.2 TRARALGON EARLY LEARNING CENTRE - FURTHER
ASSESSMENT AND CONSULTATION**

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

1. PURPOSE

The purpose of this report is to inform Council of two additional options for the Traralgon Early Learning Centre (TELC) Redevelopment Project and to recommend further community consultation in relation to these options.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2008-2012.

Latrobe 2021 and Council Plan 2008-2012

Strategic Objective - Liveability

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

Strategic Action - Community Well-being

Support government agencies, non government agencies and the community to provide high quality preschool and childcare.

This Strategic Action will be achieved through the following Key Priorities and Actions in the Council Plan 2008-2012:

Deliver an accessible preschool service in Latrobe City in accordance with Council's preschool policy.

Provide Early Learning Centres and deliver the Family Day Care Program to the community.

Policy No. DCS-DCS 002 Child Care Centre Policy:

Latrobe City will manage early learning centres in Traralgon, Morwell and Moe and in the future Churchill on a self-funded basis in accordance with the *Children's Services Regulations 1998* and the *Children's Services Act 1996*. The purpose of these centres is to provide a safe, stimulating and affordable quality childcare option to parents who either reside or work in the municipality.

The early learning centres are designed to provide long day care, part time or occasional care for children under five years of age in a manner which responds to the expressed needs of parents.

3. **BACKGROUND**

At the Ordinary Council Meeting held on 17 March 2008, Council adopted the following resolution in relation to the assessment of locations for the TELC Redevelopment Project:

1. *That Council notes this report.*
2. *That Council provides an opportunity for comment over a six week period with local residents, parents and users of the TELC and the Kay Street Preschool, and the wider community to identify and address issues relating to those locations deemed suitable as per appendix two of this report.*
3. *That a further report be provided to Council at its Ordinary Meeting to be held on 19 May 2008 regarding the outcome of the community consultation and outlining an action plan to implement Council's resolutions regarding the redevelopment of TELC and the provision of additional preschool capacity in Traralgon.*
4. *That the Head Petitioners of the two petitions received at the 3 March 2008 Ordinary Council meeting relating to the proposed relocation of the Traralgon Early Learning Centre be advised of Council's decision.*

The six specific sites assessed as being suitable for relocation of TELC and the provision of additional preschool capacity are as follows:

1. Hubert Osborne Park, former tennis court site between the Kay Street Preschool and Mabel Street, Traralgon.
2. "North Wing", Civic Precinct, corner Church and Grey Streets, Traralgon.
3. Cumberland Park Preschool, corner Kay and Kosciusko Streets, Traralgon.
4. VicRoads parkland – 133-137 Grey Street, Traralgon.
5. Former Latrobe Regional Hospital site, Princes Highway, Traralgon.
6. Baptist Church, Kay Street, Traralgon.

Council officers conducted an extensive community consultation process in relation to the sites identified as suitable, engaging with the major stakeholder groups and providing an opportunity for members of the community to obtain information regarding the project, site options and provide comment to Council. Over 85 submissions and feedback sheets were returned and a range of opinions expressed in relation to the relative merits of each site.

The scale and complexity of responses has necessitated a longer process for analysis of the community feedback and further assessment of these sites than initially envisaged. Council has been informed of the progress of the consultation process through an update report presented at the Ordinary Council Meeting held on 19 May 2008. Council adopted the following resolution at the Ordinary Council Meeting held on 19 May 2008:

That a further report be presented to an Ordinary Council Meeting providing a summary of written responses received in relation to the Traralgon Early Learning Centre Redevelopment Project.

4. **ISSUES**

In the course of undertaking the community consultation process two additional options have been identified, which on initial consideration appear to meet the requirements of the TELC Redevelopment Project and warrant further investigation. An outline of each site is provided below:

Lot 83 Mapleson Drive (also known as 2 Mapleson Drive) Traralgon (Attachment 1)

The Mapleson Drive site is an existing 120 place childcare centre constructed in 2006. An aerial photograph of the site is attached. The facility is owned by the Stable Property Group and leased to a private childcare provider. Latrobe City Council has been informed by the Stable Property Group that the property is for sale and would be available with vacant possession.

The site is 1.52 hectares in size and located 750 metres south of the Traralgon Central Activity District. The childcare centre and adjoining land immediately to the north is zoned Low Density Residential, with the balance of the property zoned Urban Flood Zone. The childcare centre is licensed by the Department of Education and Early Childhood Development and meets all current government design standards.

The childcare centre has the capacity to accommodate both childcare and potentially preschool services and includes office space, meeting rooms, and kitchen, staff and laundry facilities. It has an adjoining 25 place car park and an additional four drop-off spaces. It has the potential to accommodate TELC and a new preschool with space for other services such as playgroups, while allowing for future growth.

