



# LATROBE CITY COUNCIL

## MINUTES OF ORDINARY COUNCIL MEETING

HELD IN THE  
NAMBUR WARIGA MEETING ROOM,  
CORPORATE HEADQUARTERS, MORWELL  
AT 7:00 PM ON 17 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*  
*Paul Buckley, Chief Executive Officer*  
*Seona Conway, General Manager Organisational Excellence*  
*Caroline Flake, Manager Council Operations - Legal Counsel*  
*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*

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## **CLOSED**

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## **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  
Cr Anthony Zimora - Merton Ward

## **3. Declaration of Interests**

**Cr White declared a Conflict of Interest in Item 11.3.2 - Morwell Bowling Club proposed rezoning from public park and recreation zone to residential 1 zone as he is a director of the Morwell Bowling Club Recreation Centre.**

## **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 3 November 2008 (CM 280) be adopted.**

**CARRIED UNANIMOUSLY**

## **Withdrawal of Agenda Item**

The Chief Executive Officer noted that Item 11.3.3 - Planning permit application 2008/273 - application to develop a carport at 1/120 Shakespeare Street, Traralgon, has been withdrawn from the Agenda. There are property ownership issues that are being investigated before it returns to Council.

# CORRESPONDENCE

**9.1 GREY STREET, TRARALGON - PEDESTRIAN SAFETY****FILE NO: N/A****AUTHOR: General Manager Built and Natural Environment Sustainability****1. INTRODUCTION**

A letter has been received from the Traralgon Returned and Services League Sub-Branch (RSL) seeking Council support to investigate the need for a speed restriction and/or pedestrian operated traffic signals in the vicinity of the RSL and St James Anglican Church.

**2. OFFICER'S COMMENTS**

The letter is in response to an unfortunate accident on the night of 19 September 2008 where two people were struck by a car as they were attempting to cross Grey Street. One person was killed and the other person was injured.

A copy of the letter is set out below:

Ref:4908a

25 September 2008

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

Dear Paul,

An unfortunate accident happened in Grey Street Traralgon on the night 19<sup>th</sup> September 2008.

An elderly couple, Mr & Mrs J Cooney were crossing Grey Street at approximately 7.45 p.m. and were struck by a car. Mrs Cooney was unfortunately killed in the accident and Mr Cooney suffered a broken ankle.

The Traralgon RSL is concerned that firstly one of our members was killed and secondly that it is only a matter of time before another accident happens. Many elderly citizens and parents with small children use Grey Street.

Latrobe City	
29 SEP 2008	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	



109 - 115 Grey Street Traralgon 3844

**ADDRESS**  
**ALL CORRESPONDENCE TO**  
**PO BOX 149**  
**TRARALGON 3844**  
**Telephone: (03) 5174 8691**  
**Facsimile: (03) 5174 6279**

**PRESIDENT:**  
**Jim Saddington**

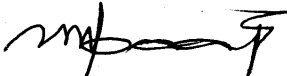
**Email:**  
**sandy@traralgonrsl.com.au**  
**Email:**

Grey Street is carrying a large volume of traffic throughout the day and most of the night. Not only cars but also buses and trucks use the street. There is no safe crossing area in the length of the street save for school crossings.

The Traralgon RSL strongly recommends that an audit be carried out on the amount, size of traffic using Grey Street. We would also ask the council to carefully look at either or both a speed restriction and an at call pedestrian crossing located in Grey Street close to the Traralgon RSL and St. James Anglican Church.

Thankyou in anticipation.

Yours faithfully,



Jim Saddington  
PRESIDENT

Cc: Doug Caulfield  
Russell Northe

Email:  
leanne@traralgonrsl.com.au



**Returned  
and Services  
League of Australia**  
Traralgon RSL Sub-Branch  
Incorporated  
AOO35853R  
ABN 40 688 918 764

Grey Street is a declared arterial road under the care and management of VicRoads. It will therefore, be necessary to refer the letter to VicRoads Eastern Region Office in Traralgon for consideration.

Speed limits and major traffic control items such as pedestrian operated traffic signals require the approval of VicRoads.

### **3. RECOMMENDATION**

- 1. That Council writes to VicRoads in support of the Traralgon RSL Sub-Branch's letter dated 25 September 2008 requesting a traffic and pedestrian safety audit to be carried out in Grey Street, Traralgon.**
- 2. That Council advises the Traralgon RSL Sub-Branch of Council's action in relation to the request for support of a Grey Street, Traralgon traffic and pedestrian safety audit.**

**Moved:** Cr Caulfield

**Seconded:** Cr Lloyd

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

# **BUILT AND NATURAL ENVIRONMENT SUSTAINABILITY**



### **11.3.1 CLIMATE CHANGE COMMITTEE**

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

#### **1. PURPOSE**

The purpose of this report is to present to Council the proposed format of the Latrobe City Climate Change Committee and adopt its draft Terms of Reference.

#### **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*

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

##### *Community Outcome – Advocacy and Leadership*

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

*Strategic Action – Advocate on behalf of our community, to ensure Latrobe Valley is represented as part of the wider discussion and decision-making.*

##### *Adopted Strategy – Natural Environment Sustainability Strategy 2008-2013.*

##### *Policy No. GEN-MD 003 – Ecologically Sustainable Development*

The purpose of this policy is to encourage active ongoing community participation, education and information.

