



L A T R O B E C I T Y C O U N C I L

MINUTES OF ORDINARY COUNCIL MEETING

HELD IN THE
NAMBUR WARIGA MEETING ROOM,
CORPORATE HEADQUARTERS, MORWELL
AT 7:00 PM ON 06 JULY 2009

PRESENT:

Cr Lisa Price, Mayor - Farley Ward
Cr Kellie O'Callaghan, Deputy Mayor - Burnet Ward
Cr Rohan Fitzgerald - Dunbar Ward
Cr Sharon Gibson - Merton Ward
Cr Sandy Kam - Galbraith Ward
Cr Bruce Lougheed - Tanjil Ward
Cr Graeme Middlemiss - Rintoull Ward
Cr Ed Vermeulen - Gunyah Ward
Cr Darrell White - Firmin Ward
Paul Buckley, Chief Executive Officer
Seona Conway, General Manager Organisational Excellence
Michael Edgar, General Manager Community Liveability
Katie Garlick, Council Operations Administration Officer
Tim Johnson, General Manager Governance
Allison Jones, General Manager Economic Sustainability
Tom McQualter, Manager Council Operations and Legal Services
Grantley Switzer, General Manager Recreational and Cultural Liveability
Carol Jeffs, Manager City Planning and Development

INDEX

OPENING PRAYER	4
APOLOGIES FOR ABSENCE	4
DECLARATION OF INTERESTS	4
ADOPTION OF MINUTES	4
PUBLIC QUESTION TIME	
<hr/>	
NOTICES OF MOTION	
<hr/>	
ITEMS REFERRED BY THE COUNCIL	
<hr/>	
7.1	PETITION - REQUEST FOR TRAFFIC CALMING IN GILWELL AVENUE, TRARALGON 9
7.2	W.H. CORRIGAN - NEWBOROUGH - NAMING PROPOSAL 18
7.3	PUBLIC TOILETS IN MOE CBD AND MONASH RESERVE, NEWBOROUGH 25
<hr/>	
CORRESPONDENCE	
<hr/>	
NIL	
<hr/>	
PRESENTATION OF PETITIONS	
<hr/>	
10.1	PETITION OBJECTING TO THE PROPOSED REMOVAL OF TREES IN POLDEN CRESCENT AND LANGFORD STREET, MORWELL 35
<hr/>	
CHIEF EXECUTIVE OFFICER	
<hr/>	
NIL	
<hr/>	
ECONOMIC SUSTAINABILITY	
<hr/>	
NIL	
<hr/>	
BUILT AND NATURAL ENVIRONMENT SUSTAINABILITY	
<hr/>	
11.3.1	PLANNING PERMIT APPLICATION 2009/34 - TWO LOT SUBDIVISION (BOUNDARY REALIGNMENT), 10-11 THOMSON RISE, TRARALGON 44
<hr/>	
RECREATIONAL AND CULTURAL LIVEABILITY	
<hr/>	
11.4.1	REVIEW OF ANNUAL MAINTENANCE GRANT ALLOCATIONS TO RAIL TRAIL COMMITTEES 46
<hr/>	
COMMUNITY LIVEABILITY	
<hr/>	
11.5.1	TRARALGON EAST COMMUNITY CENTRE 57
<hr/>	
ORGANISATIONAL EXCELLENCE	
<hr/>	
11.6.1	COUNCIL PLAN 2009-2013 67

GOVERNANCE

11.7.1	2009/2010 BUDGET	72
11.7.2	AUTHORISATION OF COUNCIL OFFICERS	89
11.7.3	CONTRACT ACTIVITIES AT PREVIOUS COUNCIL MEETINGS AND BY THE CHIEF EXECUTIVE OFFICER UNDER DELEGATION	94
11.7.4	DOCUMENTS PRESENTED FOR SIGNING AND SEALING	97

URGENT BUSINESS

NIL

TEA BREAK

ITEMS CLOSED TO THE PUBLIC

14.1	MEETING CLOSED TO THE PUBLIC	100
14.2	ADOPTION OF MINUTES	102
14.3	CONFIDENTIAL ITEMS	103
14.4	ESTABLISHMENT OF A LATROBE CITY CLIMATE CHANGE CONSULTATIVE COMMITTEE	105
14.5	PLANNING PERMIT 2007/170 - EXTENSION TO EXISTING SUPERMARKET (LIQUOR STORE), WAIVER OF THE CAR PARKING REQUIREMENT, ALTERATION TO SIGNAGE, 116 HOTHAM STREET, TRARALGON	120

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 Lougheed

Seconded: Cr Vermeulen

That Council adopts the Minutes of the Ordinary Council Meeting held on 15 June 2009 (CM 296), relating to those items discussed in open Council.

CARRIED UNANIMOUSLY

Moved: Cr Lougheed

Seconded: Cr Gibson

That Council adopts the Minutes of the Special Council Meeting held on 29 June 2009 (SM 297), relating to those items discussed in open Council.

CARRIED UNANIMOUSLY

PUBLIC QUESTION TIME

5.1 PARKING SPACES – “LOST” SPACES IN SEYMOUR AND HOTHAM STREETS

Bruce Bremner, Hon Sec, Traralgon City and Rural Community Development Association asked the following question:

Question

How many spaces were “lost” when the width of spaces were upgraded to Australian standards in Seymour and Hotham Streets (and in other parts of the CBD if similar works were undertaken in other streets)?

Answer

The Chief Executive Officer paraphrased the question and responded that the answers will be provided in writing within the next couple of days.

Suspension of Standing Orders

Moved: Cr Lougheed

Seconded: Cr White

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

CARRIED UNANIMOUSLY

Standing Orders were suspended at 7.07 pm

Mr Matthew Jenkins, addressed Council in relation to Item 7.2 - W.H. Corrigan - Newborough - Naming Proposal and answered questions.

Ms Pauline Corrigan, addressed Council in relation to Item 11.5.1 - Traralgon East Community Centre and answered questions.

The Mayor thanked Mr Jenkins and Ms Corrigan for addressing Council and for their submissions.

Resumption of Standing Orders

Moved: Cr Lougheed

Seconded: Cr Middlemiss

That Standing Orders be resumed.

CARRIED UNANIMOUSLY

Standing Orders were resumed at 7.27 pm

ITEMS REFERRED BY THE COUNCIL

7.1 PETITION - REQUEST FOR TRAFFIC CALMING IN GILWELL AVENUE, TRARALGON

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

1. PURPOSE

The purpose of this report is to provide Council with the findings of an investigation following the receipt of a petition requesting action be taken regarding the speed of traffic using Gilwell Avenue, Traralgon.

2. DECLARATION OF INTERESTS

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

3. 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

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 Liveability

Support government agencies, non-government agencies and the community in reducing crime, violence and antisocial behaviour, by implementing ongoing actions to reduce family violence, drug and alcohol abuse, improve road safety and enhance safety at home.

Policy

Council does not currently have a specific policy dealing with traffic management matters. The following documents were used as the basis for assessing this matter and providing advice to Council for consideration:

- Latrobe City Council's "*Design Guidelines for Subdivisional Developments, Urban & Rural Road and Drainage Construction, and Traffic Management Projects*";
- Austroads "*Guide to Traffic Engineering Practice*"; and
- VicRoads "*Traffic Engineering Manual*".

4. BACKGROUND

At the Ordinary Council Meeting held on 1 June 2009, a petition was tabled signed by 13 residents representing 10 properties in Gilwell Avenue and Pax Road, Traralgon. The petition requested Council take action against speeding drivers in this area.

Gilwell Avenue links up with Pax Road, Mafeking Road and Foxlease Avenue to form a continuous "loop" road near the northern section of a local community known as Pax Hill. The petition expresses concern that the streets in question form a "speedway" which is attracting hoon behaviour particularly at night time.

5. ISSUES

Gilwell Avenue, Mafeking Road, Foxlease Avenue and Pax Road are all classified as Minor Access Streets under Council's road hierarchy. This means that these streets should only provide for local residential access, that local amenity should be more important than traffic function and to achieve this, vehicle speeds and traffic volumes should be low.

Under Council's Design Guidelines, to achieve an acceptable level of amenity along a minor access street:

- traffic volumes should be no more than 500 vehicles per day;
- the average vehicle speed (target speed) should ideally be about 30 km/h;
- the street should have a 5.0 metre road width (5.5 metres for a bus route); and

- a maximum length between 20 km/h slow points of no more than 75 to 100 metres.

All four streets have a road width in the range 6.6 to 6.8 metres and traffic counts undertaken during May found that the traffic volumes in all four streets were less than 500 vehicles per day.

Vehicles speeds averaged 30 km/h or less in Mafeking Road and in Pax Road as would be expected in streets with short lengths of about 100 metres. The traffic counts revealed that vehicle speeds at night in these two streets were actually slightly less than vehicle speeds during the day time.

Gilwell Avenue is about 150 metres long and the average vehicle speeds were found to be 7 to 9 km/h higher than the desirable 30 km/h target speed. Average vehicle speeds at night were less than 1 km/h higher than during day time and, with the exception of one vehicle, the fastest vehicle speeds generally occurred during the day.

Vehicle speeds along Foxlease Avenue between Pax Road and Chenhall Crescent ranged from 7 to 14 km/h higher than the desirable 30 km/h target speed. Although the fastest speeds in both directions along Foxlease Avenue were recorded during the day time, average speeds for south bound vehicles were marginally higher (less than 1 km/h) at night than during the day. The length of this section of Foxlease Avenue is about 240 metres.