An alternative design for Hubert Osborne Park (Attachment 2)

The potential use of public open space at Hubert Osborne Park for the TELC Redevelopment Project has been identified as a major concern for a number of people in the community.

Council officers have investigated the feasibility of an alternative design at Hubert Osborne Park which does not require use of existing parkland, but is able to meet design, functionality and regulatory requirements for a childcare centre and additional preschool.

A concept plan has been developed for a facility which extends North-East from the existing Kay Street Preschool into part of the Traralgon swimming pool land. A copy of this concept plan is attached.

The concept plan has been discussed with the Traralgon Swimming Club which has indicated no concern regarding the proposal, provided they retain access to training areas and storage.

The design would allow a 45 place occasional care centre, an additional preschool, meeting room and staff facilities similar to the original Hubert Osborne Park option.

Assessment Process

It is proposed to undertake a community consultation and assessment process over a four week period specifically in relation to the two additional options, similar to that undertaken for the six short-listed sites currently under consideration. This will enable a consistent and reliable comparison of all options.

The consultation process will include briefings for relevant stakeholder groups, development of an information pack, public notices and calls for submissions and a community information session at the Traralgon Service Centre.

The sites will be assessed using the same criteria as applied to the other sites along with a financial analysis, and where appropriate due diligence reports.

It is envisaged that on completion of this process a recommendation regarding a preferred site will be able to be presented to Council for consideration at the Ordinary Council Meeting to be held on 6 October 2008.

5. FINANCIAL AND RESOURCES IMPLICATIONS

An extension to the community consultation process to allow consideration of the two additional options will not require significant resources apart from officer time and production of information material.

Council would incur additional costs of approximately \$16,000 to obtain appropriate valuations and due diligence reports in relation to the Mapleson Drive site, and approximately \$5,000 to develop concept plans and costings for the alternative Hubert Osborne Park option.

6. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

It is proposed to use a range of community consultation processes to seek community views on the two additional options similar to those already used in assessing the short-listed options for the TELC Redevelopment Project. These include:

- Meetings with key stakeholder groups and land owners, including the Save Osborne Park group, TELC Parents Reference Group, and Traralgon Swimming Club.
- Publication and distribution of a Project Information Pack in hard copy and on Council's website with facility for comments and submissions to be emailed to Council.
- Distribution of a feedback sheet at meetings, information sessions and with the Project Information Pack.
- Public notices in the Latrobe Valley Express and Traralgon Journal.
- A press release outlining the two additional sites under consideration and the consultation process.
- A general invitation to all participants in the consultation process to provide written or verbal feedback regarding the additional options.

7. OPTIONS

1. Council may choose to undertake community consultation and detailed analysis of the two additional options identified for the TELC Redevelopment Project.
2. Council may choose an alternative method to consider these options.
3. Council may choose to exclude one or both of these options from consideration.

8. CONCLUSION

An extensive consultation and assessment process has been undertaken in relation to the six sites identified for the TELC Redevelopment Project. Before this process could be concluded and reported to Council, two additional options which appear to meet the selection criteria have been identified.

In order to provide a consistent and robust comparison of all options, it is proposed to undertake a similar consultation and assessment process specifically in relation to the two additional options.

This process will enable community comment on the additional options and assessment against the established selection criteria.

A comprehensive report is proposed to be provided to Council at the Ordinary Council Meeting to be held 6 October 2008, incorporating assessment of all sites, financial comparisons and detailing community feedback.

9. RECOMMENDATION

- 1. That Council extends the consultation and assessment process for the Traralgon Early Learning Centre Redevelopment Project to enable consideration of additional options at Lot 83 Mapleson Drive, Traralgon and Hubert Osborne Park.**
- 2. That a further report detailing the outcome of the consultation and assessment process for options for the Traralgon Early Learning Centre Redevelopment Project, with a recommendation of a preferred site be presented to Council at the Ordinary Council Meeting to be held on 6 October 2008.**