### 3. **BACKGROUND**

At the Ordinary Council Meeting of 21 April 2008, Council resolved *“That Council establishes a Climate Change Committee to assist our community to take action on reducing the social, economic and environmental impacts of climate change within our community”*.

The establishment of a Climate Change Committee is an objective in the adopted Latrobe City Natural Environment Sustainability Strategy 2008-2015 (NESS). Two priority Action Areas in the NESS which relate directly to the Climate Change Committee are “Reducing Greenhouse Gas Emissions” and “Adapting to Climate Change”.

Objectives in the NESS relevant to the Climate Change Committee include:

#### **Action Area 5 - Encourage Community Action**

- 5.1 Continue to monitor and report on community views, activity and progress in relation to environmental sustainability and establish a benchmark from which to measure progress.
- 5.3 Demonstrate Council’s leadership in environmental sustainability through regular promotion of Council’s sustainability actions and achievements.
- 5.4 Support and promote local community sustainability initiatives.
- 5.6 Provide opportunities for the views of special interest groups, agencies, industry and business on environmental sustainability to be recorded, valued and taken into account by Council.

#### **Action Area 13 - Reducing Greenhouse Gas Emissions**

- 13.1 Continue to implement energy saving measures in all Council facilities and ensure new facilities are designed to at least 5 star energy standards or higher.
- 13.2 Monitor and review Council energy consumption and make the information available to staff, Council and community.
- 13.3 Support community energy saving initiatives.
- 13.4 Review Council’s motor vehicle policy with a view to reducing fuel use and emissions.
- 13.5 Encourage staff to adopt energy saving practices whenever possible.
- 13.6 Include offsets for Council’s annual vehicle emissions in the annual revegetation program.

- 13.7 Use Council's role as the responsible planning authority to apply the energy efficiency provisions of ResCode to public and private developments.

**Action Area 16 - Adapting to Climate Change**

- 16.1 Establish a climate change committee to assist our community to take action on reducing the social, economic and environmental impacts of climate change within our community.
- 16.2 Keep informed of the potential impacts of climate change on Council infrastructure.
- 16.3 Participate in regional greenhouse forums and networks to share information and develop better strategies for emissions reduction and climate change adaptation.
- 16.4 Keep informed of the issues faced by Latrobe City community in adapting to climate change.
- 16.5 Review, in conjunction with the other relevant authorities, the Municipal Emergency Management Plan section on prevention arrangements in the light of potential climate change impacts.

**4. ISSUES**

***Role for the Climate Change Committee***

The aim of the Latrobe City Climate Change Committee should be the coordination of information, the dispensing of advice to the community as well as the promotion of positive action of role models in the adaptation to climate change. In this regard the committee would fulfil a consultative role. Hence, from this point forward the committee will be referred to as the 'Latrobe City Climate Change Consultative Committee'.

The committee should be a focal point for Latrobe City residents concerns and act to raise awareness of the climate change issue generally.

In addition, the Climate Change Committee should play an advocacy role for the community by communicating community concerns to other agencies and state and federal governments where appropriate.

While the primary target audience for the committee should be the community, the information and advice developed should also inform corporate direction and action.

### ***Key activities for the Climate Change Committee***

#### *Promotion and Branding*

A key role for the Committee should be the promotion of actions currently occurring within Latrobe City which address climate change. It should advocate and provide leadership, and also encourage others to show leadership on this important issue.

The Climate Change Committee should act to encourage greater community action and participation.

The Climate Change Committee could leverage Latrobe City Council branding to promote its actions and encourage participation. Use of the Latrobe City Council brand will be applied as per the branding guidelines and in consultation with the Community Relations Team so as to ensure consistency and confluence across the current range of Latrobe City Council promotions activities.

#### *Sharing Innovation*

Many residents within Latrobe City are already taking action in response to climate change. These ideas should be acknowledged and shared where appropriate, and may assist with raising awareness on this issue.

Initiatives need to be carefully and independently assessed.

For some, enthusiasm can outstrip reality. There is a need to ensure that any ideas supported by the Climate Change Consultative Committee are sound, achievable and accord with the current policies and strategies adopted by the Latrobe City Council.

#### *Awareness of Issues*

A large amount of new material on climate change is appearing through a variety of media. The committee would be a useful central agency to collate such information and disperse it once assessment has been undertaken.

#### *Point of Contact*

The Committee would be well-placed as the appropriate forum to discuss concerns raised by the community regarding the current or possible future effects of climate change. The collation and consideration of issues either received by Latrobe City Council directly or by members of the committee could be included in meeting agendas.

### *Evaluation*

There needs to be a process for the evaluation of the committee's influence and success. An assessment could, potentially, be built into community surveys as part of Latrobe City Council's "state of the environment" assessment and reporting process, which is currently being developed.

### **Concerns**

#### *External Influences*

Some external parties are likely to try to influence key stakeholders to adopt particular approaches. There are a wide range of initiatives on offer, many of which could be considered to be misguided, impractical or designed to favour particular interest groups. Latrobe City Council has recently developed a NESS with extensive public consultation and this should provide the primary basis for action of priorities. The committee is a consultative committee and has no delegated decision making authority. Any initiatives that seek to form or change policy or are in contrast to the adopted position and strategy of Latrobe City Council must be referred to Council for determination.

#### *Other Committees*

There is a regional greenhouse forum in existence (the Gippsland Greenhouse Network) that could overlap to some degree with the Latrobe City Council proposal. There are, however, opportunities for the Latrobe City Climate Change Committee both to cater explicitly for its own local community and to invigorate regional forums through its activities.