A summary of the traffic counts are shown on an attached plan. The traffic counts show that while there are a small number of vehicles in these streets exceeding the 50 km/h speed limit, the 'hoon' behaviour described in the petition did not appear evident and particularly not at night.

Although a recent accident in Gilwell Avenue was reported in local media, it is noted that there have been no traffic casualty accidents recorded along any of these four streets in the ten years to June 2007. Recorded casualty accidents are those road traffic accidents reported to Victoria Police and recorded in a database by VicRoads, which involve one or more road vehicles and have resulted in a death or personal injury.

6. FINANCIAL AND RESOURCES IMPLICATIONS

There are no funds specifically allocated for works in this area.

7. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

There has been no community engagement at this time, other than writing to the head petitioner to advise that the petition was tabled at the Ordinary Council Meeting held on 1 June 2009.

8. OPTIONS

Council has the following options:

1. Take no further action on this matter; or
2. Undertake further consultation with all the residents of the area.

9. CONCLUSION

It is noted that the petition received was signed by residents representing ten properties at the southern and western ends of Gilwell Avenue and Pax Road. These premises represent 16 per cent of all the properties abutting Pax Road, Gilwell Avenue, Mafeking Road and the section of Foxlease Avenue south of Chenhall Crescent.

The traffic counts show that generally the vehicle speeds in this area during night time were similar or less than those recorded during the day. Average speeds recorded throughout the investigation area were in the range of 30 kph to 44 kph. While there are a small number of vehicles exceeding the 50 km/h speed limit, the "hoon" behaviour described in the petition was not observed at the time of the investigation.

It is therefore recommended that no further action be taken on this matter at this time.

10. RECOMMENDATION

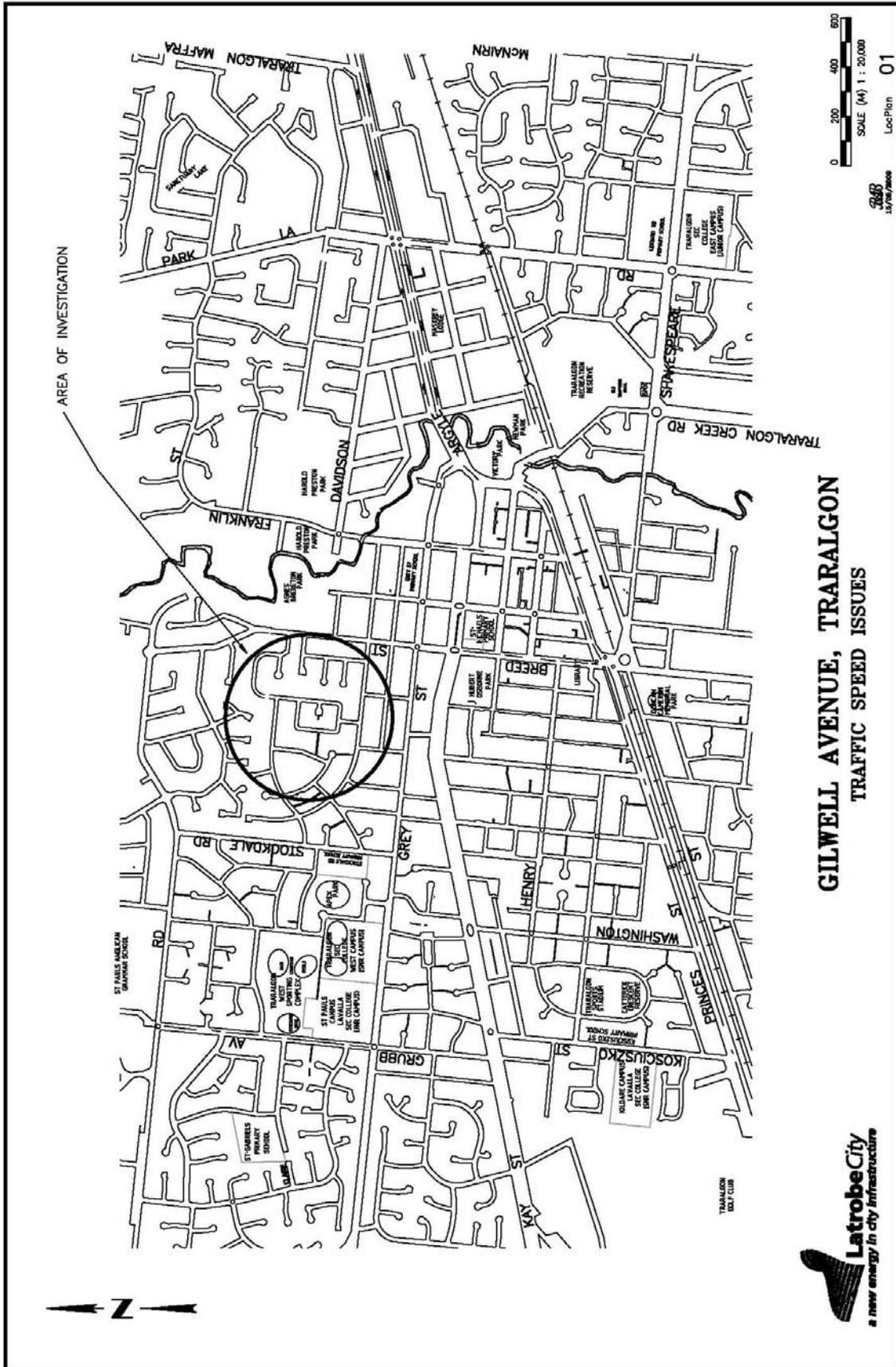
1. That Council takes no further action on the petition requesting that action be taken regarding the speed of traffic using Gilwell Avenue, Traralgon.
2. That the head petitioner, Mrs Grace Youl, be advised of Council's decision in relation to the petition requesting that action be taken regarding the speed of traffic using Gilwell Avenue, Traralgon.

Moved: Cr O'Callaghan
Seconded: Cr Gibson

That the Recommendation be adopted.

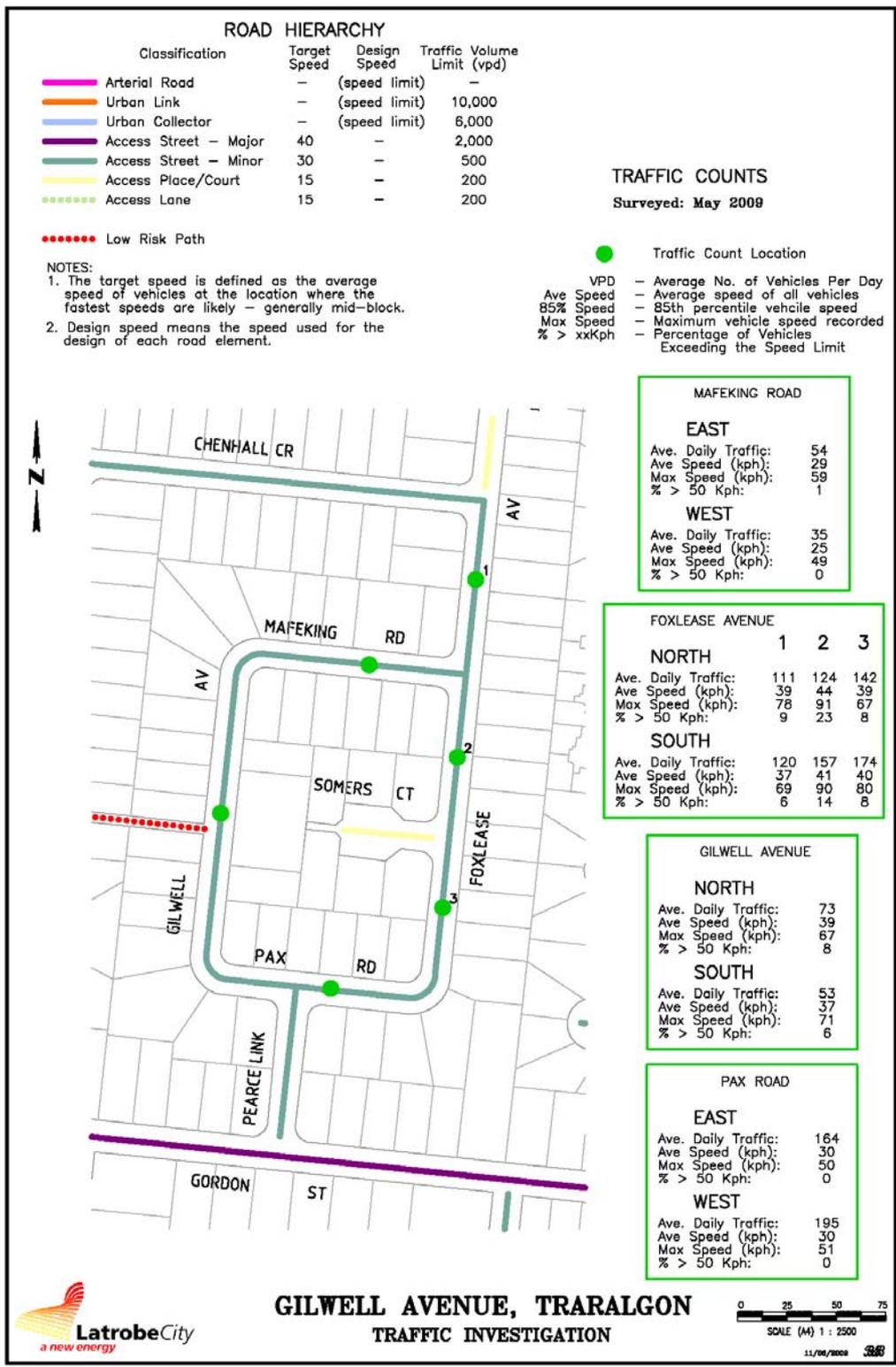
CARRIED UNANIMOUSLY

ATTACHMENTS



GILWELL AVENUE, TRARALGON
TRAFFIC SPEED ISSUES

2009
13/07/2009
LocPlan 01



Grace Youl
15 Gilwell Avenue
Traralgon, Victoria 3844
(051)-745087

Latrobe City	
- 4 MAY 2009	
Doc. No:	
Action Officer:	50704/09
Disposal Code:	
Comments:	

The C. G. O,
Latrobe City Council,
Melwell. 3840

Dear Sir,

In recent weeks, residents of
Gilwell Av., and adjacent streets have
experienced much noise from reckless
driving.