Moved: Cr Caulfield

Seconded: Cr Lloyd

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT 1

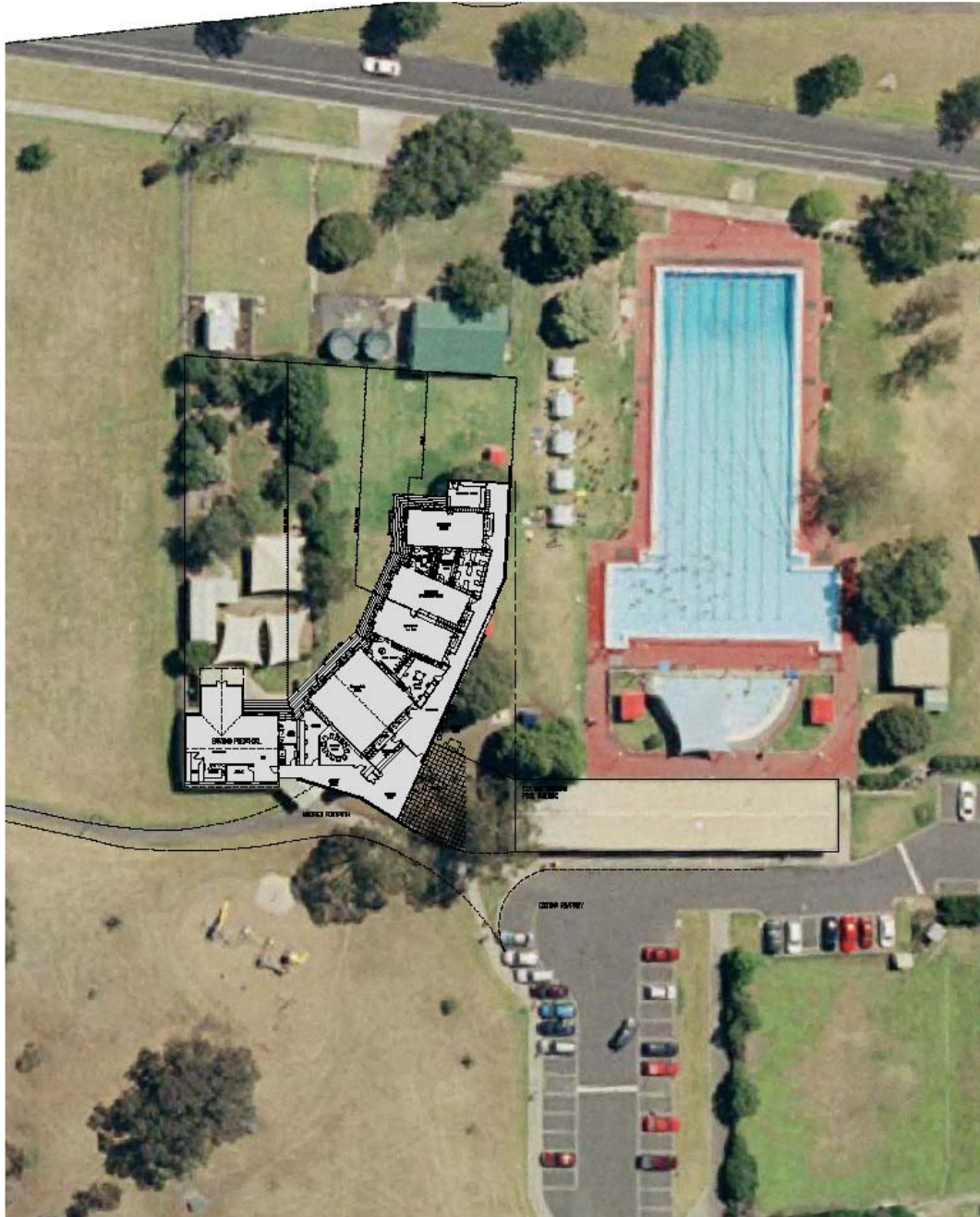
TRARALGON EARLY LEARNING CENTRE REDEVELOPMENT PROJECT
LOT 83 MAPLESON DRIVE, TRARALGON

OPTION SEVEN



ATTACHMENT 2

**TRARALGON EARLY LEARNING CENTRE REDEVELOPMENT PROJECT
ALTERNATIVE CONCEPT – HUBERT OSBORNE PARK**



FMSA

Fooks
Martin
Sandow
Anson
Pty Ltd

SITE PLAN - OPTION 1b

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**TRARALGON EARLY LEARNING CENTRE
KAY STREET
TRARALGON**

SCALE 1:500
DRAWN 03
DATE PLOTTED 19.06.08
DWP FILE NO Option 1b **SK-02a**

GOVERNANCE

11.6.1 CONFIDENTIALITY OF COUNCIL INFORMATION

AUTHOR: Acting General Manager Governance
(ATTACHMENT – NO)

1. PURPOSE

The purpose of this report is to present the response of the Minister for Local Government, Hon Richard Wynne MP to Council's request for an inquiry into a potential breach of confidentiality.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2008-2012.

Latrobe 2021 and Council Plan 2008-2012

Strategic Objective - Legislative Governance

To ensure governance and leadership through a strong commitment and adherence to democratic processes and legislative requirements.