### **Committee Membership**

In the past, Latrobe City Council's position on the environment has been extensively developed through working groups, with reference groups then used for feedback. Latrobe City Council previously resolved to establish a Latrobe Environment Reference Group (LERG) on 1 July 2002. This still exists but is currently inactive. The LERG was established after extensive consultation with the Environment Protection Authority Victoria (EPA) and others, particularly as a key body to facilitate Neighbourhood Environment Improvement Plans.

The LERG core membership has a balance of voluntary environmental groups, agency and primary industry members. This is supplemented by an additional caucus of interested community members.

Membership of the LERG comprised:

- four (4) industry representatives (from the power industry, forestry, agriculture and the Victorian Employers Chamber of Commerce and Industry);
- four (4) agency representatives (from the Environment protection Authority, West Gippsland Catchment Management Authority, Gippsland Water, and what is now the Department of Sustainability and Environment;
- seven (7) representatives from not-for-profit community groups actively working to improve the environment;
- and the Mayor of Latrobe City Council.

The number of community representatives was chosen to ensure balance, with the Mayor having the casting vote.

Through extensive community consultation, including work completed by the LERG, Latrobe City Council has developed the NESS. It is considered that this document forms Latrobe City Council's current position and strategic vision in relation to the climate change issue.

Therefore, a reference committee based on the LERG model is proposed. The core membership of this Committee would consist of eighteen (18) interested persons with the Committee able to co-opt other members on an as-needs basis. Hence, the Latrobe City Climate Change Committee would comprise no more than:

- four (4) representatives nominated by industry;
- four (4) representatives nominated by state government agencies;
- seven (7) representatives from not-for-profit community groups and individuals; and
- the Mayor of Latrobe City Council and up to two (2) councillors.

There are a large number of organisations that have a legitimate and significant interest in this topic. However, it is believed that smaller committees are likely to operate more efficiently and effectively. Attached to this report is a draft Terms of Reference for the Latrobe City Climate Change Consultative Committee.

It would be appropriate to advertise for expressions of interest from community organisations and individuals. Industries and agencies previously represented on the LERG would be notified and asked if they wished to nominate representatives for the Latrobe City Climate Change Consultative Committee. All nominees will be required to declare any conflicting interests.

It is also considered appropriate at this time to cease the operations of the LERG and advise members accordingly and thank members for their contribution.

## **5. FINANCIAL AND RESOURCES IMPLICATIONS**

It is envisaged that there will be minor financial and resource implications through the establishment of the Latrobe City Climate Change Consultative Committee. These resources are able to be accommodated within the current approved budget.

## **6. INTERNAL/EXTERNAL CONSULTATION**

*Engagement Method Used:*

*Media Release (23 April 2008)*

*Details of Community/Consultation Results of Engagement:*

*The media release clearly articulated that additional information regarding the format of the Climate Change Consultative Committee would be forthcoming.*

*A further media release and the invitation of nominees for the committee is planned pending the resolution of Council.*

## **7. OPTIONS**

Council has resolved to form a Climate Change Committee to assist the community adapt to climate change. Therefore, Council has two (2) options:

1. Accept the proposed membership outlined in this report and the attached draft Terms of Reference as well as the format of the committee, and begin the nomination process; or

2. Amend the attached Terms of Reference or change the structure of the Committee and begin the nomination process.

## 8. **CONCLUSION**

The establishment of the Latrobe City Climate Change Consultative Committee gives effect to the resolution of Council on 21 April 2008. Should Councillors agree to proceed on the basis outlined in this paper and the attached terms of reference, officers will commence the process to receive expressions of interest for the Latrobe City Climate Change Consultative Committee.

## 9. **RECOMMENDATION**

1. **That Council adopts the draft Terms of Reference for the Latrobe City Climate Change Consultative Committee.**
2. **That Council commences the process of calling for nominations for the Latrobe City Climate Change Consultative Committee.**
3. **That Council formally ceases the operations of the Latrobe Environment Reference Group and notify members and thank them for their contribution.**

**Moved:** Cr Price

**Seconded:** Cr Middlemiss

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**



ATTACHMENT



**Latrobe City Climate Change Consultative Committee**

**TERMS OF REFERENCE**

**Contents:**

- 1. OBJECTIVES**
- 2. MEMBERSHIP**
- 3. RESIGNATIONS**
- 4. PROCEEDINGS**
  - 4.1 Meetings
  - 4.2 Quorum
  - 4.3 Voting
  - 4.4 Recording of Meetings
- 5. AUTHORITY LEVELS AND REPORTING**
- 6. FINANCE AND ADMINISTRATION**
- 7. APPOINTMENT OF ADDITIONAL MEMBERS**

**1. OBJECTIVES**

- a) To promote the activities and leadership displayed in Latrobe City in addressing climate change.
- b) To act as an advocate and sounding board for the community and other stakeholders bringing to the attention of Latrobe City any issues of concern regarding the response to climate change.
- c) To act as a channel of communication and education between the community, stakeholders and Latrobe City Council.
- d) To review initiatives and activities including reports, investigations and studies into climate change.
- e) To provide advice to the Latrobe City community in relation to the climate change challenge.
- f) To report to Council in June of each year on the overall operations and achievements of the Consultative Committee.