Because of the circular nature of
the route it has become a speedway,
during which a concrete pole was hit,
the car becoming a write-off, and a charge made.

The police say they can do nothing
unless they know the incident is taking
place, and this is impossible to predict.

We live in terror of loss of life and
property and are appealing to the Council
through this petition to please restore
our peace.

Yours faithfully,

(MRS) Grace Youl
(MRS GRACE YOUL)

7.2 W.H. CORRIGAN - NEWBOROUGH - NAMING PROPOSAL**AUTHOR:** General Manager Governance**(ATTACHMENT – YES)****1. PURPOSE**

The purpose of this report is to provide an update to Council on a proposal to name an unnamed soccer pavilion located at the W.H. Burrage Reserve, John Field Drive, Newborough.

2. DECLARATION OF INTERESTS

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

3. 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 – Legislative Compliance

Ensure compliance with other relevant legislation.

Policy – Nil

There is no specific policy relating to the naming of localities or facilities. The procedure is specified by the *Geographic Place Names Act* and *Guidelines*.

Legislation

The *Guidelines for Geographic Place Names* state that Councils, as naming authorities, have two major areas of responsibility:

1. the investigation and determination of geographic place names of local significance.
2. the notification of new or altered names to the Registrar for official mapping data and other purposes.

4. **BACKGROUND**

Council adopted the Moe Newborough Outdoor Recreation Plan (MNORP) on 5 November 2007. As a result of the ongoing discussions with both the Monash and Newborough Yallourn United Soccer clubs on the improvement to soccer facilities in Newborough a revised works program has been developed. The works program is supported by both clubs and progresses the vision for the facilities as identified in the MNORP.

Council considered the proposed works program for the Newborough Soccer Facility Improvements at the 4 May 2009 Ordinary Council Meeting and subsequently resolved:

1. *That Council supports the intention for Yallourn Newborough Soccer Club to relocate to Burrage Reserve and Monash Soccer Club to operate from the Torres Street pavilion at Monash Reserve from the commencement of the 2010 season.*
2. *That the allocation of \$140,000 in the 2008/09 capital works program towards improvements to Monash Reserve be reallocated to the following projects;*
 - *Training lights Burrage Reserve \$70,000*
 - *Pavilion improvements Burrage Reserve \$30,000*
 - *Surface improvements to the Torres Street ground Monash Reserve \$30,000*
 - *Minor Landscaping works Monash Reserve \$10,000.*
3. *That subject to budget consideration the allocation of \$60,000 in the 2009/10 capital works program be utilised for the improvement of the Torres Street pavilion at Monash Reserve.*
4. *That Council gives notice of its intention to consider naming the pavilion at Burrage Reserve the W.H. Corrigan Pavilion and that submissions be invited and considered at the Council meeting to be held 6 July 2009.*
5. *That Council supports the demolition of the existing Monash pavilion and that further investigation is completed to establish the cost to demolish this facility.*

The current soccer facilities occupied by the Newborough Yallourn United Soccer Club at Torres Street Newborough is commonly known as the W.H. Corrigan Reserve, named after a founding member of the Newborough Yallourn United Soccer Club. The club in supporting the proposed relocation, has requested that the W.H. Corrigan name be transferred with the club to W.H. Burrage Reserve and be used to refer to the main soccer pavilion.

5. **ISSUES**

Council as a naming authority pursuant to the *Geographic Names Act 1998* has the power to determine all geographic place names within their areas of responsibility, based on local usage having regard to historical and cultural heritage, and the preference of local communities.

In exercising this authority, Council is required to communicate with stakeholders and conduct community consultation concerning the naming of geographic features and locality proposals.

A public notice was published in the Latrobe Valley Express on Thursday, 14 May 2009 inviting public comment on the proposal to name the pavilion at W.H. Burrage Reserve the W.H. Corrigan Pavilion. The closing date for written submissions was Thursday, 11 June 2009.

The Corrigan family has entered a late written submission, received 22 June 2009 (attached), presenting two alternatives:

- Name the soccer pitch and pavilion within the W.H. Burrage Reserve the W.H. Corrigan Soccer Ground; or
- Maintain the status of the Torres Street ground as the W.H. Corrigan Reserve.

These options will require further consultation with the key stakeholders and a time extension will allow for a meeting to be arranged to fully consider the proposals put forward by the Newborough Yallourn United Soccer Club and the Corrigan family.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

There are no financial implications in undertaking further consultation on this matter.

7. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

A public notice was published in the Latrobe Valley Express on Thursday, 14 May 2009 inviting public comment. The closing date for written submissions was Thursday, 11 June 2009.

Details of Community Consultation / Results of Engagement:

One written submission proposing two alternatives concerning the naming proposal was received from Mr Andrew Corrigan after the closing date. These alternatives were summarised in the issues section above.

8. OPTIONS

Council has the following options:

1. That Council defers consideration of the proposal to name the soccer pavilion at W.H. Burrage Reserve, the "W.H. Corrigan Pavilion", to allow for consultation with the key stakeholders; or
2. That Council supports in principle the naming of the soccer pavilion at W.H. Burrage Reserve, the "W.H. Corrigan Pavilion" as put forward by Newborough Yallourn United Soccer Club. If this action is taken, then Council would submit the proposal to Geographic Place Names and invite relevant authorities to comment, e.g emergency services; or
3. Resolve not to proceed with the proposed naming of the soccer pavilion at W.H. Burrage Reserve, Newborough.

9. CONCLUSION

The proposal to name the pavilion at W.H. Burrage Reserve the 'W.H. Corrigan Pavilion' impacts the Corrigan Family, the Newborough Yallourn United Soccer Club and the broader soccer community represented by the Gippsland Soccer League. To ensure that the interests of all affected parties can be considered and presented to Council it is recommended that Council defer consideration of this naming proposal to the Ordinary Council Meeting to be held on 17 August 2009.

10. RECOMMENDATION

That Council defers consideration of the proposal to name the unnamed pavilion at the W.H. Burrage Reserve the W.H. Corrigan Pavilion to the Ordinary Council Meeting to be held on 17 August 2009.

Moved: Cr Gibson

Seconded: Cr Kam

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

22/06 2009 MON 2:05 FAX 61 3 51358314 Latrobe City Moe

001/002

Mr P Buckley
Chief Executive Officer
Latrobe City
141 Commercial Rd,
Morwell 3840

5 Sherwood Crt
Newborough 3825

18th June 2009

To the Mayor and Councillors,

Re: Moe Newborough Outdoor Recreation Plan.

On behalf of the family of the late WH (Bill) Corrigan, I wish to put before our Latrobe Councillors concerns regarding the lack of clarity and potential harm and hurt that may result from the above report.

Firstly let me say we laud your efforts to improve facilities and therefore opportunities for sports lovers within our community. However, we will be devastated if this is done in a way that retrospectively strips recognition provided to our late father, William Hugh Corrigan MM, and disrespects the work he and the people within our community, with whom he worked so hard, did and the achievements made.

We have been attempting to contact and would be happy to co-operate with representatives of the Newborough/Yallourn United Soccer Club and will be most pleased to keep Council apprised of this discussion. Equally it is important to us, and we hope the community, that it is understood that the naming of the WH Corrigan reserve provided community recognition for efforts beyond those Dad made at and for the Club. A point covered with great respect, humour and celebration by Cr Ted Sommerton in his dedication address.

It occurs to our family that there are in fact two clear and acceptable alternatives that ought meet Council and community expectations yet still provide the recognition deserved. Unfortunately at the time of writing it is not clear to us that these options are under consideration.

Our favoured option and the one we would most like to endorse to you would be for the WH Corrigan name to move with the Club to the pitch at the new location within Burrage Reserve. We certainly recognize the importance of the Burrage name to the wider community and would not wish to diminish that. However, we respectfully suggest that the soccer pitch and pavillion is fenced and a separate area within the overall reserve. Allied to this is our respect and understanding that Newborough/Yallourn United Soccer Club have their own objectives and our understanding that the soccer reserve at Burrage was historically home to the, distinctly separate, Yallourn Soccer Club. The renaming of the pitch would allow for the recognition to be seen and understood by the wider community and would, naturally continue to be noted and recognized on the likes of soccer league draws.

22/06 2009 MON 2:05 FAX 61 3 51358314 Latrobe City Moe

002/002

The second option, should Council feel unable to provide this recognition at the new location, would be for the WH Corrigan Reserve name to stay at the very location at which the name was dedicated. Clearly the facility will continue to exist, is prominent and can continue to provide a great reminder of the life and service of our father.

We believe that in balance the final and most appropriate solution might be to understand and accept any decision by the Newborough/Yallourn United Club to assign the WH Corrigan name to a pavilion, or appropriate building at the Burrage complex and for Council to continue to preserve the WH Corrigan Reserve name at the current Torres Street location.