Legislative Governance Community Outcome - ensure compliance with the Local Government Act 1989.

*Policy: Code of Conduct adopted 4 December 2006.
Values and Behaviour Charter adopted 1 October 2007.*

3. BACKGROUND

On 16 May 2007 Council received an application pursuant to the *Freedom of Information Act 1982* to release various documents relating to a potential Council project.

In accordance with the *Freedom of Information Act 1982*, Council produced various documents. Partial access was provided to some documents and three documents were considered exempt from being produced including a confidential report for Councillors dated 26 March 2007.

The agenda containing the report clearly indicated that the report was confidential. The report itself was also marked 'Confidential'.

Furthermore, at the Ordinary Council Meeting held on 2 April 2007, Council resolved to keep confidential all reports and discussions within the briefing session which were marked confidential; including the report in question. As Council has not resolved to release this report or discussions pertaining to the report, Council considered that the contents remained confidential.

During the hearing of the information request at the Victorian Civil and Administrative Tribunal (VCAT), it became evident that the applicant was in possession of the confidential report of Council dated 26 March 2007.

Through examination at the VCAT, Council had an opportunity to question the applicant as to how they came in possession of a confidential Council report.

The applicant gave evidence under oath that "the report appeared on [her] front doorstep".

The decision of the VCAT was to allow the release of only one document sought by the applicant; for the reason that the writer of the document had released information to the public after the application to VCAT, which essentially made the document public knowledge.

The VCAT noted that Council's decision to keep the information and documents confidential was sound.

At the Ordinary Council Meeting held on 2 June 2008, Council resolved:

1. *That Council instructs the Chief Executive Officer to write to the Minister for Local Government requesting that a Commissioner be appointed to investigate a possible breach of Section 77 of the Local Government Act 1989 (Vic); and*
2. *That a report on the findings of the inquiry be presented to Council and made available to the public.*

In accordance with Council resolution, Council officers wrote to the Minister for Local Government (the Minister) requesting that a Commissioner be appointed to investigate a possible breach of Section 77 of the *Local Government Act 1989 (Vic)*.

4. **ISSUES**

Upon receipt of our request, the Minister appointed an Inspector for Municipal Administration; he advised that officers from his department would review the information to determine if it was appropriate to conduct an inquiry.

Various documents were provided to the Minister's office, including a copy of the report in question.

The Minister has notified Council that following a preliminary assessment of the information provided, it is the finding of the Inspector for Municipal Administration that there is insufficient evidence to show a prima facie breach of the *Local Government Act 1989* ("the Act").

The Minister has provided some guidance to Council as to processes which should be taken to ensure that all future information deemed confidential in fact remains confidential.

The Inspector was of the view that a breach could have occurred within a one week period during which the document was not considered confidential under the Act. For this reason, it is difficult to determine when in fact the document was released to the public, and therefore there were insufficient grounds to take the matter further.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

There are no financial implications as a result of the Minister's response.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

No consultation was required for this issue.

Details of Community/Consultation Results of Engagement:

No community consultation was required for this issue.

7. **OPTIONS**

Council is not required to respond to the Minister following notification of the outcome.

8. CONCLUSION

It is an obligation of Council and the Chief Executive Officer to ensure that Councillors and Council officers are aware of their obligations to keep some information confidential. A breach of confidentiality has the capacity to undermine the good governance upon which the local government system is based; and therefore all potential breaches must be considered serious.

Since it became known that the Council report in question had been released to the public, various governance processes were reviewed and amended. The advice of the Minister in relation to the potential breach indicates that the reviewed processes would be sound and protect information considered confidential.

9. RECOMMENDATION

That Council notes the decision of the Minister for Local Government, Hon Richard Wynne MP not to inquire further into a potential breach of confidentiality.

Moved: Cr Middlemiss

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

.

11.6.2 DOCUMENTS PRESENTED FOR SIGNING AND SEALING

AUTHOR: Acting General Manager Governance
(ATTACHMENT – NO)

PP 2006/339	Section 173 Agreement pursuant to the Planning and Environment Act 1987 between Latrobe City Council and Wayne Harold Clark as the Owner of the land contained in Certificate of Title Volume 8618 Folio 690 and more particularly described as Lot 3 of LP 72441, situated at 160 Jeeralang North Road, Hazelwood North pursuant to Planning Permit No. 2006/339 dated 20 December 2006 for a Two Lot Subdivision to ensure that the land will not be further subdivided.
PP 06312/A	Section 173 Agreement pursuant to the Planning and Environment Act 1987 between Latrobe City Council and Tony John Knox, Brian Knox and Vaughan Knox as the Owners of the land contained in Certificate of Title Volume 9656 Folio 471, situated at 530 Purvis Road, Yallourn North pursuant to Planning Permit No. 06312/A dated 20 December 2006 for a Two Lot Subdivision to ensure that the land will not be further subdivided.

