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LATROBE CITY COUNCIL

MINUTES OF ORDINARY COUNCIL MEETING

HELD IN THE
NAMBUR WARIGA MEETING ROOM,
CORPORATE HEADQUARTERS, MORWELL
AT 7:00 PM ON 03 NOVEMBER 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 David Wilson - Dunbar Ward

Cr Anthony Zimora - Merton Ward

Paul Buckley, Chief Executive Officer

Seona Conway, General Manager Organisational Excellence

Michael Edgar, Acting General Manager Community Liveability

Katie Garlick, Council Operations Administration Officer

Tim Johnson, General Manager Governance

Allison Jones, General Manager Economic Sustainability

Philip Marsh, General Manager Executive Projects

Peter Quigley, General Manager Built and Natural Environment Sustainability

Grantley Switzer, Acting General Manager Recreational and Cultural Liveability

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CLOSED

1. Opening Prayer

The Opening Prayer was read by the Mayor.

Recognition of Traditional Landholders

The Recognition of Traditional Landholders was read by the Mayor.

2. Apologies for Absence

NIL

3. Declaration of Interests

NIL

4. Adoption of Minutes

Moved: Cr Middlemiss

Seconded: Cr Zimora

That the Minutes of the Ordinary Council Meeting, relating to those items discussed in open Council, held on 20 October 2008 (CM 279) be adopted.

CARRIED UNANIMOUSLY

5. Public Questions

NIL

ECONOMIC SUSTAINABILITY

11.2.1 LATROBE REGIONAL AIRPORT SEPTEMBER 2008 REPORT

AUTHOR: General Manager Economic Sustainability
(ATTACHMENT – NO)

1. PURPOSE

The purpose of this report is to provide Council with information on Airport Operations for the quarter ended September 2008.

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 - Sustainability

To promote the responsible and sustainable care of our diverse 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 economic environment in which to do business.

Strategic Action - Economic Sustainability

To provide leadership and to facilitate a well connected, interactive economic environment in which to do business.

Strategic Action Economic Sustainability- Promote and support the development of existing and new industry, and infrastructure to enhance the social and economic well being of the Valley.

Key Priorities and Actions

Continue the implementation of the Airpark Masterplan and continue leasing industrial allotments at the Latrobe Regional Airpark.

3. BACKGROUND

The report provides an indication of the Board's performance against plans and targets identified in the budget, business plan, master plan and other significant matters.

4. ISSUES

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

Significant activities that have been undertaken during the September 2008 quarter include:

- Construction works under the Regional Infrastructure Development Fund agreement have continued, with the completion of the Commercial/Industrial Airpark sewerage works and the installation of the natural gas main to service the airpark and Gippsland Aeronautics.
- The Private Hangar Precinct works are well under way with the services being relocated in preparation for the construction of the taxiways and new access road.
- The *whole of airport* native vegetation assessment report completed by Indigenous Design Land Management P/L has now been complemented by an Environmental Management Plan which sets out vegetation maintenance and management regimes for the future.
- Interim planning provisions for the area within the airport circuit environ were granted Ministerial approval.
- The Airport Master Plan update consultancy was awarded. The revised Master Plan is due for completion in February 2009.
- The Latrobe Regional Airport Annual Report for 2007/08 was adopted by the Board during September and presented to Council.
- The Latrobe Regional Airport has been selected as a finalist in the Australian Airports Association (AAA) airport of the year in the non RPT category. The winner will be announced at the AAA annual conference in November.

5. FINANCIAL AND RESOURCES IMPLICATIONS

The Airport is operating within its 2008/09 budget allocation of \$466,000.

6. INTERNAL/EXTERNAL CONSULTATION

Nil

7. OPTIONS

Council may choose to:

1. Accept the Latrobe Regional Airport Board quarterly update; or
2. Reject the Latrobe Regional Airport Board quarterly update.

8. CONCLUSION

The year is progressing on track and within budget. The Airport capital works program for 2008/09 is currently being carried out, and all works funded by the Regional Infrastructure Development Fund will be completed this financial year.

9. RECOMMENDATION

That Council notes the report on Airport Operations for the quarter ended 30 September 2008.

Moved: Cr Middlemiss

Seconded: Cr Lloyd

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

COMMUNITY LIVEABILITY

**11.5.1 COUNCIL OF AUSTRALIAN GOVERNMENTS REFORM AGENDA
- IMPLICATIONS FOR HOME AND COMMUNITY CARE
SERVICES**

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

1. PURPOSE

The purpose of this report is to provide Council with information regarding the potential implications of the Commonwealth Government's Council of Australian Governments (COAG) proposals regarding Home and Community Care (HACC) funding for Latrobe City and to recommend further action.

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.

Community Outcome - Community Liveability

By enhancing the quality of residents lives by encouraging positive interrelated elements including safety, health, education, quality of life, mobility and accessibility, and 'sense of place'.

Strategic Action - Community Well-being

Promote engagement services that support social, physical and mental health through all stages of life.

Strategic Objective - Community Capacity Building

To empower the community through enhancing community advocacy, leadership, partnerships, inclusiveness and partnerships.

Community Outcome - Partnerships and Inclusiveness

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

Strategic Action - Partnerships and Inclusiveness

Support the multi-agency approach to enhancing the health and well-being of residents in Latrobe Valley.

Policy No. GEN-CIS 002 Home Based Aged and Disability Services Policy

Latrobe City will provide designated facilities for use by senior citizens and other members of the Home and Community Care Program's target group. Senior citizens centres provide facilities for persons over the age of 55 years and persons with disabilities, in which they can meet and find companionship, entertainment and a range of programs and activities to promote self help and independence. Senior citizens centres provide venues for independent groups of senior citizens to meet and may also serve as a base for the operations of the adult day activity and support service.

Policy No. GEN-CIS 003 Community Based Aged and Disability Services Policy

The Home and Community Care Program was established in 1985 and is a cost shared program between the Commonwealth, State and Local Governments which provides a range of domiciliary and community based support services for the frail aged, younger people with a disability, and their carers. At the local level, the City of Latrobe plays a key planning and financial role in providing these services. A number of the services provided are governed by the Home and Community Care Act 1985.

The range of programs and assistance provided by the Council are responsive and flexible to the needs of aged and disabled persons and are designed to promote independence, client wellbeing and prevent premature or inappropriate admission to residential care. This is achieved through the provision of a range of supports, which may include direct practical assistance, in the user's home or local community environment. Services are provided based on an assessment of client or carer need.