**2. MEMBERSHIP**

- a) The Latrobe City Climate Change Consultative Committee will comprise of a maximum of eighteen (18) representatives and will be provided with administrative support by Latrobe City:
  - The Latrobe City Council Mayor and up to two (2) councillors
  - Up to four (4) relevant Agency Representatives
  - Up to four (4) relevant Industry Representatives
  - Up to seven (7) Community Representatives

An advisory staff member from the Natural Environment Sustainability team will be present at all meetings to provide feedback and technical advice.

- b) Representatives of the Community will be selected based on expressions of interest received. Latrobe City Council through consultation with local stakeholders and community groups shall determine membership of the Committee.
- c) Whilst the Climate Change Consultative Committee will be in place for as long as Latrobe City Council sees fit, the appointment of members to Latrobe City Climate Change Committee will be for a term of three (3) years. Prior to the expiration or each three year term, nominations will be called for the next three year term. Current Committee members are able to renominate.
- d) The Mayor will Chair the meetings. If Mayor is unavailable he/she will delegate a replacement councillor for purposes of chairing the meeting.
- e) Members will be appointed for a three year term. In the case of casual vacancies, members shall be appointed for a period as determined by Latrobe City Council, with advice from the committee. The term shall not exceed the date set down for the expiry of the term of office of the retiring member.

- f) A member who misses two consecutive meetings without a formal apology may have their term of office revoked if requested to do so by Latrobe City Council.
- g) Members are able to co-opt a temporary member to fulfil their duties and attend meetings after gaining approval from the Chair.

### **3. RESIGNATIONS**

All resignations from members of the Latrobe City Climate Change Consultative Committee are to be submitted in writing to the General Manager Built and Natural Environment Sustainability, Latrobe City Council, PO Box 264, Morwell VIC 3840.

### **4. PROCEEDINGS**

#### **4.1 Meetings**

- a) Each forum will determine its meeting schedule. The meetings will be held at the Latrobe City Corporate Head Quarters, Commercial Road, Morwell, unless otherwise decided by the committee. Meetings will begin at 7.00pm. Light refreshments will be provided.
- b) The duration of each forum should not generally exceed two hours.
- c) A record of each meeting will be taken by Latrobe City staff servicing the forum.
- d) Meetings will follow standard meeting procedures.
- e) Meetings of the Committee will be held quarterly initially or as may be deemed necessary to fulfil the objectives of the Climate Change Consultative Committee.
- f) Special meetings may be held on an as needs basis.
- g) Meetings will be open to the public however those non-members in attendance have observer rights only.

#### **4.2 Quorum**

- a) A majority of the members constitutes a quorum.
- b) If at any meeting of the Latrobe City Climate Change Consultative Committee a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting shall be deemed adjourned.

#### **4.3 Voting**

- a) There will be no official voting process. Majority and minority opinions will be presented to Latrobe City Council in all reports.

#### 4.4 Record of Meeting

- a) A Latrobe City Officer will record the meeting notes and store them on the DataWorks that shall state the names of the members present.
- b) A copy of the meeting notes will be distributed to all Committee members.
- c) A copy of the meeting notes are to be provided to all Latrobe City Councillors.
- d) Annually, the Committee will report on its activities and this report will form part of the official Council agenda.
- e) If so needed, the Committee can provide formal reports/letters for Council if agreed to by the Chair. This correspondence will be received by Council through an ordinary Council Meeting in 'Correspondence'.

### **5. AUTHORITY LEVELS AND REPORTING**

- a) The Committee is a consultative committee only and has no delegated decision making authority.
- b) Reports to the Latrobe City Council should reflect a consensus of view. Where consensus cannot be reached, the report should clearly outline any differing points of view.
- c) Recommendations, proposals, media releases and other advice must be directed through the Chair and comply with Councils '*Community Engagement Policy and Strategy*'.
- d) Reports to the Latrobe City Council will be co-ordinated through the General Manager Built and Natural Environment Sustainability.

### **6. FINANCE AND ADMINISTRATION**

- a) Latrobe City will provide a Secretariat for the Committee who shall arrange for the preparation and distribution of meeting agendas and meeting notes.

### **7. APPOINTMENT OF ADDITIONAL MEMBERS**

Following the initial appointments of Latrobe City Climate Change Consultative Committee Members, the filling of vacancies that may occur will be subject to the approval of the Chief Executive Officer and the Latrobe City Council.

**11.3.2 MORWELL BOWLING CLUB PROPOSED REZONING FROM  
PUBLIC PARK AND RECREATION ZONE TO RESIDENTIAL 1 ZONE**  
AUTHOR: General Manager Built and Natural Environment Sustainability  
(ATTACHMENT – **YES**)

**1. PURPOSE**

The purpose of this report is to request Council's support to seek authorisation from the Minister for Planning to prepare a Planning Scheme Amendment to rezone land at Crown Allotments 11E3 and 2026 in the Parish of Maryvale (Morwell Bowling Club and former Morwell Tennis Courts on Hazelwood Road) from Public Park & Recreation Zone to Residential 1 Zone.

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

*Community Outcome – Built Environment Sustainability*

*By developing clear directions and strategies through consultation with the community ensuring sustainable and balanced development.*

*Strategic Action – Promote and support private and public sector investment in the development and maintenance of key asset infrastructure in the municipality.*

**3. BACKGROUND**

A request has been received from SM Urban on behalf of Morwell Bowling Club Recreation Centre Incorporated, to rezone the Bowling Club site and former Morwell South Tennis Courts site from Public Park & Recreation Zone (PPRZ) to Residential 1 Zone (R1Z).