RECOMMENDATION

1. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement between Council and Wayne Harold Clark in relation to the land situated at 160 Jeeralang North Road, Hazelwood North pursuant to Planning Permit No. 2006/339 dated 20 December 2006 for a Two Lot Subdivision to ensure that the land will not be further subdivided.
2. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement between Council and Tony John Knox, Brian Knox and Vaughan Knox in relation to the land situated at 530 Purvis Road, Yallourn North pursuant to Planning Permit No. 06312/A dated 20 December 2006 for a Two Lot Subdivision to ensure that the land will not be further subdivided.

Moved: Cr White
Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

11.6.3 DOMESTIC ANIMAL MANAGEMENT PLAN 2008

AUTHOR: Acting General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present to Council a draft Domestic Animal Management Plan 2008 developed in accordance with the *Domestic (Feral and Nuisance) Animals Act 1994* and to seek Council's approval to release the draft Domestic Animal Management Plan 2008 for community consultation.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2008-2012.

Latrobe 2021 and Council Plan 2008-2012

Strategic Objective - To ensure governance and leadership through a strong commitment and adherence to democratic processes and legislative requirements.

Strategic Action - By ensuring adherence to legislative requirements.

Policy - Council's Local Law No 2 provisions detail requirements in relation to domestic animal management.

3. BACKGROUND

Local Government is primarily the level of government primarily responsible for domestic animal management. In the past this activity was controlled by the former *Dog Act 1970* and, is now under the control of the *Domestic (Feral and Nuisance) Animals Act 1994* (hereafter referred to as "the Act").

Section 68A, an amendment to the *Domestic (Feral and Nuisance) Animal Act 1994*, requires all Victorian Councils to prepare a Domestic Animal Management Plan at three year intervals. This plan must be reviewed annually, amended as appropriate, and a copy of the plan and any subsequent amendments provided to the Secretary of the Department of Primary Industries.

Council is required to publish an evaluation of the plan's implementation in its annual report.

4. **ISSUES**

The draft Domestic Animal Management Plan 2008 (the plan) has been developed in order to achieve compliance with the requirements of Section 68A of the *Domestic (Feral and Nuisance) Animal Act 1994* (the Act). The plan addresses set criteria as detailed in the Act. The full details may be found in the attachment to this report.

The primary objective of a Domestic Animal Management Plan is to provide a plan to guide the community towards the goal of responsible pet ownership and to assist Council in achieving a professional, consistent and proactive approach to domestic animal management practices. The plan will assist Council with business planning to ensure continuous improvement in service delivery that meets the expectations of animal owners and the broad public.

The draft plan does not require or propose Council endorsement of any new local laws in relation to animal management.

The Department of Primary Industry's guide 'How to Prepare a Domestic Animal Management Plan' recommends 'that councils place a draft Domestic Animal Management Plan [on display] for public comment.

To comply with the Act, the Domestic Animal Management Plan must be received by the Secretary of the Department of Primary Industry no later than 2 November 2008.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

The commitments within the plan are deliverable within the approved 2008/09 animal management budget. In 2009/10 a budget allocation of approximately \$5,000 will be proposed for the running of a 'pets on the green' community event.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

The draft plan has been developed with the input of Latrobe City's Animal Management Officers and other internal stakeholders.

The Department of Primary Industries guide 'How to Prepare a Domestic Animal Management Plan' recommends 'that councils place a draft Domestic Animal Management Plan [on display] for public comment. This suggestion may be achieved by public notices placed in local papers and the plan will be posted on Latrobe City's internet site (which is consistent with Council's Community Engagement Policy and Strategy).

Details of Community Consultation/ Results of Engagement:

Results of the community consultation will be included in a report to the 20 October 2008 Ordinary Council Meeting.

7. OPTIONS

1. Council may choose to release the draft Domestic Animal Management Plan 2008 for community consultation as suggested by the Department of Primary Industries' guideline suggesting the release for public comment.; or
2. Council may choose to choose to amend the draft Domestic Animal Management Plan 2008 before it is released for community consultation; or
3. Council may choose to not release Domestic Animal Management Plan 2008 for community consultation. However, this option does not follow the Department of Primary Industries' guideline suggesting the release for public comment.