In addition to preventing premature or inappropriate admission to long-term residential care, the availability of aged and disability services also promotes the quality of life of the family and carer. The provision of targeted services enables carers to participate in family, social and community activities outside the home, where caring for a child or adult with a disability is restrictive of such activities.

This Report is also consistent with the Latrobe City Older Persons Strategy 2007-2021.

The Latrobe City Older Persons Strategy 2007-2021 is designed to assist Council in monitoring and responding to economic, social and environmental changes in the municipality arising from an ageing population and to set out a framework for key decisions regarding the development and delivery of services which are the direct responsibility of Council or are within its sphere of influence. The strategy will assist Council in its roles in:

- Planning for services and facilities for older people to provide for quality of life, economic and social opportunity and participation, health, safety and well-being.
- Advocacy on behalf of older residents to enable their participation in the life of the community and the wider economy and to ensure equitable resources are provided to the Latrobe City community.
- Community capacity building to ensure the quality of life of older residents is maintained and sustained through changes and developments in industry, economy and community.
- Delivering quality support services to frail older residents and people with disabilities to assist them to remain at home in their preferred community wherever possible.
- Developing township landscapes that promote community inclusiveness, reduce isolation, enhance healthy lifestyles, and enable access to services for all citizens
- Partnering and influencing other levels of government and business to ensure the City provides the optimal environment for its ageing residents, and in ensuring that older people remain a vital component of the local economy.

3. BACKGROUND

The Commonwealth Government has proposed through COAG to realign relative responsibilities for a number of special purpose grants to State Governments.

The Commonwealth is proposing to assume full responsibility for funding and administration for all services for people aged over 65, while divesting responsibility to state and territory governments for services for people aged under 65 including disability services, mental health and chronic disease.

This reform of aged care services is widely supported in principal as current funding and administrative arrangements have resulted in major overlaps and inefficiencies. It is also part of the Commonwealth Government's aim to reduce the number of specific purpose payments to States and Territories from 92 to 5 National Partnership Payments (NPP).

In Victoria the central role of Local Government in planning, coordinating and delivering aged care services is somewhat unique and has resulted in a much more robust and effective service system. Victoria also has a much stronger community care system than other states or territories.

The Municipal Association of Victoria (MAV) along with a significant number of Victorian Councils and the Victorian Government have expressed concern with this proposal, particularly as both levels of government contribute up to \$200M over and above the requirements of the Commonwealth-State HACC Agreement. In addition the proposals could effectively dismantle the current arrangements for HACC services in Victoria in favour of a regionalised or privatised system.

The Victorian Government has proposed an alternative reform model to COAG in which states and territories would have responsibility for community care services whilst the Commonwealth administers funding for higher intensity services including acute and residential services.

The Australian Services Union (ASU) has also mounted a campaign against the proposal arguing that it could have an impact on employment of home care workers.

4. ISSUES

The Commonwealth's proposal was presented to the COAG meeting on 2 October 2008.

At the meeting the Victorian government succeeded in having the matter deferred for consideration by a Senior Officers Working Group.

The Victorian Government is represented at a very senior level on the Working Group and the MAV has been directly involved in discussions with the Commonwealth Government through the Chief Executive Officer.

The COAG meeting on 2 October also established a number of principles for the proposed funding reform which will inform the work of the Working Group. The principles include a provision that Local Government would continue to be service provider in the provision of HACC. A copy of this document is attached.

Department of Human Services senior officers provided a briefing to local government managers of aged care services at the MAV on 15 October 2008 and again on 24 October 2008. At these meetings the main features of the Victorian Government's position were outlined, and are as follows:

- The Commonwealth enter into bi-lateral agreements with each state on HACC and other special purpose payments.
- For Victoria a single NPP covering community care services including HACC, chronic disease, and disability designed to prevent or minimise entry to acute or residential services.
- Local Government continues to be the primary provider of HACC in Victoria.
- The Commonwealth retain responsibility for higher intensity services.

The outcome of the Working Group and negotiation with the Commonwealth was uncertain and may not be resolved until the eve of the next COAG meeting on 17 November 2008. As the HACC system in Victoria is somewhat unique and some other states are keen to transfer responsibility for HACC to the Commonwealth, the outcome of the negotiations remain unclear at this stage.

Of greater concern for Latrobe City Council are the possible consequences of a transfer of administration and funding of HACC to the Commonwealth.

State Government officials have indicated that under current international treaties (eg: Free Trade Agreements etc), the Commonwealth may be obliged to allocate funds for the HACC program through a tender or a similar competitive process. The preference of the Commonwealth Government has generally been to tender for a single provider at a regional or state level, rather than administer multiple local contracts.

The MAV has been a strong and effective advocate for continuation of local government's role under the proposed COAG changes. The MAV has successfully argued for inclusion of the role of local government in the reform process and the proposed new funding and administration arrangements.

The State Government is encouraging local government to lobby and advocate for retention of the existing system for provision of HACC services under the model proposed by Victoria.

Latrobe City Council is the major provider of Home & Community Care services in Latrobe City with a long history of delivering quality community-based aged and disability services for over 5,000 people each year. The extent of this involvement and Council's commitment to HACC services includes:

- Delivery of over 100,000 hours of HACC funded and full-cost in-home care and support in 2007/08.
- A workforce of 130 qualified home care workers and assessment staff.
- Designated assessment agency status for all HACC services in Latrobe City.
- A key coordination role in planning for aged care services in Latrobe City.
- Achievement of a rating of 18 out of a possible 20 in the most recent Commonwealth accreditation process.

Latrobe City Council's success in providing comprehensive and high quality aged care and disability services is built on strong local networks, coordination with other service providers and referring agencies and a constructive relationship with the Victorian Department of Human Services. There is concern that reform model proposed by the Commonwealth would disrupt these networks and the significant improvements in service delivery they have achieved.

The proposed reform agenda is due to be considered again by COAG on 17 November 2008 with implementation to commence from as early as July 2009. It is possible however the impact of the global financial crisis may dominate the COAG meeting in which case changes to funding and administration of HACC would be deferred until a future COAG meeting.

It is proposed that Council writes to the federal and state Ministers with responsibility for Aged Care highlighting Latrobe City's extensive experience in planning, coordinating and providing HACC services, supporting the MAV position regarding the role of local government in the context of the COAG reforms and expressing concern at any impact of the reforms on service for HACC clients.