Understanding Councils preparedness to receive submission for the meeting on July 6 we would like to request the opportunity to have a spokesperson for the family address this meeting, or an earlier Councillors briefing should that be more appropriate.

I look forward to your reply

Yours Faithfully



Andrew Corrigan

**7.3 PUBLIC TOILETS IN MOE CBD AND MONASH RESERVE,
NEWBOROUGH**

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

1. PURPOSE

The purpose of this report is present to Council a report on the provision of public toilets in the Moe CBD and the financial implications of opening the public toilet at Monash Reserve, Newborough during daylight hours.

2. DECLARATION OF INTERESTS

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

3. 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 – Infrastructure Maintenance

Develop and implement asset management strategies for Latrobe City infrastructure including whole-of-life maintenance requirements.

Policy – Asset Management Policy 09 POL-3

To preserve and manage Council and community assets to ensure optimum utilisation while minimising the whole-of-life cost to the community.

Strategy – Public Toilet Strategy 2006

Council's adopted Public Toilet Strategy 2006 provides guidance for the provision of public toilet facilities across the municipality.

4. BACKGROUND

At the Ordinary Council Meeting held on 16 February 2009, Council adopted the following motion:

That a report be presented to Council on:

- (a) the options of providing public toilets in the Moe CBD, due to some of the toilets included in the Public Toilet Strategy no longer being available; and*
- (b) the options and financial implications of opening the public toilet in Monash Reserve, Newborough during daylight hours.*

This report provides information to assist Council to consider the above resolution in the context of Council's adopted strategy for the provision of public toilet facilities.

The Latrobe City Council Public Toilet Strategy was presented to Council and adopted on 18 December 2006.

The adoption of the strategy followed several reports and public consultation and at the meeting of 20 June 2005, Council considered a report titled "*Public Toilet Strategy – Update and Endorsement of Strategy Principles*". This report detailed the history of, need for and issues associated with the development of a public toilet strategy, and tabled the principles upon which the strategy was to be based.

The recommendations adopted by Council on 20 June 2005 were as follows:

That Council endorse the following principles for inclusion in the draft Public Toilet Strategy:

1. Definition of a Public Toilet - Public Toilets be defined as "the public sanitary facilities provided at activity centres that have no focal buildings or to cover periods of closure of focal buildings".
2. Threshold for providing public toilets - a minimum threshold of 100 patrons or spectators normally attending an activity centre is needed as the general warrant for the provision of Public Toilets and, that a reduced threshold of 20 patrons or spectators normally attending an activity centre should apply at venues such as places where BBQ facilities are the main focal point.
3. Hours of Operation - a 24 hour level of service should be provided in at least one location in all the town centres, and that the "Transit Centred Precincts" be considered as the preferred location for 24 hour services in the three larger towns.
4. Distance between facilities - where activity levels justify the provision of public toilet services, facilities should be no greater apart than 500 metres.
5. Capacity of facilities - The capacity of facilities should be designed to cope with normal levels of activity.
6. Cleaning frequency - It is recommended that the current programmed cleaning basis be augmented with a greater reactive "as needs" service, to optimise cleaning levels.
7. Decommissioning - Public Toilets which are found to be:
 - located in unacceptable locations (as determined by Crime Prevention Through Environmental Design - CPTED principles); and/or
 - Are surplus to requirements (in terms of the 500 metre spacing principle) and/or
 - Which do not meet the minimum activity thresholds,
 - Should be de-commissioned.

At the Ordinary Council Meeting held on 20 March 2006, Council resolved to adopt the Strategy as a draft and to release it for public comment in accordance with Council's "Community Engagement Policy and Strategy".

At the Ordinary Council Meeting held on 17 July 2006, the strategy, and details of submissions were presented to Council and resolved as follows:

That other than the agreed developments, proposed in Councils 2006-2007 Budget, further consideration of the Public Toilet Strategy be deferred pending:

- *Consultation with Ratepayers (and Ratepayer groups) in relation to specific public toilets identified for decommissioning in the Strategy that have been subject to objections or concerns by Councillors, Relevant Officers and objectors*
- *Onsite visits by Councillors, officers and objectors to those toilets, identified in the Strategy and which have been subject to objection*
- *The preparation of a detailed report of the outcome of such consultation and its circulation to all Councillors.*

The additional consultation and site visits processes were undertaken and the Latrobe City Council Public Toilet Strategy was presented to Council and adopted at the Ordinary Council Meeting held on 18 December 2006.

The Public Toilet Strategy is due to be reviewed during the 2009/10 financial year.

5. **ISSUES**

Moe CBD

The five toilets considered in the Public Toilet Strategy for the Moe Town Centre Precinct are:

- T 01 Town Hall, Albert Street
- T 02 Coles Car Park, Albert Street
- LC 1 Latrobe City Council Library
- SC 1 Purvis Plaza
- RS 1 Bus/Railway Station Precinct

The works program from the Public Toilet Strategy for Year 2 (2007/08) listed a new toilet to be constructed, T 97 in the Moe Railway Precinct and to decommission, T 01 Town Hall, Albert Street. Construction of the new toilet and decommissioning of the Town Hall toilet was deferred pending resolution of the Moe Activity Centre Plan.

Some members of the Moe community have recently expressed concern about using the T 01 Town Hall facility due to a perception that it is unsafe and that it does not meet current Crime Prevention Through Environmental Design principles. In response to these community concerns, the possibility of establishing a temporary facility has been explored. A temporary facility would provide an alternative to using the T 01 Town Hall facility.

A temporary public toilet in the CBD would allow patrons a choice between using the T 01 Town Hall toilet which does not meet the Crime Prevention Through Environmental Design principles and a temporary toilet located in the CBD until completion of a new facility as part of the Moe Activity Centre Plan implementation.

The toilet T 02 Coles Car Park was also flagged in the Public Toilet Strategy to be decommissioned which has occurred.

The loss of the SC 1 Purvis Plaza toilet has reduced the number of toilets shown in the Public Toilet Strategy, however the closure of the Purvis Plaza itself has reduced the need for a toilet in this location until the reopening of Purvis Plaza.

There are no published guidelines relating to the distance between public toilets and therefore an arbitrary distance of 500 metres between facilities was adopted in the Public Toilet Strategy. However the Public Toilet Strategy also states that:

“In towns or locations with fewer toilet facilities (or only one), or where the activity centres that meet warrants for provision are greater than 500m apart, walking distances may be greater than 250m or even 500m, and this is acceptable. Also, where there are a number of toilets within the maximum distance of a focal activity centre, this tends to indicate an oversupply of facilities exists.”

The existing K Mart toilet is not listed in the Public Toilet Strategy, however there is one all abilities toilet that is available for customers to use.

The SC 1 Purvis Plaza toilet serviced the Clifton Street precinct. Due to Purvis Plaza being closed, there is a reduced need for a facility in this location. Observations of the area undertaken by Council officers show that the majority of users of the Clifton Street precinct are car based and do not walk to other shops in other parts of Moe.

There is a 24 hour accessible toilet at Apex Park in Waterloo Road, approximately 400 metres from the CBD.

Monash Reserve Newborough

The toilet T 11 at Monash Reserve is an older style toilet that does not meet Crime Prevention Through Environmental Design principles. It is an enclosed building with undesirable common access areas (cubicles open to an internal area and not directly to the outside of the building). It is normally only opened on match days if required by the Monash Soccer Club; however it is rarely used by the soccer club as they prefer spectators to use the facilities within the pavilion.

This toilet has been left open on occasions over the past year and approximately \$2,000 has been spent on repairing damage from vandalism. Due to the facility being in a location with infrequent usage and surveillance it is reasonable to expect that vandalism will continue to be a problem if left open.

The Public Toilet Strategy has specified a minimum number of patrons required for a toilet and this location would not meet that target except on match days. The Public Toilet Strategy states:

“A minimum threshold of 100 patrons or spectators normally attending an activity centre is needed as the general warrant for the provision of Public Toilets while a reduced threshold of 20 patrons or spectators should apply at venues such as places where BBQ facilities are the main focal point.”

The Public Toilet Strategy further states that provision of public toilets in recreation reserves be considered as part of pavilion upgrades or redevelopments that service these precincts. Such facilities would be open during daylight hours and accessible for members of the public utilising the precincts for passive and active recreation.

Council has provided funding in the draft 2009/10 budget for pavilion upgrade works in the Corrigan / Monash Reserve recreation precinct. These works include the provision of a public toilet facility that will be open and accessible to the public during daylight hours.

6. FINANCIAL AND RESOURCES IMPLICATIONS

New toilet facility

The cost to provide a standard module public toilet is approximately \$130,000 on land where utility services are available.

Temporary toilet facility

The cost to provide a temporary toilet (utilising a module owned by Latrobe City Council) in the Moe CBD is a minimum of \$16,000 (depending on location) including connection of services.

Monash Reserve Newborough

The approximate cost to open, close, provide sanitary napkin disposal and clean a public toilet is \$5,700 per annum for a permanent or temporary toilet not including any maintenance costs or repairing any damage caused by vandalism.

7. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

There was an extensive community engagement process followed for the development of the Public Toilet Strategy. There has been no community consultation during the preparation of this report, due to it being a technical assessment of the current status.

8. OPTIONS

Council has the following options:

1. Take no further action pending the review of the Public Toilet Strategy.
2. Locate a temporary alternative public toilet in the Moe CBD until the permanent replacement facility is constructed in the railway precinct as a replacement for the T 01 Town Hall facility as identified in the Public Toilet Strategy.
3. Open the existing Monash Reserve toilet to the public during daylight hours until construction of a replacement facility is completed.