8. CONCLUSION

The draft Domestic Animal Management Plan 2008 has been prepared to ensure Council's compliance with the *Domestic (Feral and Nuisance) Animal Act 1994* which requires all Victorian Councils to prepare and submit such a plan to the Secretary of the Department of Primary Industry by November 2008.

The draft plan will assist Council with business planning to ensure continuous improvement in service delivery that meets the expectations of animal owners and the broad public. The plan does not require or propose Council endorsement of any new local laws in relation to animal management.

The draft plan is now ready for release for community consultation as per the suggestion of the Department of Primary Industries' guidelines.

9. RECOMMENDATION

- 1. That Council releases the draft Domestic Animal Management Plan 2008 for community consultation for a four week period from 4 September 2008 to 2 October 2008.**
- 2. That Council considers the results of the draft Domestic Animal Management Plan 2008 community consultation process at the 20 October 2008 Ordinary Council Meeting.**

Moved: Cr Lloyd

Seconded: Cr Caulfield

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT**Domestic (Feral and Nuisance) Animals Act 1994 - SECT 68A****PART 5A DOMESTIC ANIMAL MANAGEMENT PLANS****Councils to prepare domestic animal management plans**

68A. Councils to prepare domestic animal management plans

(1) Every Council must, in consultation with the Secretary, prepare at 3 year intervals a domestic animal management plan.

(2) A domestic animal management plan prepared by a Council must-

- (a) set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations; and
- (b) outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district; and
- (c) outline programs, services and strategies which the Council intends to pursue in its municipal district-
 - (i) to promote and encourage the responsible ownership of dogs and cats; and
 - (ii) to ensure that people comply with this Act, the regulations and any related legislation; and
 - (iii) to minimise the risk of attacks by dogs on people and animals; and
 - (iv) to address any over-population and high euthanasia rates for dogs and cats; and
 - (v) to encourage the registration and identification of dogs and cats; and
 - (vi) to minimise the potential for dogs and cats to create a nuisance; and
 - (vii) to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations; and
- (d) provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable; and

- (e) provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary; and
 - (f) provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.
- (3) Every Council must-
- (a) review its domestic animal management plan annually and, if appropriate, amend the plan; and
 - (b) provide the Secretary with a copy of the plan and any amendments to the plan; and
 - (c) publish an evaluation of its implementation of the plan in its annual report.
- .

11.6.4 REVISED DELEGATION GUIDELINES

AUTHOR: Acting General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to seek Council's acceptance of the revised guidelines for delegations, following amendments made to the *Local Government Act (General) Regulations 2004*.

2. POLICY IMPLICATIONS

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2008-2012.

Latrobe 2021 and Council Plan 2008-2012

Strategic Objective - Governance

To ensure governance and leadership through a strong commitment and adherence to democratic processes and legislative requirements.

Strategic Action - Ensure Council systems and processes support strategic, responsive and accountable policy development and implementation.

3. BACKGROUND

At the Ordinary Council Meeting held on 18 June 2007, Council adopted a suite of delegations prepared by Maddocks Solicitors which delegated various powers, functions and duties to several Council officers. As part of the suite of delegations, Council resolved that:

That the s.8/01 Guidelines for Delegations to Members of Council Staff be adopted.

The s.8/01 Guidelines for Delegations to Members of Council Staff ("the Guidelines") refer to the delegations for the awarding of, and variation to contracts, and purchase orders/invoices other than contracted amounts.

4. **ISSUES**

The Guidelines were drafted in line with the *Local Government Act 1989*, where it was a requirement to undertake a public tender process before making any purchase greater than \$100,000 (including GST).

On 6 August 2008, Council received a letter from the Minister for Local Government (attached) stating that effective immediately, the public tender threshold as stated in the *Local Government (General) Regulations 2004* have been increased to:

- \$150,000 for goods and services;
- \$200,000 for construction works.

These changes bring the public tender thresholds for local councils in line with the State Government, and are intended to reduce the unnecessary red tape involved in the tendering process for smaller projects. The thresholds were last altered in 1999, and this increase has been adjusted according to the Consumer Price Index (CPI) and Melbourne construction tender price index.

It is now appropriate for Council to consider adjusting the internal delegations as stated in the Guidelines to reflect the increased threshold amounts. A copy of the amended guidelines have been attached to this report.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

There is no cost to Council in adjusting the Guidelines.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

Discussions were held with Council officers to determine if amending the Guidelines was appropriate. Council officers agreed that an amendment would result in more effective and efficient service delivery.

Details of Community/Consultation Results of Engagement:

Community engagement is not required in this instance.