5. FINANCIAL AND RESOURCES IMPLICATIONS

Council currently administers over \$3.4million in HACC funding and contributes another \$345,000 of Council funds toward aged and disability services.

6. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Consultation with the Municipal Association of Victoria has contributed to this report. Any further consultation will depend on the outcome of the COAG negotiation process.

7. OPTIONS

Council has the following options:

1. Accept this report and agree to write to the relevant state and commonwealth ministers regarding the proposed COAG reforms to aged and disability services.
2. Elect to adopt another approach to this issue.
3. Elect not to take any action at this time.

8. CONCLUSION

The proposed reform of funding and administration of aged care services under the COAG agenda will enable the development of a more coordinated, rational and efficient service system.

However the unique role of local government in planning, coordinating and delivering aged care services in Victoria has not been adequately considered in the reform proposals.

There is a significant risk that the COAG reforms could effectively dismantle the current highly effective service system in Victoria and result in both a significant reduction in the level and quality of service delivery.

The Victorian Government has proposed an alternative reform model which would consolidate community based aged and disability services under state government administration and retain a central role for local government in planning, coordinating and delivering community based aged and disability services.

COAG is due to consider a report from a working group on the reform proposals at its meeting on 17 November 2008. The MAV has been a strong advocate for a continued role for local government in aged care services in Victoria and has succeeded in ensuring recognition of local government has been included in the principles for reform.

It is proposed that Council supports the MAV's approach to this issue by writing to the state and federal ministers with responsibility for aged care, highlighting Latrobe City's extensive involvement in delivering aged care services, supporting the reform model proposed by the Victorian Government's and expressing concern at the potential impact of the reform agenda on aged care services and clients.

9. **RECOMMENDATION**

That the Mayor writes to the relevant State and Commonwealth Ministers with responsibility for Aged Care, highlighting Council's track record in Aged Care; advocating for a continued role for local government in the planning, coordination and delivery of community-based aged care and disability services; and supporting the alternative reform model proposed by the Victorian Government to the Council of Australian Governments regarding funding and administration of Aged and Disability Services, to achieve the best possible care options for recipients.

Moved: Cr White

Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENTS

COAG Communiqué

Reform of Roles and Responsibilities in Community Mental Health, Aged Care and Disability Services

As a major step in the new Commonwealth-State relations framework, COAG agreed to progress reforms to roles and responsibilities between the Commonwealth and States and Territories for community and residential care services for aged people, community and residential care for people with disabilities and community care and support services for people with mental illness. These reforms will help build seamless service systems to meet better the needs of the aged, people with disability, people with mental illness and their carers on a national basis.

The development of a reform package will be underpinned by the following principles:

1. **continuity of care for clients, which is responsive to changing needs:** delivered by seamless and responsive services tailored to changing care needs;
2. **simple access to services:** delivered by streamlined assessment and eligibility criteria;
3. **seamless transition of care for clients:** delivered by an assurance of client choice to receive ongoing 'care in place', and smooth interfaces between care systems;
4. **simplified accountability of governments to the community:** delivered by clearer responsibility of levels of government for policy and service provision to a particular client group;
5. **reform of roles and responsibilities should be budget-neutral for both levels of government:** delivered by the transfer of current funding to mirror the transfer of responsibilities for service provision; and
6. **creation of a national aged care system and national disability service system for community and residential care:** delivered by strengthened policy responsibility for delivery of the spectrum of community and residential care services for a particular client group.

COAG has also directed Senior Officials to establish a Roles and Responsibilities Working Group to develop a reform package for consideration by COAG at its next meeting. This work will include consultation with local government. This will deliver on COAG's commitment to fix the intersection of aged care and disability services and clarify the roles and responsibilities of governments. Governments are committed to working together to make sure that transition to new arrangements is managed carefully to ensure continuity of care for clients. The current mix of service providers will continue, including local government, state agency and non-government providers.

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MUNICIPAL ASSOCIATION OF VICTORIA

T 03) 9667 5555 F 03) 9667 5550

The Hon Justine Elliot MP
Federal Minister for Ageing

CC: The Hon. Nicola Roxon MP, Federal Minister for Health and Ageing
The Hon. Jenny Macklin, Minister for Community Care
The Hon Lisa Neville MP, Victorian Minister for Community Services and Senior Victorians
The Hon Richard Wynne MP, Victorian Minister for Local Government
Mr Brian Parkinson, Secretary, Australian Services Union

9 September 2008

Dear Minister Elliot

Future responsibility for Aged Care services

Further to my letter of last week requesting an urgent meeting with Minister Roxon I have been advised by her office that this request has been forwarded to you. I write to provide additional information about the important role undertaken by Victorian local government in aged and community care.

Firstly, I confirm that the Municipal Association of Victoria (MAV) is a strong supporter of reforming the current funding and administration of aged and community care services. We welcome this important matter on the COAG agenda, but believe the process for considering solutions fails to understand some of the key impacts and consequences of such reforms for Victorian communities.

The Rudd Government inherited a disjointed community care system, where the growth in the number of programs and providers has contributed to a confusing and fragmented local service for recipients. While community care programs have grown in recent years, this has mainly occurred in substitution of residential care at the high needs, high cost end.

Nationally, there has been insufficient policy emphasis on community care as the foundation of a quality aged care system that cost effectively supports the vast majority of older people to age well and live at home. It is not, and should no longer be treated as a secondary or adjunct policy to reducing demand for health and residential care services.

While there is logic to a national aged care program, the MAV is gravely concerned that solutions currently being considered by relevant Commonwealth and State Ministers do not take account of key factors fundamental to the future of community care services for our ageing population.

The MAV believes the Commonwealth is well placed to drive the reform process and establish program guidelines, priorities, standards and performance measures for aged care services, but that issues such as integrated planning, allocation and administration and service system development are best managed at a state level.

These are all necessary to improve client care and aged care recipients usually benefit from a range of services across the health and community service spectrum, in a local and regional context, not just within one aged care program. It is without question that if these linkages are lost, service quality will be compromised.

1/2



For Victoria's 216,000 HACC recipients, reforms must ensure a well planned service that is connected to other local social and recreational opportunities, primary health care, health promotion and community infrastructure planned to support positive ageing. Local government also plays a central role in these areas.

As outlined in my previous letter, Victorian councils contribute over 18 per cent of the state's Home and Community Care (HACC) and related community care services funding (\$100 million pa). MAV analysis of Victorian Grants Commission data confirms that local government contributes 33 per cent to the overall cost of Commonwealth-State community care delivered by councils.