9. CONCLUSION

The Public Toilet Strategy was adopted by Council to provide a clear basis for public toilet service provision and for determining and prioritising actions under Council's capital works programs.

The current Public Toilet Strategy does not support the construction of an additional toilet in the Moe CBD, as this would see an oversupply of toilets. Longer term needs will be met with the provision of a public toilet at the rail precinct in accordance with the Moe Activity Centre Plan.

A temporary public toilet may be located in the Moe CBD; until such time that a permanent toilet is constructed as part of the Moe Activity Centre Plan. This would alleviate concerns with the current T 01 Town Hall toilet not meeting Crime Prevention Through Environmental Design principles.

Further, the opening of the Monash Reserve toilet during daylight hours apart from match days at the reserve is not supported by the current strategy.

10. RECOMMENDATION

1. That a temporary toilet be located in the Moe CBD until such time that a permanent facility is constructed as identified in the Public Toilet Strategy and the Moe Activity Centre Plan.
2. That Council notes that the provision of toilets in the Moe CBD is consistent with the current Public Toilet Strategy.
3. That Council continues the current arrangements with the Monash Reserve toilet to only open on match days as recommended in the current Public Toilet Strategy, until such time as the new facility at Monash Reserve is completed.
4. That upon review of the Public Toilet Strategy in 2009/10, public comment is sought in accordance with the Latrobe City Community Engagement Policy and Strategy.

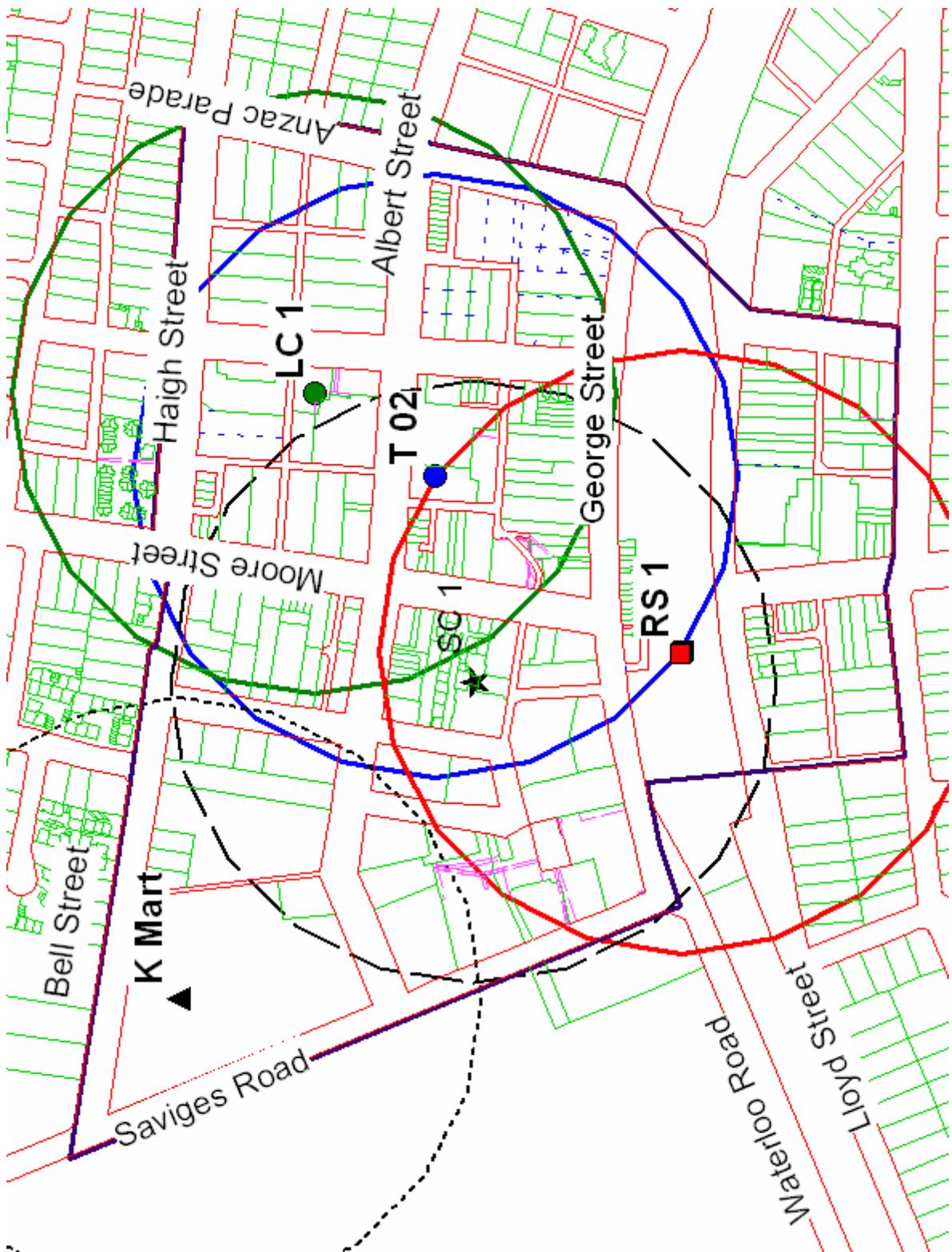
Moved: Cr Gibson

Seconded: Cr Fitzgerald

1. **That a temporary toilet be located in the Moe CBD until such time that a permanent facility is constructed as identified in the Public Toilet Strategy and the Moe Activity Centre Plan.**
2. **That Council investigates the appropriate location and number of public toilets to cater for the Moe CBD by 21 October 2009.**
3. **That Council continues the current arrangements with the Monash Reserve toilet to only open on match days as recommended in the current Public Toilet Strategy, until such time as the new facility at Monash Reserve is completed.**
4. **That upon review of the Public Toilet Strategy in 2009/10, public comment is sought in accordance with the Latrobe City Community Engagement Policy and Strategy.**

CARRIED UNANIMOUSLY

ATTACHMENT



PRESENTATION OF PETITIONS

10.1 **PETITION OBJECTING TO THE PROPOSED REMOVAL OF TREES IN POLDEN CRESCENT AND LANGFORD STREET, MORWELL**

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

1. PURPOSE

The purpose of this report is to present Council with a petition received requesting that the existing street trees in Polden Crescent and at 9 Langford Street, Morwell not be removed as part of the Inappropriate Street Tree Removal and Replacement Program.

2. DECLARATION OF INTERESTS

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

3. 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 - Infrastructure Maintenance

Develop and implement asset management strategies for Latrobe City infrastructure including whole-of-life maintenance requirements.

Policy - Tree Work Notification Policy 09 POL-3

The purpose of this policy is to detail processes for the notification of significant tree works prior to the works being undertaken.

4. BACKGROUND

The trees in Polden Crescent and at 9 Langford Street were identified in a report on the Inappropriate Street Tree Removal and Replacement Program for 2008/09 and 2009/10 that was adopted at the Ordinary Council Meeting on 15 December 2008.

5. ISSUES

Thirty letters were sent to residents in Polden Crescent with five residents agreeing to the trees being removed, three objecting and twenty two not responding. The letters sent out to residents pointed out that a "no response" would be counted as supporting the proposal to remove the trees.

Following the closing of submissions, a petition was received from a majority of residents of Polden Crescent objecting to the trees being removed as part of the program.

The trees in Polden Crescent are Liquidambar Styraciflua and are known to cause damage to infrastructure assets. Retention of the Liquidambar Styracifluas will result in greater maintenance cost than if they were replaced with a more appropriate species for the location.

Several residents feel strongly that the trees should be retained to enhance the neighbourhood and their removal will negatively impact on their property.

6. FINANCIAL AND RESOURCES IMPLICATIONS

There are no immediate financial implications if the trees in Polden Crescent and at 9 Langford Street, Morwell are retained as other trees will be substituted into the program as per the adopted Inappropriate Street Tree Removal and Replacement Program for 2008/09 and 2009/10.

There may be increased costs for infrastructure maintenance in the future. Although it is difficult to accurately estimate the additional asset maintenance required over the remaining life of these trees, it should not be excessive.

7. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

The residents were sent a letter outlining the process involved in the Inappropriate Street Tree Removal and Replacement Program for 2008/09 and 2009/10. The letter stated the reasons that the trees were to be removed and sought feedback on the proposal and if agreeing with the tree removal then sought an opinion on an appropriate replacement tree.

Details of Community Consultation / Results of Engagement:

Thirty letters were sent to residents in Polden Crescent with five residents agreeing to the trees being removed, three objecting and twenty two not responding. The letters sent out to residents pointed out that a no response would be counted as supporting the proposal to remove the trees.

8. OPTIONS

Council has the following options:

1. Lay the petition on the table until the Ordinary Council Meeting to be held on 20 July 2009 or a later meeting; or
2. Consider the petition at this meeting.

9. CONCLUSION

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

Given that the majority of residents in Polden Crescent have now expressed their desire to retain the trees, it is recommended that a decision be made at this meeting to retain the trees and monitor and manage any infrastructure damage that occurs.

10. RECOMMENDATION

- 1. That Council agrees to not lay the petition on the table, objecting to the proposed removal of trees in Polden Crescent and at 9 Langford Street, Morwell as part of the Inappropriate Street Tree Removal and Replacement Program and deals with it at this Ordinary Council Meeting.**
- 2. That the trees in Polden Crescent and at 9 Langford Street not be removed as part of the Inappropriate Street Tree Removal and Replacement Program.**
- 3. That the head petitioner, John Kamphuis be advised of Council's decision in relation to the petition objecting to the proposed removal of trees in Polden Crescent and at 9 Langford Street, Morwell as part of the Inappropriate Street Tree Removal and Replacement Program.**

Moved: Cr Lougheed

Seconded: Cr Middlemiss

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

To: Mr. Dean Monahan

Acting Manager infrastructure operations
Latrobe city council
morwell

Morwell., VIC 3840
29th March 2009

CC: Mr. Paul Buckley
Chief Executive Officer
Latrobe City Council

Residents Latrobe City	
31 MAR 2009	
Doc. No:	
Action Officer:	D. Monahan
Disposal Code:	
Comments: cc: CEO.	