7. OPTIONS

Council has the following options:

1. Adopt the revised guidelines for delegations;
2. Not make any changes to the current delegations;
3. Alter the existing delegations to a different amount, while still remaining within the legislative requirements.

8. CONCLUSION

The Minister for Local Government has stated that the thresholds were increased to allow councils to concentrate their resources more efficiently on services for local people. To capitalise on these efficiencies, our internal delegations should be aligned with the revised thresholds.

9. RECOMMENDATION

That Council adopts the amended Guidelines for Delegations to Members of Council Staff – September 2008.

Moved: Cr White

Seconded: Cr Price

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT – PROPOSED GUIDELINES**Guidelines for Delegations to Members of Council Staff –
September 2008**

Delegations for the awarding of, and variation to, contracts		
Extent of Authority	Delegate	Limitation of delegation
(a) Approval of contracts contained within budget and less than \$150,000 (including GST) for goods & services and \$200,000 (including GST) for construction works.	Chief Executive Officer	A report to be provided to Council as soon as is practicable noting the approval of contracts by the Chief Executive Officer.
(b) Approval of contract variations where: <ul style="list-style-type: none"> - the total amount of the variations together with the original contract amount will not exceed \$200,000 (including GST), and; - each single variation is less than \$10,000 (including GST) and; - the total variations are less than \$20,000 (including GST). 	General Managers/Direct reports to Chief Executive Officer (except for the Chief Executive Officer's Personal Assistant)	
(c) Approval of contract variations where: <ul style="list-style-type: none"> - the total amount of the original contract (including GST) exceeded \$200,000, and; - provided each single contract variation does not exceed 7.5% (including GST) of the original contract value and; - total variations are less than 10% of the original contract value (Including GST). 	General Managers/Direct reports to Chief Executive Officer (except for the Chief Executive Officer's Personal Assistant)	
(d) Approval of contract variations, where they exceed the extent of authority as outlined in (b) and (c).	Chief Executive Officer	A report to be provided to Council as soon as practicable noting the contract variations.

Purchase Orders/Invoices other than contracted items		
Extent of Authority	Delegation	Limitation
(a) Approving purchase orders or invoices within budget area of responsibility up to \$100,000 (including GST).	General Managers/Direct reports to Chief Executive Officer (except for the Chief Executive Officer's Personal Assistant)	An approved delegate cannot request and approve the same transaction.
(b) Approving purchase orders or invoices within budget area of responsibility up to \$50,000 (including GST).	Direct reports to General Managers (except for the Executive Assistants)	An approved delegate cannot request and approve the same transaction.
(c) Approving purchase orders or invoices within budget area of responsibility up to \$25,000 (including GST).	All Officers that have budget responsibility	An approved delegate cannot request and approve the same transaction.

ATTACHMENT – CURRENT GUIDELINES**s.8/01 Guidelines for Delegations**

Delegations for the awarding of, and variation to, contracts		
Extent of Authority	Delegate	Limitation of delegation
(a) Approval of contracts contained within budget and less than \$100,000 (including GST)	Chief Executive Officer	A report to be provided to Council as soon as is practicable noting the approval of contracts by the Chief Executive Officer.
(b) Approval of contract variations where: <ul style="list-style-type: none"> - the total amount of the variations together with the original contract amount will not exceed \$200,000 (including GST), and; - each single variation is less than \$10,000 (including GST) and; - the total variations are less than \$20,000 (including GST). 	General Managers/Direct Reports to Chief Executive Officer (except for the Chief Executive Officer's Personal Assistant)	
(c) Approval of contract variations where: <ul style="list-style-type: none"> - the total amount of the original contract (including GST) exceeded \$200,000, and; - provided each single contract variation does not exceed 7.5% (including GST) of the original contract value and; - total variations are less than 10% of the original contract value (Including GST). 	General Managers/Direct Reports to Chief Executive Officer (except for the Chief Executive Officer's Personal Assistant)	
(d) Approval of contract variations, where they exceed the extent of authority as outlined in (b) and (c).	Chief Executive Officer	A report to be provided to Council as soon as practicable noting the contract variations.

Purchase Orders/Invoices other than contracted items		
Extent of Authority	Delegation	Limitation
(a) Approving purchase orders or invoices within budget area of responsibility up to \$50,000 (including GST)	General Managers/Direct Reports to Chief Executive Officer (except for the Chief Executive Officer's Personal Assistant)	An approved delegate cannot request and approve the same transaction. A request at this level must be approved by the Chief Executive Officer.
(b) Approving purchase orders or invoices within budget area of responsibility up to \$30,000 (including GST)	Direct reports to General Managers/Direct Reports to Chief Executive Officer (except for the Chief Executive Officer's Personal Assistant)	An approved delegate cannot request and approve the same transaction. A request at this level must be approved by the relevant General Manager/Direct Report to Chief Executive Officer except for the Chief Executive Officer's Personal Assistant.
(c) Approving purchase orders or invoices within budget area of responsibility up to \$10,000 (including GST)	All Officers that have budget responsibility	An approved delegate cannot request and approve the same transaction. A request at this level must be approved by a delegate with the appropriate responsibility i.e. at least the delegate next higher up in the Organisation Structure.