This contribution is indicative of the strong commitment by the sector to aged care, and the historical links to the pioneering services that originated in this state during the 1940s to meet identified community needs and partnership between State and local government.

Respect for existing state-based infrastructure and investment is paramount. The on-ground knowledge, expertise and understanding of aged care service delivery by local government offers an important insight to how future aged care solutions will impact on communities.

Most of the improvements in aged care need to occur within community care, where the proliferation of similar types of programs administered by different levels and departments has created inefficiencies and undermined ease of access and transitions for clients. And with fewer than 10 per cent of those aged over 70 moving to residential care, the future of community care services affects the vast majority of older people.

In Victoria, councils are not only the largest public sector provider of HACC, but also a vital funding partner and key service planner. Our tripartite role is unique and decision making about future arrangements for aged care services should involve early discussion with local government.

In the spirit of mutual respect and cooperation that Victorian local government has shown towards the Federal and Victorian Governments in delivering, funding and planning for ageing communities, our involvement in the current discussions is paramount.

Please advise of your willingness to meet with me to discuss these matters prior to next month's COAG meeting. I can be contacted on 03 9667 5502.

Yours sincerely



ROB SPENCE
Chief Executive Officer
Municipal Association of Victoria

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GPO Box 4326 Melbourne 3001

MUNICIPAL ASSOCIATION OF VICTORIA

T 03) 9667 5555 F 03) 9667 5550

The Hon. Nicola Roxon MP, Federal Minister for Health and Ageing
By email: Nicola.Roxon.MP@aph.gov.au

CC: The Hon Justine Elliot MP, Federal Minister for Ageing; The Hon Lisa Neville MP, Victorian Minister for Community Services and Senior Victorians; The Hon Richard Wynne MP, Victorian Minister for Local Government; Mr Brian Parkinson, Secretary, Australian Services Union

4 September 2008

Dear Minister Roxon

Urgent meeting sought - future responsibility for Aged Care services

The Municipal Association of Victoria (MAV), the peak body representing local government in this state, has been advised that discussions are currently underway between the Commonwealth and State Ministers on future responsibility for aged care and disability services.

As reported in *The Age* on 2 September, we understand discussions include a proposal for the Commonwealth to take complete responsibility for aged care, including home and community care.

This is gravely concerning to the MAV and the exclusion of local government from these discussions is unacceptable. Since inception of the Home and Community Care (HACC) program in Victoria in 1985, delivery of the service has existed under a tripartite arrangement. This situation has been acknowledged by former Federal Governments.

Any future solutions for aged care must respect the existing infrastructure and investment in each state. In Victoria, community care only survives as a service option because of the additional funding provided by the Victorian Government and local government, over and above the 60/40 funding formula.

The Victorian Government contributes an additional \$50 million in unmatched funding to community care, while local councils collectively inject \$100 million to HACC and other age-related community care services each year. In addition, there are in excess of 3000 local government employees, significantly funded by councils, who deliver HACC services to recipients.

Local government, represented by the MAV, seeks an urgent meeting with you to discuss this matter. As the largest public sector provider of HACC services in Victoria, councils must be part of the current negotiations about responsibility for funding and delivery of aged care into the future.

Please contact my office on 9667 5502, or I can be contacted on 0418 132 573 to discuss this priority matter.

Yours sincerely



ROB SPENCE
Chief Executive Officer
Municipal Association of Victoria



GOVERNANCE

11.6.1 DOCUMENTS PRESENTED FOR SIGNING AND SEALING**AUTHOR:** General Manager Governance**(ATTACHMENT - NO)**

PP2008/155	Section 173 Agreement pursuant to the <i>Planning and Environment Act 1987</i> between Latrobe City Council and Mark Andrew Tethington as the Owner of the land described in Certificate of Title Volume 9655, Folio 923, Darlimurla Road, Boolarra being Lot 1 on Plan of Subdivision TP 106601V, which shall provide that the owner covenants and agrees to construct a dwelling on the land within two years of the date of the Agreement.
PP2008/179	Section 173 Agreement pursuant to the <i>Planning and Environment Act 1987</i> between Latrobe City Council and Ian Reginald Sutherland and Deanna Margaret Sutherland as the Owners of the land described in Certificate of Title Volume 09558, Folio 779, Tramway Road, Churchill being Lot 29 on Plan of Subdivision LP 144840, which shall provide that the owner covenants and agrees to construct a dwelling on the land within two years of the date of the Agreement.

RECOMMENDATION

1. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement pursuant to the *Planning and Environment Act 1987* between Latrobe City Council and Mark Andrew Tethington as the Owner of the land described in Certificate of Title Volume 9655, Folio 923, Darlimurla Road, Boolarra being Lot 1 on Plan of Subdivision TP 106601V, which shall provide that the owner covenants and agrees to construct a dwelling on the land within two years of the date of the Agreement.
2. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement pursuant to the *Planning and Environment Act 1987* between Latrobe City Council and Ian Reginald Sutherland and Deanna Margaret Sutherland as the Owners of the land described in Certificate of Title Volume 09558, Folio 779, Tramway Road, Churchill being Lot 29 on Plan of Subdivision LP 144840, which shall provide that the owner covenants and agrees to construct a dwelling on the land within two years of the date of the Agreement.

Moved: Cr White**Seconded:** Cr Middlemiss**That the Recommendation be adopted.****CARRIED UNANIMOUSLY**

11.6.2 MUNICIPAL EMERGENCY MANAGEMENT PLAN 2008

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present the draft Municipal Emergency Management Plan October 2008 for Council's consideration.

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.

Community Outcome – Legislative Governance

By ensuring adherence to legislative requirements.

Strategic Action – Legislative Governance

Ensure compliance with other relevant legislation.

The *Emergency Management Act 1986* (the Act) requires every council in Victoria to prepare a plan every three years to provide services and support to the community during emergencies. Pursuant to Section 21(3) of the Act, a Municipal Emergency Management Planning Committee has cooperatively formulated a draft Municipal Emergency Management Plan (MEMPlan) in relation to the prevention of, response to and the recovery from emergencies within Latrobe City for Council's consideration.