The subject site comprises Crown Allotments 11E3 and 2026 in the Parish of Maryvale being the land on the South Western corner of Hazelwood Road and Keegan Street, Morwell. Crown Allotment 11E3 is owned by Morwell Bowling Club Recreation Centre Incorporated who are also in the process of purchasing Crown Allotment 2026. In this regard, Council at its meeting of 2 April 2001 resolved as follows:

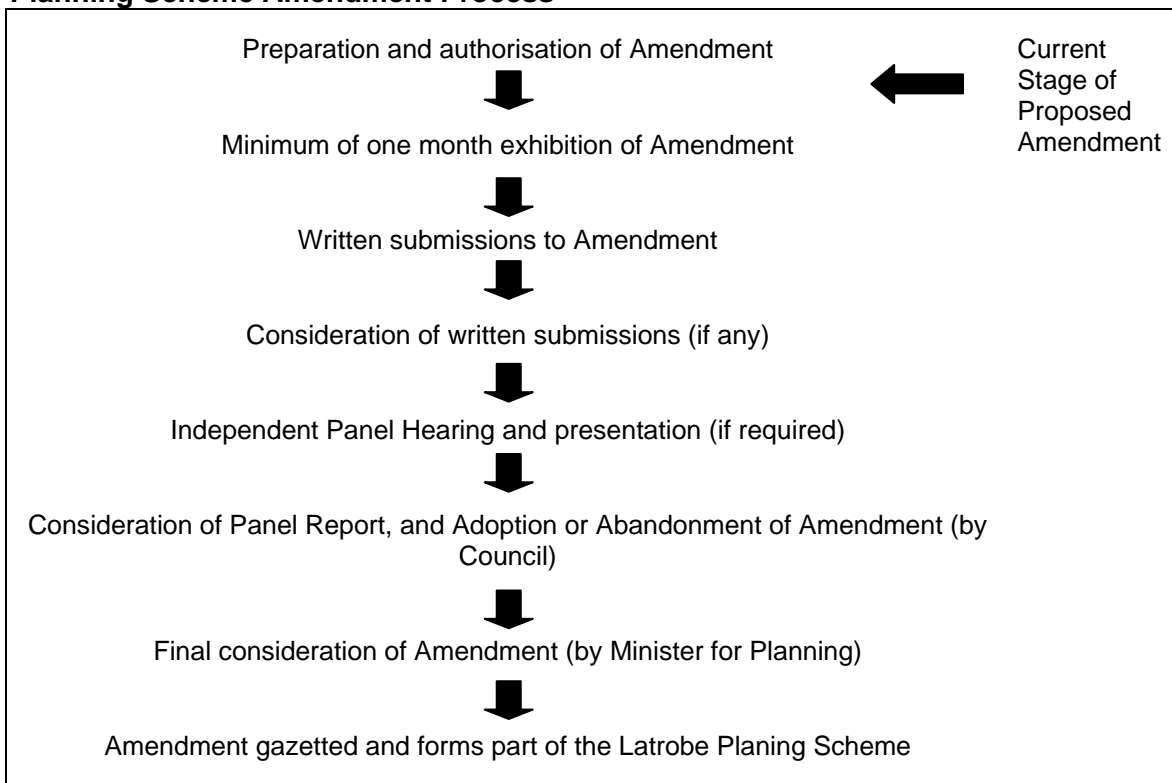
1. *That Council offer no objection to the Morwell Bowling Club Recreation Centre Inc.'s proposal to purchase the land formally known as the Morwell South Tennis Club.*
2. *That Council formally request the Department of Natural Resources and Environment to give consideration to the proposal.*

Additionally, the reserve status of the land has been revoked by way of an order published in the Government Gazette dated 14 June 2007.

Statutory Requirements

The planning scheme amendment process is shown in the figure below and provides an indication of the current stage of the proposed amendment.

**Planning Scheme Amendment Process**



In accordance with Section 9 of the *Planning and Environment Act 1987* (the Act) the Minister may authorise a municipal council to prepare an amendment to State and local standard provisions of a planning scheme in force in its municipal district. When a municipal council is authorised by the Minister to prepare an amendment to a planning scheme, they also become the planning authority.

The proposal is consistent with the current Municipal Strategic Statement (MSS) and the current Strategic Land Use Framework Plan at Clause 21.03-3. It is consistent with the Morwell Structure Plan adopted at the 15 October 2007, Council meeting.

#### 4. **ISSUES**

The current zoning of the subject site reflects 'public ownership'. The Bowling Club is in private ownership with the Morwell south tennis courts recently converted to private ownership. A Public Park & Recreation Zone being applied to private land is in conflict with the Minister for Planning Direction number 12 under Section 7(5) of the *Planning and Environment Act 1987*. It is therefore appropriate to rezone the land.

The existing use on the site is prohibited under the current zone which has been the case since the introduction of the Victorian Planning Provision format scheme in 2000. This has resulted in a number of restrictions on the site that have provided difficulties in the upgrading/expansion of the site. It is the proponent's current intention to expand the Bowling Club carpark on the former tennis courts site.

The most appropriate 'new' zoning to apply to the land is considered to be the Residential 1 Zone. The current use of this site would be in Section 2 (permit required as opposed to prohibited under the current zoning) and therefore a permit could be applied for expansion or extension of the current use. This zoning is also consistent with the land on the northern side of Keegan Street and the eastern side of Hazelwood Road.