Dear Mr Morahan,

RE: Proposed removal and replacement of 16 inappropriate street trees at 1, 7, 9, 11, 13, 15, 17, 21,23, 25, 29, 31,33 and 35 Polden Crescent and 9 Langford Street, Morwell.

We, the residents of Polden Crescent and Langford Street, Morwell, object to the proposal (detailed above) by the Latrobe City Council. We **DO NOT** support the removal of the said trees in Polden Crescent and Langford Street and we reject the proposal outright.

In the letter from Latrobe City Council (dated 4 March, 2009) regarding this proposition, the reason for felling and removing of these trees was not explicit. Rather, a series of generic criteria were listed and we reject that these reasons apply to the trees in these streets. No supporting evidence accompanied the proposal for any of the criteria and no criterion was highlighted as being applicable.

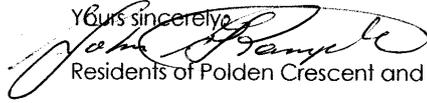
These trees have taken some 50 years to establish and add to the aesthetic and amenity of the streetscape and environment. Additionally these trees contribute to carbon capture and thus environmental health. To remove these and replace with lesser trees would be an environmental travesty on many levels.

Please refer to the attached petition, which we have signed to show our solidarity in rejection of this proposal. Please also note that at least half the residents in the affected streets have signed the petition, satisfying that the proposal be quashed (refer to question 4 "frequently asked questions /information sheet" enclosed with original letter from the Latrobe City Council).

Although our submission, has breached the two week deadline (as outlined in original letter from Council), we ask that this is still accepted. We feel the Council needs to examine their two week response time for such an important matter. We believe is unreasonable to expect residents to meet, consult, discuss and then respond to such a proposal, in under two weeks. Many of us would like to highlight the fact that we did not receive the letter from the Council for several days after the date of the letter, which in effect gave us less than two weeks to respond. These letters were not delivered via registered mail. We are all busy people, living, working and raising our families in Morwell and have acted swiftly to put this petition together, to articulate our collective view of this proposal.

and raising our families in Morwell and have acted swiftly to put this petition together, to articulate our collective view of this proposal.

Yours sincerely



Residents of Polden Crescent and Langford Streets, Morwell

PETITION

We, the signatories of this petition, being residents of Polden Crescent and Langford Street, Morwell, object to the Latrobe City Council's proposal (dated March 4, 2009) to "remove and replace 16 inappropriate street trees at 1, 7, 9, 11, 13, 15, 17, 21, 23, 25, 29, 31, 33 and 35 Polden Crescent and 9 Langford Street, Morwell."

RESIDENTS NAME	ADDRESS	SIGNATURE
MATTHEW BYRNE	24 POLDEN CRESCENT	M. Byrne
Ben SHELTON	29 Polden Cres	Ben Shelton
MARK HIDE	27 POLDEN CRES	Mark Hide
Stacie Bradshaw	27 Polden Cres	Stacie Bradshaw
Kayla Siddle	23 Polden Cres	Kayla Siddle
Therese Lowe	21 Polden Cres	Therese Lowe
TRACY COOK	6 Polden Cres	Tracy Cook
Maelien McMillan	11 Polden Cres	Maelien McMillan
Peter Olden	11 Polden Cres	Peter Olden
DAVID	5 Polden Cres	David
Rich Noss	3 polden Cres.	Rich Noss
Dana Milkins	1 polden Cres	Dana Milkins
Mary Cras	11 Polden Cres	Mary Cras
Sally Pepper	16 Polden Cres	Sally Pepper
TOOD GILMOUR	18 Polden Cres	Tood Gilmour
Drew Payne	20 Polden Cres	Drew Payne
Rosa Payne	20 Polden Cres	Rosa Payne
John Kamphuis	26 Polden Cres	John Kamphuis
Elben Kamphuis	26 Polden Cres	Elben Kamphuis
Tracy Wilson	28 Polden Crescent Morwell	Tracy Wilson

CD:DM

4 March 2009

Owner/Occupier
Polden Crescent
MORWELL VIC 3840

Dear Sir/Madam

PROPOSED REMOVAL AND REPLACEMENT OF 16 INAPPROPRIATE STREET TREES AT 1, 7, 9, 11, 13, 15, 17, 21, 23, 25, 27, 29, 31, 33 AND 35 POLDEN CRESCENT AND 9 LANGFORD STREET IN POLDEN CRESCENT, MORWELL

Latrobe City Council has an annual program to remove and replace inappropriate street trees throughout the municipality. A street tree may be considered to be inappropriate for a number of reasons, including:

- Inappropriately located – eg either a tall tree species with structural defects, a tree under power lines, a tree that causes major damage to under ground services, a tree that may be affecting other assets or producing excessive fruit or berries.
- A tree containing toxins within the vegetation that have been proven to cause death or major illness to either humans or animals.
- An allergy causing tree that has been proven to cause major health effects in humans.

In approving the *'Inappropriate Street Tree Removal and Replacement Program'*, Latrobe City Council has committed to communicating with residents to inform them of the aims of the program and to negotiate a tree replacement outcome which has the support of the majority of residents in the street.

Your street has been identified for this program. As such you and your fellow residents are being offered a choice of a replacement tree. Attached is a photograph of the two different species of replacement tree, as suggested by Latrobe City Council arborists and horticultural staff. The recommended trees take into account the height of the tree when fully grown as well as space available for growth both above and below ground. In nominating your preferred replacement tree, please be aware that Latrobe City Council's practice is to only plant one species of tree in a street, to achieve an "avenue" effect over time.

We invite you to discuss this proposal with your neighbours. This program is dependent on the majority of residents agreeing to both the removal and replacement of the 'inappropriate' tree species.

Your feedback is very important to us and I would like to take this opportunity to thank you for participating.

Enclosed with this letter is:

- a feedback form,
- photos of the two species of replacement trees suggested by Latrobe City Council arborists and horticultural staff,
- a 'Frequently Asked Questions' leaflet, and
- a reply paid envelope.

Planting of replacement trees will occur during the upcoming winter.

Please note that if you do not reply to our letter we will determine that you support Latrobe City Council's proposal.

Please provide your comments back to Latrobe City Council within two weeks of receiving this letter.

In the mean time, should you require any further information please do not hesitate to contact Chris Dash, Team Leader, Planned Tree Maintenance on 0408 598 112.

Yours faithfully



DEAN MORAHAN
Acting Manager Infrastructure Operations

Encl

BUILT AND NATURAL ENVIRONMENT SUSTAINABILITY

**11.3.1 PLANNING PERMIT APPLICATION 2009/34 - TWO LOT
SUBDIVISION (BOUNDARY REALIGNMENT), 10-11 THOMSON
RISE, TRARALGON**

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

This Item was withdrawn from the Agenda until the Ordinary Council meeting to be held on 20 July 2009, pending clarification.

Moved: Cr White

Seconded: Cr Lougheed

That this Item be withdrawn from the Agenda until the Ordinary Council Meeting to be held on 20 July 2009.

CARRIED UNANIMOUSLY

RECREATIONAL AND CULTURAL LIVEABILITY

**11.4.1 REVIEW OF ANNUAL MAINTENANCE GRANT ALLOCATIONS
TO RAIL TRAIL COMMITTEES**

AUTHOR: General Manager Recreational and Cultural Liveability
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present to Council for consideration a formula to calculate the future annual maintenance grant allocations to the Gippsland Plains Rail Trail, Moe Yallourn Rail Trail and the Mirboo North Boolarra Rail Trail Committee's of Management. The report also proposes that Latrobe City Council be appointed Committee of Management status over two parcels of crown land which will extend the existing Moe Yallourn Rail Trail.

2. DECLARATION OF INTERESTS

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

3. 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 – Recreational Liveability

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

Strategic Action

Facilitate the maintenance and upgrading of parks and open spaces by friends and user groups.

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 economic environment in which to do business.

Community Outcome – Economic Sustainability

By providing leadership and facilitating a vibrant and dynamic economic environment in which to do business.

Strategic Action

Strengthen the link between tourism and economic development, promote and support the development of the tourism and events industry.

4. BACKGROUND

At the 31 March 2008 Issues and Discussion Session, the Gippsland Plains Rail Trail Committee of Management presented a proposal to Councillors regarding their future annual maintenance grant funding allocation. The Committee requested that Council allocate \$25,000 per annum for the next five years for the maintenance and development of the Gippsland Plains Rail Trail.

This request was unable to be accommodated within budget allocations and at this time Councillors requested officers further engage each of the Committee's and prepare a further report to Council presenting a funding model that was equitable to all three rail trail Committee's of Management.

The current allocations to each committee are historical and are not based on any formula.

There are three rail trails either wholly located or have part of their total length located within Latrobe City Council boundaries. Latrobe City Council provides an annual maintenance grant to each Committee of Management for the general maintenance of the rail trails.

Research for this report revealed that there is no information available on the patronage or usage patterns of the three rail trails. Rail Trails Australia advised that they are currently unaware of any formula used by any level of government in Australia to determine the allocation of development or maintenance grants to Committees of Management for rail trails.