3. BACKGROUND

Latrobe City's Municipal Emergency Management Planning Committee consists of:

- Chairperson – Latrobe City Councillor
- Municipal Emergency Resource Officer (MERO)
- Deputy MEROs
- Municipal Recovery Manager (MRM)
- Deputy MRMs
- Municipal Emergency Response Coordinator
- CFA Representative
- Municipal Fire Prevention Officer
- VICSES Representative
- Police Representative
- Ambulance Representative
- Department of Human Services Representative
- Australian Red Cross Representative
- Latrobe Regional Hospital Representative

The draft MEMPlan represents a significant review and update from the 2005 MEMPlan, which was when the plan was last updated and audited.

4. **ISSUES**

The MEMPlan is to undergo an audit led by the State Emergency Services (with representatives of Victorian Police and the Department of Human Services on the audit panel) on 14 November 2008. Gippsland municipalities are participating in a pilot program that is trialing new audit guidelines that will eventually be applied to all Victorian Councils in 2009. For each audit question there is criteria which will establish if Latrobe City is achieving either 'benchmark' or 'best practice' outcomes. These are defined as follows:

- Benchmark – is the required standard for a MEMPlan to comply with the Act and guidelines.
- Best Practice – are criteria which recognise practices which go beyond the standard and reflect a higher level of planning and emergency management arrangements.

Given Latrobe City's demonstrated commitment to emergency management and exceptional performance during recent large scale emergencies, the Municipal Emergency Management Planning Committee has prepared the draft MEMPlan according to the best practice criteria. An experienced independent emergency management practitioner has assisted with the development of the draft plan and has measured the draft against the audit criteria to ensure the best possible chance of receiving the 'best practice' distinction for most, if not all criteria.

One of the remaining requirements to achieve best practice is to provide evidence that Council has endorsed the updated MEMPlan.

5. FINANCIAL AND RESOURCES IMPLICATIONS

The commitments within the draft MEMPlan are deliverable within existing budgets. However, it should be noted that there will likely be additional costs to Council during response and recovery operations when an emergency situation arises. These costs and funding sources (both internal and external) will be addressed as needed during and after each event.

6. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

The draft MEMPlan has been developed cooperatively by the Municipal Emergency Management Planning Committee with the assistance of relevant agencies and organisations.

Details of Community/Consultation Results of Engagement:

As detailed in the Background section above, the MEMPlan Committee consists of a range of representatives from the following agencies and groups:

- Members and employees of Council
- Response agencies
- Recovery agencies
- Local community groups involved in emergency management

During the development of the draft plan the committee has incorporated into the plan information and advice from representatives of the following agencies and organisations:

- Central Gippsland Essential Industries Group
- St. John Ambulance Brigade
- Gippsland Water
- Service Clubs
- VicRoads
- Telstra
- Environmental Protection Authority
- Origin Energy
- Anglicare
- Gippsland Emergency Relief Fund

7. OPTIONS

1. Council may choose to endorse the Municipal Emergency Management Plan October 2008 as presented; or
2. Council may choose to further amend the Municipal Emergency Management Plan October 2008 prior to considering its endorsement at a later date.

8. CONCLUSION

The attached draft MEMPlan October 2008 details arrangements for the prevention of, response to and the recovery from emergencies within Latrobe City. The draft plan is the result of the cooperative efforts of the Municipal Emergency Management Planning Committee in consultation with relevant agencies and organisations.

The plan has been measured against audit requirements by an independent and experienced emergency management practitioner and is ready for audit by the State Emergency Service under the newly revised audit guidelines. The audit has been scheduled for 14 November 2008.

9. RECOMMENDATION

That Council endorses the Municipal Emergency Management Plan October 2008.

Cr Caulfield declared an Interest in this Item in his capacity as Regional Emergency Management Coordinator for the Department of Human Services, he is an active member of the Latrobe City Municipal Emergency Management Planning Committee (as he is for the other five municipalities within the Gippsland Region).

Moved: Cr Caulfield

Seconded: Cr Price

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

11.6.3 PROPOSED LONG TERM LEASE - GIPPSLAND POWER FOOTBALL CLUB

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to seek Council's approval to commence the statutory process required to enter into a long term lease agreement for part of the former Morwell Caravan Park site in Maryvale Crescent with Gippsland Power Football Club.

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.

Community Outcome - Legislative Compliance

By ensuring adherence to legislative requirements.

Strategic Action - Ensure compliance with the Local Government Act.

Strategic Objective - Liveability

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

Community Outcome - Recreational Liveability

By enriching the vibrancy and diversity of community life through promoting and supporting recreational services and facilities in the municipality.

Strategic Action(s) - Assess and evaluate future recreational opportunities to address community aspirations, increase the accessibility of Latrobe City's recreation and sporting facilities and develop and maintain high quality recreation facilities in partnership with the community.

Morwell Outdoor Recreation Plan 2008

Masterplan Summary for Morwell Recreation Reserve:

Allow Gippsland Power to develop new clubroom and indoor training facility behind grandstand on a portion of the former caravan park site.

Legislation

Section 190(3) of the *Local Government Act 1989* stipulates that if a Council is entering into a lease for 10 years or more it must, at least four weeks before the lease is made, give public notice and invite submissions for consideration in accordance with Section 223 of the Act.

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

3. BACKGROUND

The subject property is Crown Land, being Crown Allotment 11E4 in the Parish of Maryvale, that was temporarily reserved as a site for Public Recreation in 1939 and Latrobe City Council is appointed as the Committee of Management.

In 2000 part of this property was utilised for a Latrobe Valley Community Garden project. This was a staged project to progressively establish shared and individual garden plots, a picnic and barbecue area and a playground. The project has subsequently ceased and the site has occasionally been used for car parking for special events conducted by the adjoining German Club and AFL Pre Season Football Games.

Council has received a request from Gippsland Power Football Club to lease part of the former Morwell Caravan Park site in Maryvale Crescent to enable the construction of a new indoor training facility and change room adjacent to the Morwell Football Ground.

The proposed lease would be for a term of 21 years, the maximum that can be granted under Section 17D of the *Crown Land (Reserves) Act 1978*, and will require approval by the Minister for Environment and Climate Change once it is signed by both Gippsland Power Football Club and Council.

Gippsland Power Football Club has already submitted a planning permit application to Council for the development which is currently being processed and is also commenced the process for obtaining a building permit.

4. **ISSUES**

Given the significant investment that Gippsland Power Football Club will be making in the construction of the new facility they require a secure tenure and, as stated above, 21 years is the maximum term allowed under the *Crown Land (Reserves) Act 1978*.

As the leased area is Crown Land the proposed lease will need to conform to the documentation provided by the Department of Sustainability and Environment.