An issue with rezoning the land to Residential 1 Zone is the potential to redevelop the site in the future for residential purposes and future detriment which may result from noise from the Road Zone (Princess Freeway) to the South. Residential development is not the intent of the proponent and as such they have agreed to a Section 173 Agreement being applied to the southern portion of the land (being the land that may be affected by noise from the Princes Freeway) that prohibits residential development.

**5. FINANCIAL AND RESOURCES IMPLICATIONS**

This is an amendment request by an external applicant. The applicant is required to pay all statutory fees associated with the amendment.

**6. INTERNAL/EXTERNAL CONSULTATION**

The amendment is subject to the prescribed process in accordance with Section 19 of the *Planning & Environment Act 1987*.

All statutory and servicing authorities likely to be affected will be notified of the proposed amendment during the public exhibition period.

**7. OPTIONS**

Council has the following options:

1. Support the application for rezoning.
2. Not support the application for rezoning.

**8. CONCLUSION**

Given that the land is now in private ownership, a Public Park & Recreation Zoning which presently applies to the land is inappropriate. By supporting a rezoning to Residential 1 Zone, Council will be providing the owners of the land with the opportunity to maximise their utilisation of the site whilst maintaining input into future development due to Planning Permit requirements of the Residential 1 Zone.

**9. RECOMMENDATION**

1. **That Council applies to the Minister of Planning under Section 9(2) of the *Planning and Environment Act 1987* for authorisation to prepare an amendment to the Latrobe Planning Scheme, which seeks:**
  - **To rezone the land located at the corner of Hazelwood Road and Keegan Street: Crown Allotments 11E3 and 2026 in the Parish of Maryvale from Public Park & Recreation Zone to Residential 1 Zone.**



2. **That Council supports and authorises the Chief Executive Officer to sign and seal a Section 173 Agreement being applied to the southern portion of Crown Allotment 2026 (being the land within approximately 100m from the Princes Freeway which may be affected by traffic noise) that prohibits future residential development.**

Cr White left the Council Chamber at 7.14 pm.

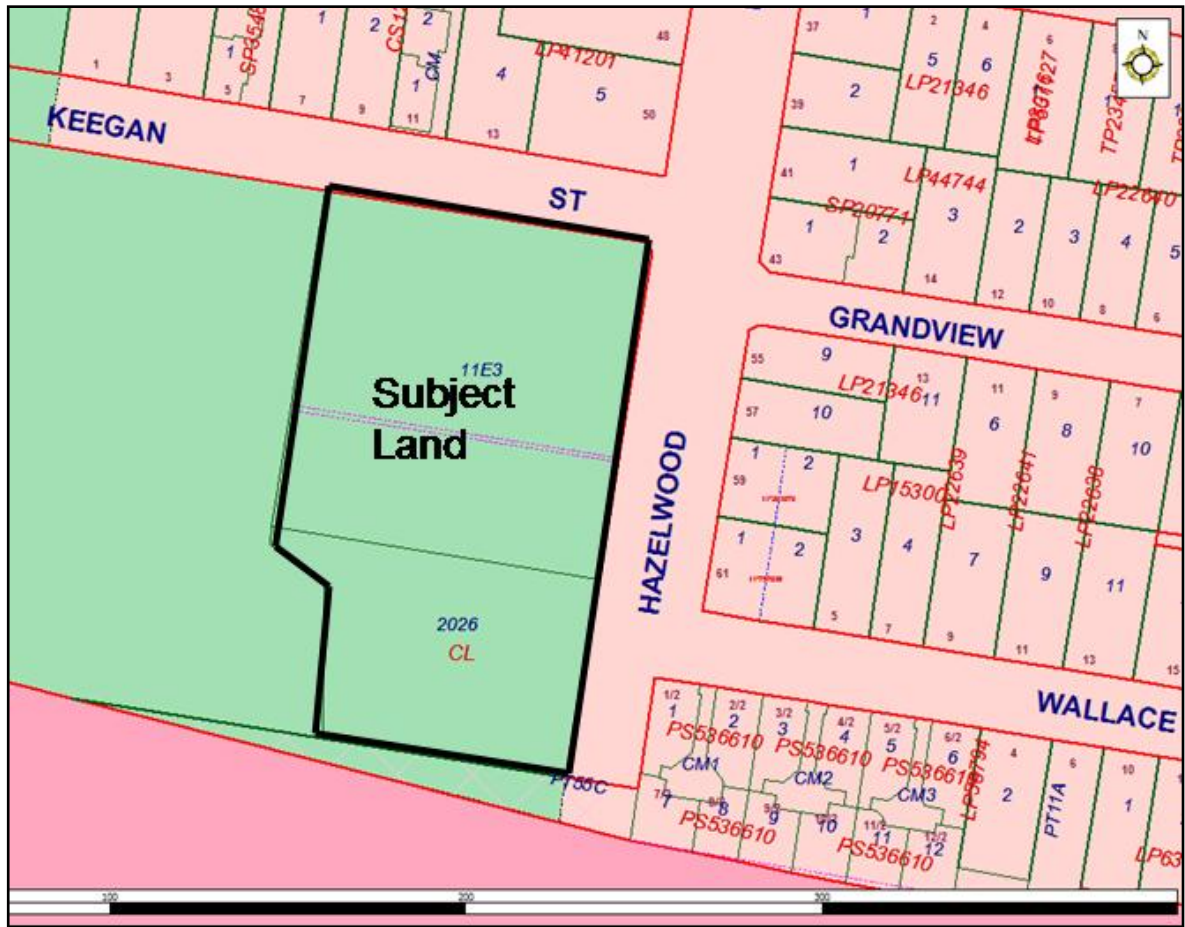
**Moved:** Cr Caulfield  
**Seconded:** Cr Middlemiss

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

Cr White returned to the Council Chamber at 7.15 pm.