The current funding arrangements for each rail trail Committee of Management are as follows:

The Gippsland Plains Rail Trail

The Gippsland Plains rail Trail is 65 kilometres long. 12 kilometres of the trail is situated within Latrobe City, which consists of 7 kilometres of developed trail and 5 kilometres of undeveloped trail. The total area of the trail is 30.5 hectares of developed trail and 20 hectares of undeveloped trail.

The undeveloped section of trail stretches from Glengarry to the intersection of the Traralgon - Maffra Road and Princes Highway in Traralgon. The Committee of Management is a Department of Sustainability and Environment committee.

Latrobe City Council currently provides \$2,500 to the Committee as their annual maintenance grant.

The Moe Yallourn Rail Trail

The Moe Yallourn Rail Trail is 8 kilometres in length and is located wholly within Latrobe City. The total area of the trail is 27 hectares. The rail trail is open for its complete length. Latrobe City is the appointed crown land manager by the Department of Sustainability and Environment and the committee is appointed by Latrobe City Council to manage the land on Council's behalf.

Latrobe City provides \$8,000 to the committee as their annual maintenance grant.

Mirboo North Boolarra Rail Trail

The Mirboo North Boolarra Rail Trail is 13 kilometres in length, of which 6.5 kilometres is situated within Latrobe City and is open for use. The Committee of Management is a Department of Sustainability and Environment committee. The total area of the trail within Latrobe City is 24.5 hectares.

Latrobe City currently provides \$4,200 to the committee as their annual maintenance grant.

The South Gippsland Shire Council provides an annual contribution of \$4,000 plus CPI to the Committee for their section of the rail trail.

5. ISSUES

Meetings were conducted between Council officers and the President's of each Committee during May 2009. The objective of the meetings was to discuss the formation of a funding formula for the ongoing allocation of the annual maintenance grants. It was highlighted at these meetings that this process was being investigated to develop a formula which is fair and equitable for all rail trail committees.

The consensus from each meeting was that the Committees supported Council in the formation of a funding formula. Two options were discussed for calculating the funding.

- Dollars per kilometre for developed and undeveloped rail trails; and
- Dollars per area for developed & undeveloped trails.

The opinion from the Committees was that both options would be suitable as the undeveloped areas would now receive some funding to assist with the minor maintenance required. This addressed the concerns raised in regards to the undeveloped sections of the rail trails. It was also explained that the existing funding was provided for the whole area including bushland adjoining the trails and the committees were required to manage and allocate funds accordingly.

Taking into account the comments from the consultation it is proposed to recommend the per kilometre funding formula as it is considered the fairest for each committee based on the current funding and the length of trail within Latrobe City.

The Moe Yallourn Rail Trail Committee of Management have also requested that Council seek appointment as the Committee of Management of two (2) sections of crown land called (part of) Crown Allotment 2018 which are currently governed by the Department of Sustainability and Environment (DSE).

The Committee wishes to create a link between the existing trail and Lake Narracan by constructing a path beside Halls Bay and to also extend the trail to the Latrobe River Bridge with the future intent of continuing the trail into Yallourn North. The two (2) parcels of land would be included into the current rail trail land under the management of the Committee.

At the Ordinary Council Meeting held on 20 November 2006, Council resolved to allocate the proceeds of the land sales at the rear of Northern Avenue Newborough to the Moe Yallourn Rail Trail Committee. The committee have agreed to utilise these funds to develop the acquired extra land.

It should be noted that this report is not intended to provide a review of capital upgrades and improvements to Rail Trails.

The issue of capital improvements is a more complex matter which creates a number of difficulties for Latrobe City Council. This is primarily due to the existence of three rail trails (full trails or parts of trails) within our municipality. All of these rail trails are unique in their own right and offer tourism and recreation experiences for users.

Council has not yet established a formal strategy or approach in respect to capital funding for rail trails and at this point is focussed on ensuring committees are treated equitably in respect to their maintenance grants. In addition to this, Latrobe City Council officers are playing an active role in working with the Mirboo North Boolarra Rail Trail Committee to initially acquire funding for infrastructure damaged, which was virtually destroyed earlier this year during the bushfires. Council will continue to provide advice and assistance to this group as required.

6. FINANCIAL AND RESOURCES IMPLICATIONS

Proposed formula:

\$1,000 per km for developed rail trail
\$250 per km for undeveloped rail trail

In summarising, the current and future annual maintenance grants will be:

Rail Trail	Developed Length	Undeveloped Length	2008/09 Funding	Proposed 2009/10 Funding
Gippsland Plains Rail Trail	7 km	5 km	\$2,500	\$8,250
Moe Yallourn Rail Trail	8 km	1.5 km (new land)	\$8,000	\$8,375
Mirboo North Boolarra Rail Trail	6.5 km	Nil	\$4,200	\$6,500
Totals	21.5km	6.5km	\$14,700	\$23,125

In preparing the draft 2009/10 budget, an increase to these grants was anticipated and as such will be able to be accommodated within the draft 2009/10 budget allocations.

7. INTERNAL/EXTERNAL CONSULTATION

Meetings were conducted between Council officers and each of the Rail Trail Presidents seeking their input into the formation of the proposed funding formula and follow up phone conversations to advise each President of the proposed formula. There were no objections to the proposed funding formula.

Discussions have been taking place with the Moe Yallourn Rail Trail Committee for some time in regards to the acquisition of the two (2) parcels of crown land known as (part of) Crown Allotment 2018 that are currently managed by DSE.

8. OPTIONS

1. Council may choose not to establish an Annual Maintenance Grant funding formula and not to be appointed the Committee of Management of the two (2) parcels of crown land known as (part of) Crown Allotment 2018.
2. Council may choose to establish an Annual Maintenance Grant funding formula per kilometre and to be appointed the Committee of Management of the two (2) parcels of crown land known as (part of) Crown Allotment 2018.
3. Council may choose to establish an Annual Maintenance Grant funding formula per kilometre only and not to be appointed the Committee of Management of the two (2) parcels of crown land known as (part of) Crown Allotment 2018.

9. CONCLUSION

This report recommends a simple and equitable method for the future funding of the Moe Yallourn Rail Trail, Mirboo North Boolarra Rail Trail and the Gippsland Plains Rail Trail Committee's of Management annual maintenance grants. It also recommends that Council be appointed the Committee of Management of the two (2) parcels of crown land known as (part of) Crown Allotment 2018, which are imperative for the continuation of the rail trail to the bridge over the Latrobe River.

10. RECOMMENDATION

- 1. That Council adopts the annual maintenance grant funding formula of \$1,000 per kilometre for developed rail trail and \$250 per kilometre for undeveloped rail trail that resides within the Latrobe City Council boundaries.**
- 2. That Council makes a formal request to the Department of Sustainability and Environment to be appointed Committee of Management status of (part of) Crown Allotment 2018 for the purposes of extending the existing Moe Yallourn Rail Trail.**

Moved: Cr White

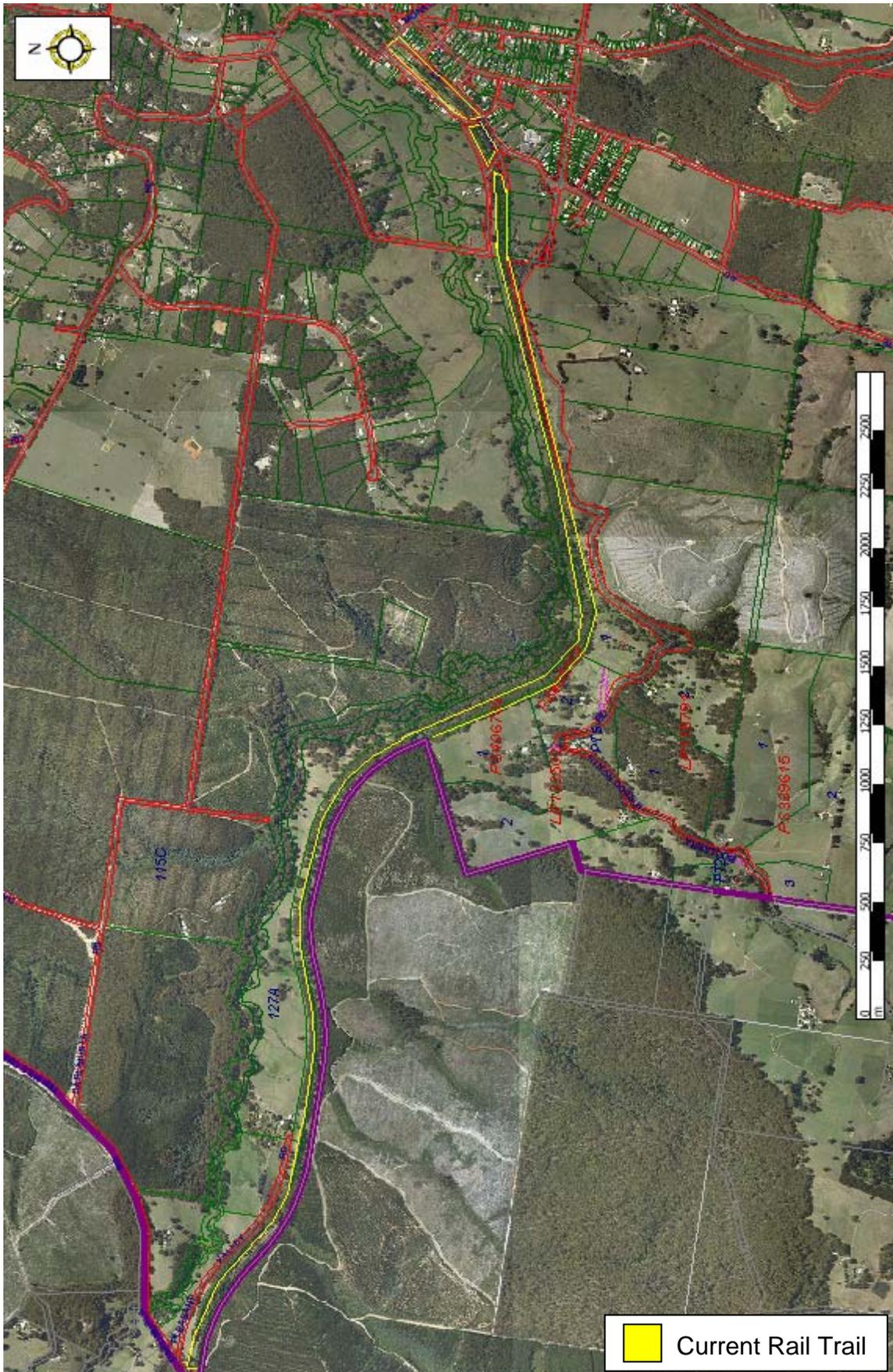
Seconded: Cr Gibson

That the Recommendation be adopted.