It will be a special condition of the proposed lease that it shall be contingent on Gippsland Power Football Club obtaining all relevant permits.

At the end of the 21 year lease and subject to the conditions contained in the agreement Council as Landlord can either require Gippsland Power Football Club to remove the building improvements or alternatively if the improvements are to remain they will revert to and become the absolute property of the Crown. Council, subject to legislative requirements would then have the ability to lease the land and improvements to Gippsland Power Football Club or another interested third party.

In the event Gippsland Power Football Club is wound up or dissolved it would be in default of the lease agreement. Pursuant to the conditions of the lease Council may re-enter onto the land and terminated the agreement and may also require the building improvements to be removed or alternatively remain.

It is proposed that Council would consider written submissions at the Council Meeting to be held on Monday, 15 December 2008 and any person who has made a submission and requested they be heard will be invited to appear this meeting.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

Costs associated with this statutory process are minimal, being the cost of a public notice inviting submissions.

Under the terms of the proposed lease agreement all future outgoings and maintenance costs in relation to the building will be the responsibility of Gippsland Power Football Club during the term of the lease agreement.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Proposed:

- Public notice in the Latrobe Valley Express.
- Letters to adjoining property owners and occupiers.

Details of Community/Consultation Results of Engagement:

The proposed lease has already been referred to the Department of Sustainability and Environment who have given in-principle approval and also confirmed that the proposed use is consistent with the reservation of the land.

7. **OPTIONS**

Council may now resolve to either:

1. Give public notice of its intention to enter into a 21 year lease with the Gippsland Power Football Club for part of Crown Allotment 11E4, Parish of Maryvale, and seek public comment; or
2. Not to continue with this process and advise Gippsland Power Football Club that Council does not agree to the proposed lease arrangements for Club for part of Crown Allotment 11E4, Parish of Maryvale.

8. **CONCLUSION**

The proposed development of a new training facility and change rooms represents a major investment by Gippsland Power Football Club that requires security of tenure to enable it to proceed. The proposal to develop this facility is consistent with the adopted Morwell Outdoor Recreation Plan and with Latrobe 2021 strategic objectives, community outcomes and strategic actions.

It is therefore recommended that Council gives public notice of its intention to enter into a 21 year lease and seeks comment in accordance with Section 190 of the *Local Government Act 1989*.

9. RECOMMENDATION

- 1. That Council gives public notice of its intention to enter into a 21 year lease agreement with Gippsland Power Football Club for part of the former Morwell Caravan Park, being Crown Allotment 11E4 in the Parish of Maryvale.**
- 2. That Council considers any submissions received in relation to the proposed 21 year lease to Gippsland Power Football Club at the Ordinary Council Meeting to be held on 15 December 2008.**