**ATTACHMENT 1 – SITE MAP**



**11.3.3 PLANNING PERMIT APPLICATION 2008/273 - APPLICATION TO  
DEVELOP A CARPORT AT 1/120 SHAKESPEARE STREET,  
TRARALGON**

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

This Item was withdrawn from the Agenda to be dealt with at a later date.

# GOVERNANCE

**11.6.1 CONTRACT ACTIVITIES AT PREVIOUS COUNCIL MEETINGS AND BY THE CHIEF EXECUTIVE OFFICER UNDER DELEGATION****AUTHOR:** General Manager Governance**(ATTACHMENT - NO)**

The following is a summary of Contracts awarded at the Latrobe City Council Meeting held on 6 October 2008.

**ITEM NO 14.12      INVITATION TO TENDER NO 12532  
Provision of Litter Collection Services**

1. That Council accepts the tender submitted by Easy Pick Pty Ltd for invitation to tender 12532, provision of litter collection services, for the lump sum of \$375,053 per annum, indexed annually, exclusive of GST, for a five year period with extension options for two periods of two year each, for the reason that this tender provides value for money for the community when assessed against the evaluation criteria.
2. That Council delegates the authority to the Chief Executive Officer, to sign and seal contracts with Easy Pick Pty Ltd resulting from invitation to tender 12532, provision of litter collection services.

The following is a summary of Contracts awarded at the Latrobe City Council Meeting held on 20 October 2008.

**ITEM NO 14.5      INVITATION TO TENDER NO 12539  
Provision of Valuation Services**

1. That Council accepts the tender submitted by CJA Lee Property Pty Ltd for invitation to tender 12539, provision of valuation services, for the rates as tendered for the reason that these tenders provide quality and value for money for the community when assessed against the evaluation criteria.
2. That Council delegates the authority to the Chief Executive Officer, to sign and seal contracts with CJA Lee Property Pty Ltd resulting from invitation to tender 12539 provision of valuation services.

The following is a summary of contracts signed and sealed by the Chief Executive Officer under delegation on 15 October 2008.

CONTRACT NO	DESCRIPTION	CONTRACTOR	DATE AWARDED BY THE CEO	DATE AWARDED BY COUNCIL
12555	Provision of Litter Collection Services	Easy Pick Pty Ltd		6/10/2008 Item No: 14.12

The following is a summary of contracts signed and sealed by the Chief Executive Officer under delegation on 22 October 2008.

CONTRACT NO	DESCRIPTION	CONTRACTOR	DATE AWARDED BY THE CEO	DATE AWARDED BY COUNCIL
12518	Churchill Town Centre Plan – Plaza and Landscape design	TTM Consulting (Vic) Pty Ltd	23/06/2008	

The following is a summary of contracts signed and sealed by the Chief Executive Officer under delegation on 29 October 2008.

CONTRACT NO	DESCRIPTION	CONTRACTOR	DATE AWARDED BY THE CEO	DATE AWARDED BY COUNCIL
12545	Provision of Glazier Services	Marz Glass & Glazing		1/09/2008 Item No: 14.4

### **RECOMMENDATION**

1. That Council notes this report on contract decisions made from the Ordinary Council Meetings held on 6 October 2008 and 20 October 2008.
2. That Council notes the contracts signed and sealed by the Chief Executive Officer under delegation 15 October 2008, 22 October 2008 and 29 October 2008.

**Moved:** Cr Lloyd

**Seconded:** Cr Price

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

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

P/P 2008/155	<p>Section 173 Agreement pursuant to the Planning and Environment Act 1987 between Latrobe City Council and John William Straegy and Dianne Straegy as the Owner of the land described in Certificate of Title Volume 2900 Folio 900, being Crown Allotment 1 Section 57 Parish of Meerlieu being the land situated at Bengworden Road, Perry Bridge which shall provide that the owner covenants and agrees to prepare and manage an Offset Management Plan for the conservation of flora and fauna.</p> <p>This Section 173 Agreement is required to protect native vegetation on the subject land, required to offset native vegetation removed as part of Latrobe City Council planning permit 2008/155 - subdivision at Gladstone Street, Moe.</p>
P/P 2006/382	<p>Creation of Easement pursuant to Section 45(1) of the Transfer of Land Act 1958 for the consideration of \$253.00 between N H Schoute &amp; A E Gale as Grantor and Council as Grantee over the Servient Land marked E-2 on Plan for Creation of Easement prepared by Ross &amp; Worth Pty Ltd (surveyors ref no. 5123) being part of the land in Certificate of Title Volume 9068 Folio 734 pursuant to Notice of Intention to Acquire served by Council on the Grantor dated 23/10/08 and being the easement of drainage [comprising approximately 25m<sup>2</sup> of land abutting the Narracan Creek which is subject to inundation] required by Council pursuant to condition 10(a) of Planning Permit Application No.2006/382 by Mailon Pty Ltd for a 97 lot subdivision of land at 126-172 Old Sale Road, Newborough.</p>
LPS-C53	<p>Section 173 Agreement pursuant to the Planning and Environment Act 1987 between Latrobe City Council and Monash University as Owner of the land described in Plan of Consolidation 357023K Lawless Road, Churchill and contained in Certificate of Title Volume 10271 Folio 143 in relation to noise abatement, lighting abatement and screening to reduce visual impact as a condition of Latrobe Planning Scheme Amendment C53 to rezone the subject land to Public Use Zone Schedule 2 – Education in accordance with the resolution of Council on 20 October 2008.</p>