Minister for Local Government

50 Lonsdale Street
GPO Box 4057
Melbourne Victoria 3001
Telephone (03) 9096 7722
Facsimile (03) 9096 9225

The Mayor/Chair
All Councils and Regional Library Corporations
(As addressed)

Dear Sir/Madam

LOCAL GOVERNMENT ACT 1989 – CONDUCT OF PUBLIC TENDERS

As you are aware, section 186 of the *Local Government Act 1989* (the Act) requires councils and regional library corporations to undertake a competitive process to test the market before entering into contracts for the purchase of goods or services or for the carrying out of works with a value of \$100,000, or more (or such higher amount as may be fixed by Order in Council). You will also be aware that the value of \$100,000 has remained unchanged since 1999, when it was increased from \$50,000.

In more recent times, Local Government Victoria (LGV) and I have received representations seeking an increase in this 'public tender threshold' to recognise the significant increases in costs faced by local government. The general response has consistently been that, consideration of a change to the local government 'public tender threshold' would be considered in the context of a change to that which applies to the State Government.

The State Government 'public tender threshold' was recently increased and accordingly, I considered it appropriate that a similar increase be effected for local government. A recommendation was made to the Governor in Council that an Order in Council be made under section 186(1) fixing a higher amount for the local government 'public tender threshold'.

I am pleased to advise that on 5 August 2008, the Order was made increasing the local government 'public tender threshold' for:

- goods and services to \$150,000; and
- carrying out of works to \$200,000.

The increased public tender threshold is effective from the date of the Order. Attached in a copy of the Order for your information.

As a consequence of the change to the public tender threshold, it was also necessary to amend the Local Government (General) Regulations 2004, the amendment also taking effect from 5 August 2008. As you will be aware, regulation 11(q) specifically referred to contracts with a value of \$100,000 or more. The amended regulation 11(q) now refers to \$100 000 (or such higher amount as is fixed from time to time under section 186(1) of the Act) or more.



You will recall that following my endorsement, LGV issued the 'Local Government Procurement Best Practice Guideline' (the Guideline) in September 2007. The Guideline was issued as a useful resource and all councils and regional library corporations were urged to review their existing procurement practices in the context of the Guideline to ensure that best practice is followed.

To reflect the changes to the public tender threshold and the regulation, the Guideline has been revised and a copy is attached for your information.

Additionally, LGV has negotiated with the Department of Transport to make 'Contracting DOT' available to local government. Contracting DOT is another useful tool developed by the Department of Transport to guide and regulate its procurement practices. It contains many useful resources, which may be of interest and use to local government. Copies of Contracting DOT are available on CD-ROM from LGV on request.

Yours sincerely



RICHARD WYNNE MP
Minister for Local Government

6 / 8 / 2008

Encl.

URGENT BUSINESS

12. URGENT BUSINESS

Cr Price sought Council's consent to introduce an item of Urgent Business relating to Principal of the Year.

Moved: Cr White
Seconded: Cr Caulfield

That the Item be entered into Urgent Business.

CARRIED UNANIMOUSLY

Moved: Price
Seconded: Caulfield

That the Mayor writes to congratulate Rosie Romano from Baringa School Moe on being awarded the Victorian Principal of the year for 2008.

CARRIED UNANIMOUSLY

13. TEA BREAK

Adjournment of Meeting

The Mayor adjourned the Meeting at 7.43 pm for a tea break.

Resumption of Meeting

The Mayor resumed the Meeting at 8.00 pm.

Moved: Cr White

Seconded: Cr Price

That this Meeting now be closed 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*.

Items	Reasons under s.89(2) of the LGA
14.1 ADOPTION OF MINUTES	Other – s.89(2)(h)
14.2 CONFIDENTIAL ITEMS	Other – s.89(2)(h)
14.3 LATROBE CITY SPORTING HALL OF FAME - 2008 INDUCTIONS	Other – s.89(2)(h)
14.4 PROVISION OF GLAZIER SERVICES	Contractual – s.89(2)(d)

CARRIED UNANIMOUSLY

The Meeting closed to the public at 8.01 pm.