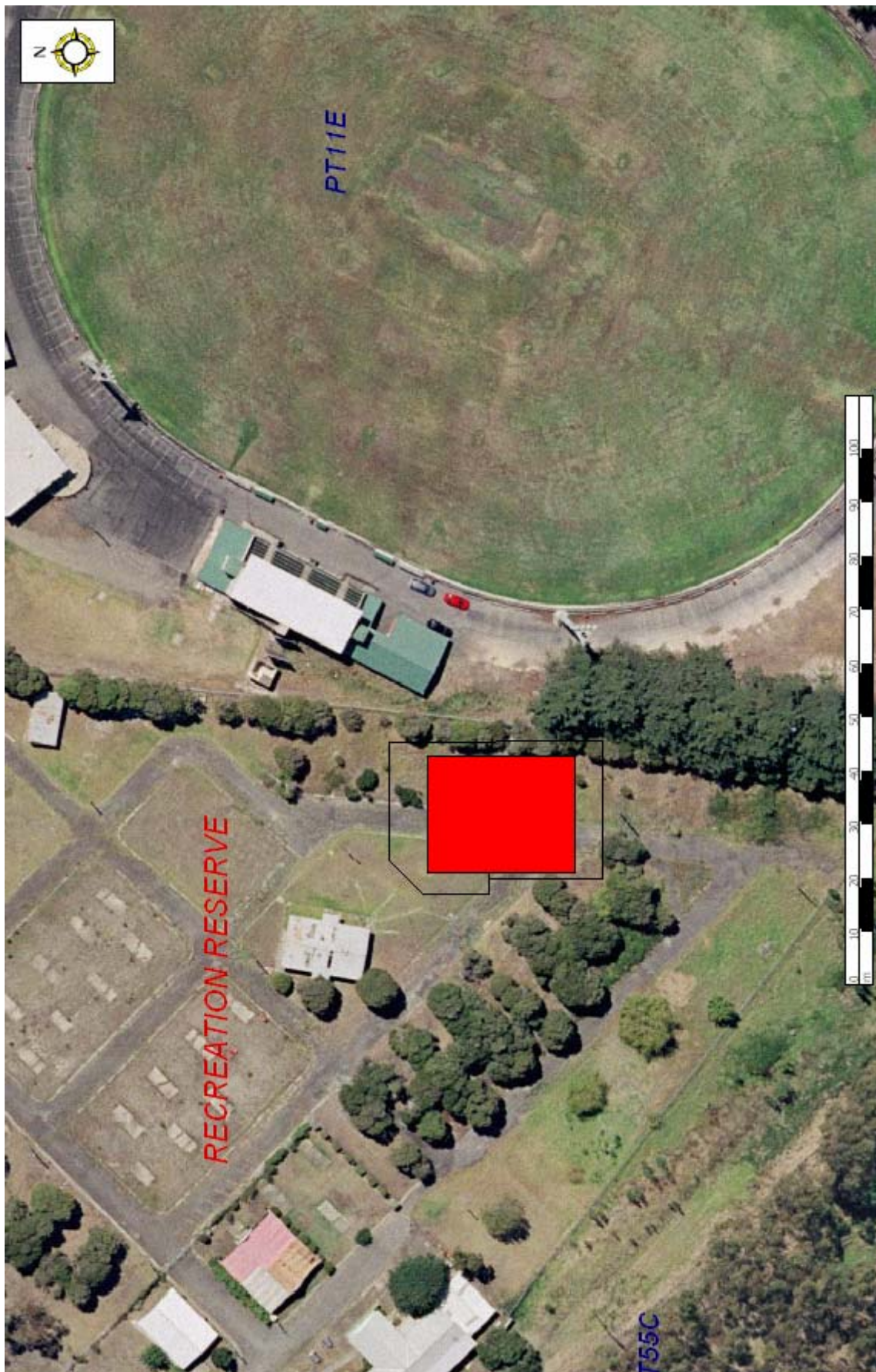
Moved: Cr White

Seconded: Cr Middlemiss

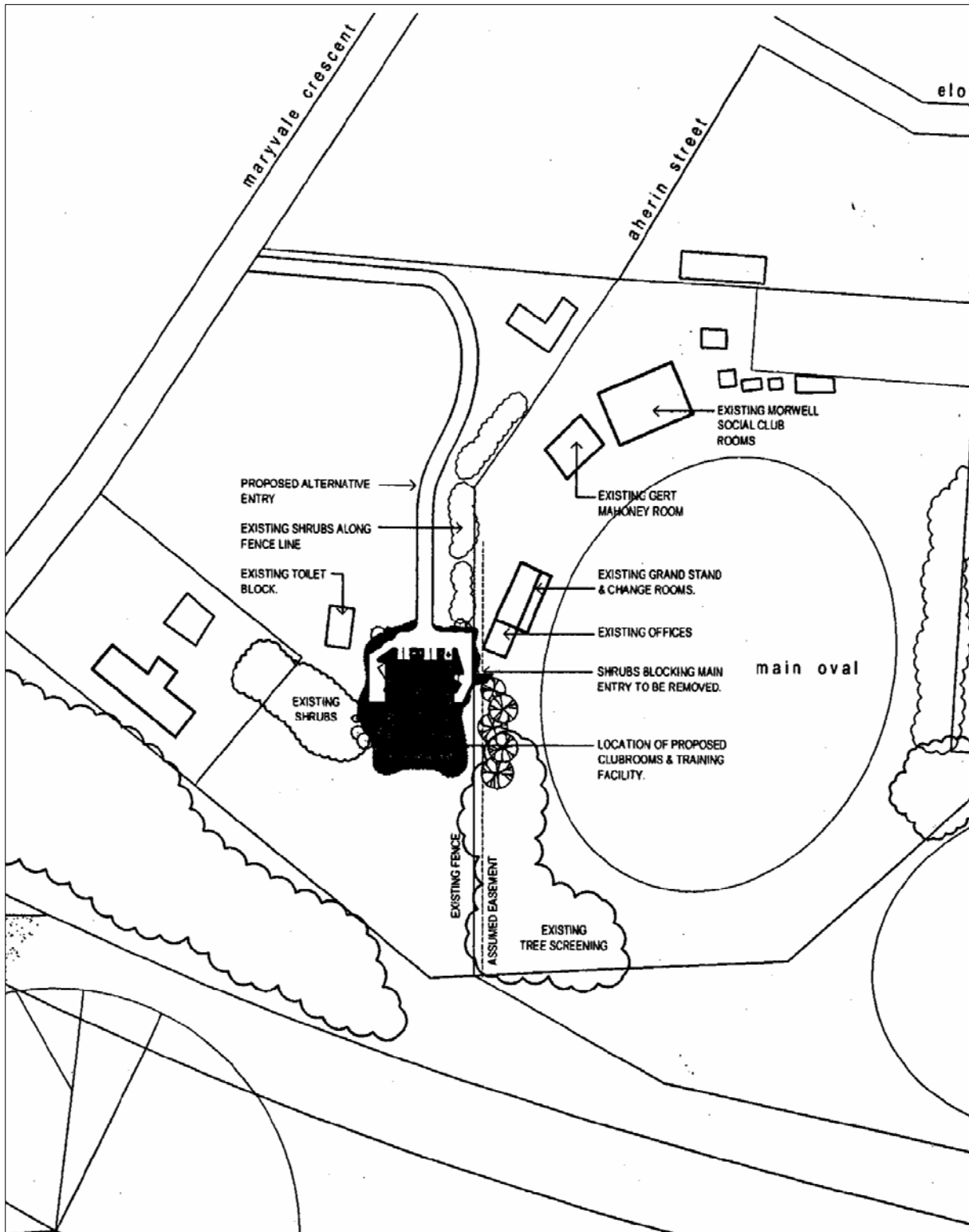
That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT ONE



ATTACHMENT TWO



11.6.4 **PROPOSED ROAD DISCONTINUANCE - LANEWAY BETWEEN BURRAGE STREET AND VALE STREET, MOE**

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to seek Council's approval to commence the statutory process to discontinue the laneway between Burrage Street and Vale Street, Moe, to allow the land to be sold by private treaty.

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.

Community Outcome - Legislative Compliance

By ensuring adherence to 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.

There is no specific policy relating to road closures. The statutory process is specified by legislation.

Legislation

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

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

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

This power is subject to Section 223 of the *Local Government Act 1989* which requires Council “publish a public notice stating that submissions in respect of the matter specified in the public notice will be considered in accordance with this section”.

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

It is proposed that Council would consider submissions at the Council Meeting to be held on Monday, 15 December 2008.

3. BACKGROUND

Council has received a joint application from the owners of 14 and 16 Burrage Street and 6B Vale Street, Moe, to acquire the laneway that adjoins their properties.

The laneway is between 14 and 16 Burrage Street and 6A and 6B Vale Street, Moe, as shown on the attached plan.

This laneway was originally created in 1947 as a road on LP 17828 and is contained in Certificate of Title Volume 1519 Folio 633 which remains in the name of William Henry Burrage.

The laneway has a width of 3 meters and a length of 90 meters, remains unconstructed and is not required for access to any other properties. In addition, this laneway is not on Council's Register of Public Roads.

Should the surplus laneway be discontinued, Council would then be in a position to sell the land by private treaty.

4. **ISSUES**

As shown on the attached photographs the laneway is currently only used for pedestrian access, and is signed as such. In the event that the laneway was discontinued, alternate pedestrian access between Burrage Street and Vale Street is readily available via H.G Stoddart Park located 30 meters to the east.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

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

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Proposed:

- Public notices in the Latrobe Valley Express and Moe Narracan News.
- Letters to adjoining property owners.
- Copies of public notice placed on laneway.

Details of Community/Consultation Results of Engagement:

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

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

7. **OPTIONS**

Council may now resolve to either:

1. Commence the statutory process to discontinue the laneway between Burrage Street and Vale Street, Moe, by giving public notice of its intention to consider the discontinuance and seek public comment.
2. Not to continue with this process which will require no further action.