**RECOMMENDATION**

1. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement between Latrobe City Council and John William Straegy and Dianne Straegy as the Owner of the land described in Certificate of Title Volume 2900 Folio 900, being Crown Allotment 1 Section 57 Parish of Meerlieu being the land situated at Bengworden Road, Perry Bridge which shall provide that the owner covenants and agrees to prepare and manage an Offset Management Plan for the conservation of flora and fauna.
2. That Council authorises the Chief Executive Officer to sign and seal the Creation of Easement pursuant to Section 45(1) of the Transfer of Land Act over the drainage easement marked E-2 on the Plan prepared by Ross & Worth Pty Ltd (bearing Surveyors Ref 5123) being part of the land in Certificate of Title Volume 9068 Folio 734.
3. That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement between Council and Monash University affecting the land described in Plan of Consolidation 357023K Lawless Road, Churchill and contained in Certificate of Title Volume 10271 Folio 143.

**Moved:** Cr White

**Seconded:** Cr Middlemiss

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**



### **11.6.3 SEPTEMBER 2008 QUARTERLY FINANCIAL AND PERFORMANCE REPORT**

**AUTHOR:** General Manager Governance  
**(ATTACHMENT – YES)**

#### **1. PURPOSE**

The purpose of this report is to present the September 2008 quarterly Financial and Key Strategic Activity (KSA) report for the information of Council.

#### **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 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-COS-005 - Audit Policy*

*The Audit Policy details Latrobe City Council's requirement to maintain an Audit Committee of Council. The Audit Committee, by formal resolution under section 86 of the Local Government Act 1989, assists Council in the discharge of its responsibilities for financial reporting, through the maintenance of a system of internal controls and audits.*

*The 2008/2009 adopted budget is the basis against which the actual performance is monitored.*

### 3. **BACKGROUND**

Under the provisions of the *Local Government Act 1989* Section 138 (1), at least every three months, the Chief Executive Officer must ensure that a statement comparing the budgeted revenue and expenditure to date is presented to Council. This report ensures compliance with this legislative requirement.

The attached report as at 30 September 2008 is provided for the information of Council and the community. The financial report compares budgeted income and expenditure with actual results for the first three months of the financial year. A status report on the Key Strategic Activities, adopted in the 2008/2009 budget is also attached.

### 4. **ISSUES**

The attached report, "Income Statement", shows the actual result for the three months ended 30 September 2008 compared with the budgeted year to date result. The report also provides a forecast for the full year financial result compared to the budgeted full year financial result.

Overall the report is showing a favourable year to date variance of \$1.557M. There are no significant year to date income variances. Some minor variances are shown for government grants, both operating and capital, due to the timing of receipt of grants for operating programs and capital projects. The favourable expenditure variance of \$1.076M primarily relates to employee costs being under budget by \$690K due to several vacant positions and the timing of the monthly remittance of superannuation payments. There is also a favourable variance of \$425K relating to materials and contracts which is the result of works that are yet to be undertaken and/or invoices yet to be received for works completed. A detailed explanation of these variances is included in the attached report.

The "Income Statement" report forecasts that the result for the full financial year will be \$2.607M less than the original budget. The main contributing factor is expenditure for projects and programs that received funding in 2007/2008. The income received in 2007/2008 was included as part of the operating surplus for the year ended 30 June 2008 and therefore the projects are funded from this surplus. However there will be no significant variance in the 2008/2009 cash flow statement. Explanations of these variances are also included in the attached report.

5. **FINANCIAL AND RESOURCES IMPLICATIONS**

The attached report provides details of budget variances for both the three months to 30 September 2008 and the full financial year.

6. **INTERNAL/EXTERNAL CONSULTATION**

Latrobe City General Managers and Divisional Managers have been consulted in the preparation of this report.

7. **OPTIONS**

This report is a statutory requirement of the *Local Government Act 1989*.

8. **CONCLUSION**

The attached report provides financial details, as required by the *Local Government Act 1989*. The report indicates that Council is operating within the parameters of its 2008/2009 adopted budget. Variances arising from the timing of the receipt of grant revenues and the completion of the 2007/2008 capital works program in 2008/2009 indicate that a reduced operating surplus result will be achieved for the full year.

Adjustments made to the adopted 2008/2009 budget, as detailed in the attached reports, will ensure that the parameters set in the original budget are complied with.

9. **RECOMMENDATION**

**That Council receives and notes the financial and performance reports for the three months ended 30 September 2008, in accordance with the *Local Government Act 1989*.**

**Moved:** Cr White

**Seconded:** Cr Lloyd

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

### **13. TEA BREAK**

#### **Adjournment of Meeting**

The Mayor adjourned the Meeting at 7.19 pm for a tea break.

#### **Resumption of Meeting**

The Mayor resumed the Meeting at 7.32 pm.

#### **Meeting Closed to the Public**

The Meeting closed to the public at 7.33 pm.