8. CONCLUSION

The laneway between Burrage Street and Vale Street, Moe, is unconstructed and may be considered to be surplus to Council's road network requirements.

It is recommended that Council commences the statutory process to discontinue the road to enable the transfer of the land by private treaty.

9. RECOMMENDATION

1. **That Council gives public notice of its intention to consider the proposed discontinuance and sale by private treaty of the laneway between Burrage Street and Vale Street, Moe, pursuant to Section 206 and Schedule 10 Clause 3 of the *Local Government Act 1989*.**
2. **That Council considers any submissions received in relation to the discontinuance of the laneway between Burrage Street and Vale Street, Moe, at the Ordinary Council Meeting to be held on 15 December 2008.**

Moved: Cr Price

Seconded: Cr Zimora

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT





Burrage Street – Between 14 and 16



Vale Street – Between 6A and 6B

**11.6.5 POTENTIAL SALE OF LAND - REAR OF 9 HOPETOUN AVENUE
(BUCKLEY STREET) MORWELL**

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

This report seeks Council's approval to commence the statutory process relating to the potential sale of land at the rear of 9 Hopetoun Avenue, Morwell, as shown on the attached plan.

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.

Community Outcome - Legislative Compliance

By ensuring adherence to legislative requirements.

Strategic Action - Ensure compliance with the Local Government Act.

Legislation

Section 189 of the Local Government Act 1989 provides Council with the power to sell or exchange land subject to:

- (a) giving public notice of intention to do so is given at least four weeks prior to selling or exchanging the land; and*
- (b) obtain from a person who holds the qualifications or experience specified under Section 13DA (1A) of the Valuation of Land Act 1960 a valuation of the land which is made not more than 6 months prior to the sale or exchange.*

This power is also subject to Section 223 of the Local Government Act 1989 whereby:

“The Council must publish a notice stating that submissions in respect of the matter specified in the public notice will be considered in accordance with this section.”

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

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

Policy Requirements

In addition to the legislative requirements detailed above, Council in accordance with the Sale of Council Owned Property Policy and Procedure needs to determine whether the property is surplus to both Council and community requirements.

3. BACKGROUND

Council has received an application to purchase by private treaty a narrow strip Council land at the rear of 9 and 9A Hopetoun Avenue, Morwell. The land currently forms part of the Buckley Street Eastern Car Park.

The land in question is estimated to be 110 square meters in area and adjoins a fully constructed hard standing off street car park. The land is partially landscaped and includes a concrete paved area sufficient to park a vehicle.

This land is part of Lot 2 on Plan of Subdivision 317539J dated 26 July 1994 and is contained in Certificate of Title Volume 10289 Folio 285 which Council acquired in 1996.

A prior application from the same party expressing interest to purchase this parcel of land was considered by Council at its meeting held 15 November 2004. At that time Council was advised that proposal was not supported as the “strip of land is required for the future extension of the car park and as such should not be sold.”

Council subsequently declined to sell the land and resolved:

1. *“That Council, having considered the application, resolves not to proceed with the proposed sale of part of Lot 2 on PS 317539 at the rear of 9 and 9a Hopetoun Avenue Morwell, as it is required for Council purposes.*
2. *That the applicant be advised of Councils decision”.*

4. **ISSUES**

Council's strategic objective for this parcel of land has been reconsidered due to the latest application for purchase. Council may now consider the land in question surplus to Council requirements and support the sale of the subject land. This is on the basis of:

- The cost and time involved in acquiring additional land that will enable the expansion of the existing car park to accommodate a relatively small number of additional cars is prohibitive.
- There is no precinct car park plan for this area and no planned further car park works at this fringe CBD location.
- Any future commercial development in this precinct will require on site parking, or cash in lieu.
- Future Council car parking development is likely to be focussed more centrally near the Buckley Street / Church Street hub, closer to commercial and retail activity.

To determine if the property is surplus to community requirements Council is required to publish a notice in the local newspaper inviting responses to such a question.

It is proposed that both the statutory and community notice would be combined to give public notice of the proposed sale and invite public submissions to determine if the property is surplus to community requirements.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

Costs associated with this statutory process are minimal being the cost of a public notice inviting submissions.

In the event Council proceeded with the sale all costs including legal, survey and valuation expenses are the responsibility of the purchaser.

6. **INTERNAL/EXTERNAL CONSULTATION**

Engagement Method Used:

- A Public notice combining notice of the proposed sale and an invitation for public submissions in regards to the proposal will be published in the Latrobe Valley Express

Details of Community/Consultation Results of Engagement:

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

7. OPTIONS

Council may now resolve to proceed with either of the following options:

1. Resolve to commence the statutory process to initiate the sale of a small strip of land off Buckley Street to the owner of 9 Hopetoun Avenue Morwell by private treaty at valuation by giving public notice of its intention to consider the sale and seek public comment to determine if the property is surplus to community requirements. Giving public notice of the proposal does not obligate Council to proceed with the sale of land;
2. Resolve not to continue with this process and retain the land which would require no further action.

8. CONCLUSION

It is recommended that Council commences the statutory process and invite public submissions prior to assessing whether the land at the rear of 9 and 9A Hopetoun Avenue (Buckley Street) is surplus to community requirements.

Council previously resolved in 2004 not to proceed with the proposed sale of this land based on its potential to be utilised in the future extension of the existing car park. However, at present the extension of the existing car park is not considered cost effective and there is no planned further car park works for this location. Therefore it is timely to reconsider the potential sale of this land.

9. RECOMMENDATION

1. **That Council, pursuant to Section 189 of the *Local Government Act 1989*, gives public notice of its intention to consider the sale by private treaty part of Lot 2 PS 317539 being part of the Buckley Street Eastern Car Park.**

2. That Council, pursuant to the Sale of Council Property Policy, invites written submissions to determine if part of Lot 2 PS 317539 being part of the Buckley Street Eastern Car Park is surplus to community requirements.
3. That Council, in accordance with Section 223 of the *Local Government Act 1989*, considers any submissions received in relation to the proposed sale of land, at the Ordinary Council Meeting to be held on 15 December 2008.

Moved: Cr White

Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

POTENTIAL SALE OF LAND - REAR OF 9 HOPETOUN AVE
(BUCKLEY STREET) MORWELL



13. TEA BREAK

Adjournment of Meeting

The Mayor adjourned the Meeting at 7.21 pm for a tea break.

Resumption of Meeting

The Mayor resumed the Meeting at 7.30 pm.