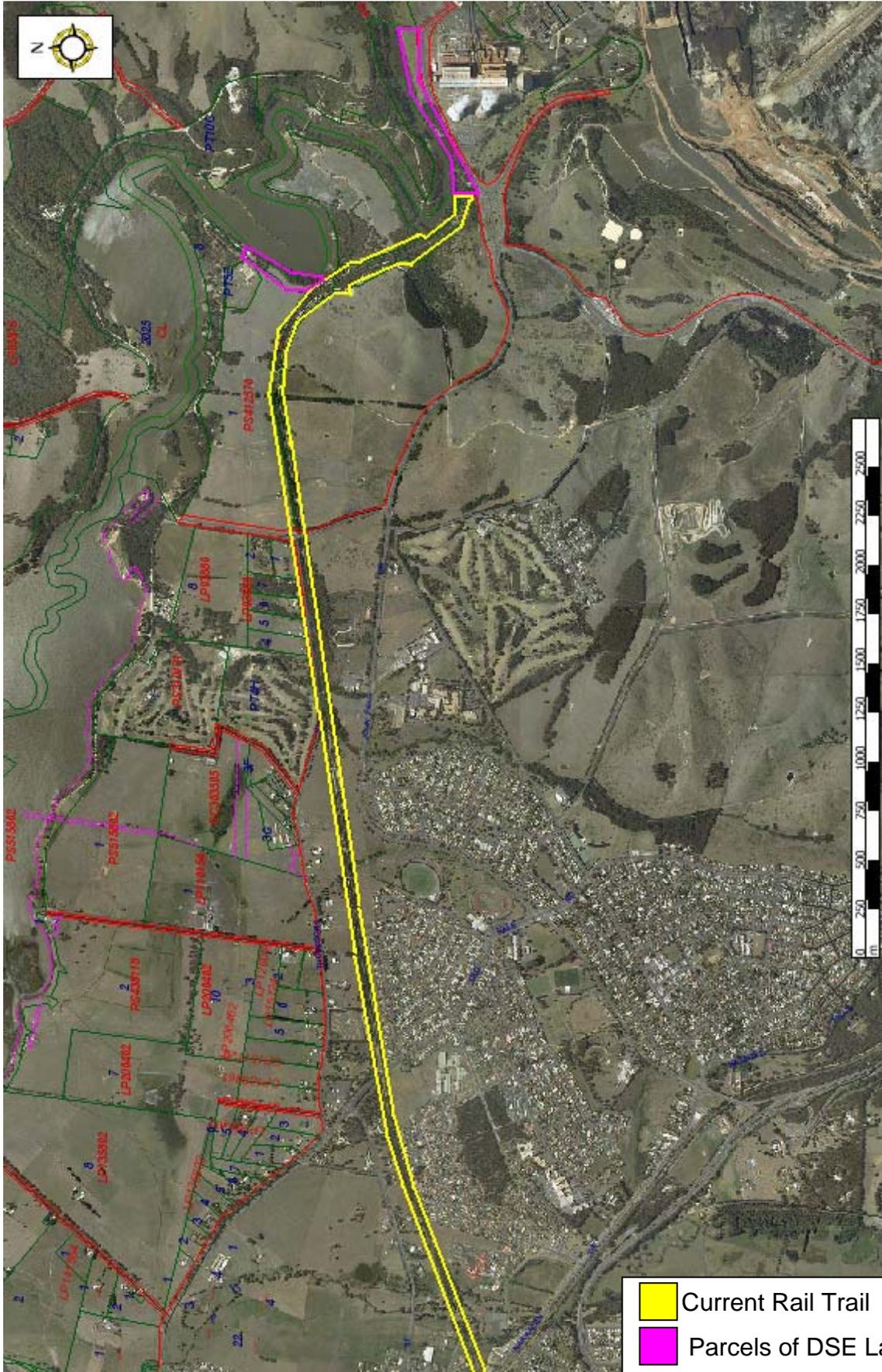
CARRIED UNANIMOUSLY

ATTACHMENTS

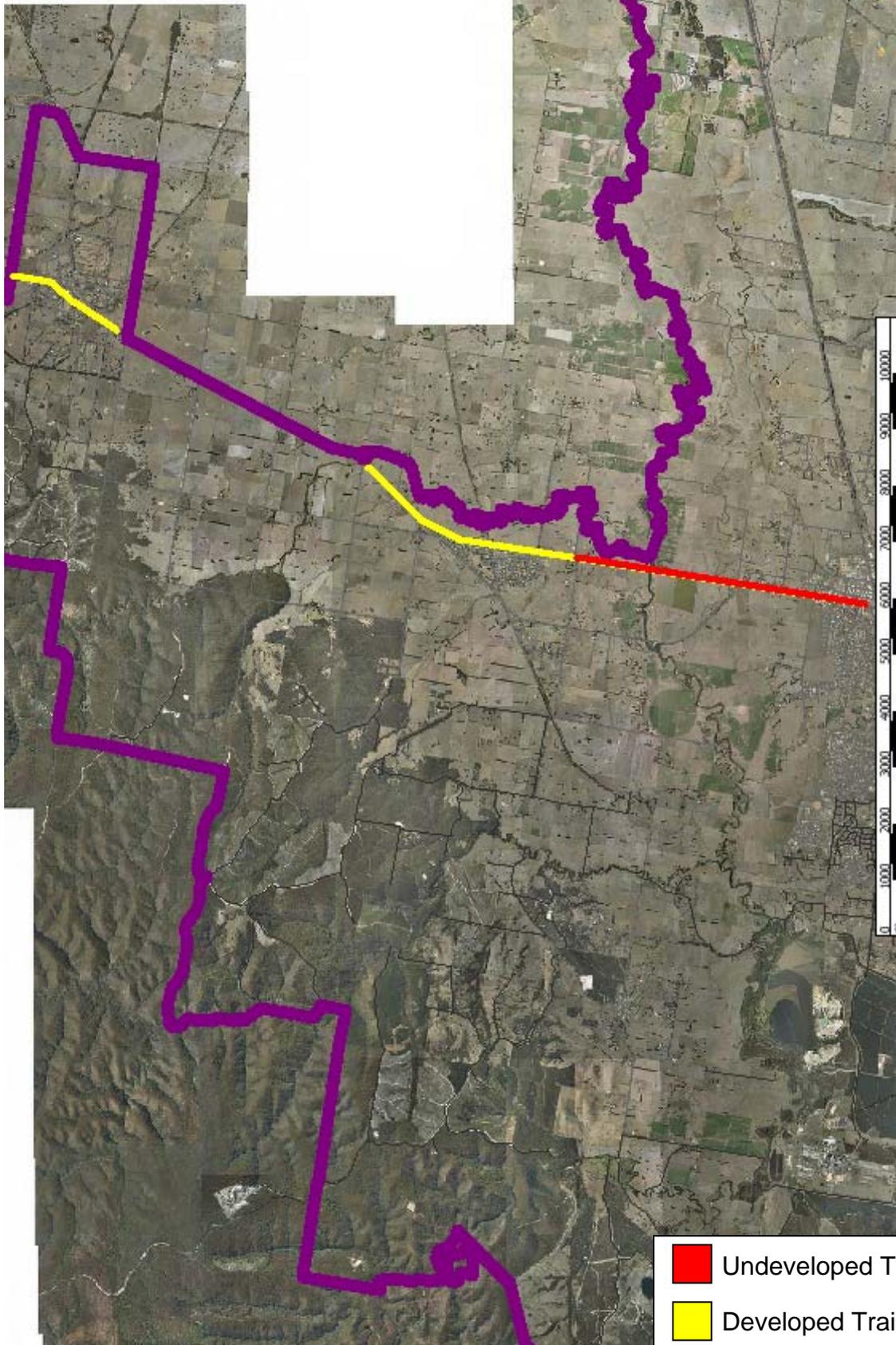
MIRBOO NORTH BOOLARRA RAIL TRAIL



MOE YALLOURN RAIL TRAIL



GIPPSLAND PLAINS RAIL TRAIL



-  Undeveloped Trail
-  Developed Trail

COMMUNITY LIVEABILITY

11.5.1 TRARALGON EAST COMMUNITY CENTRE

AUTHOR: General Manager Community Liveability
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to seek Council's in principle support for the development of an expanded Traralgon East Community Centre in Cameron Street.

2. DECLARATION OF INTERESTS

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

3. POLICY IMPLICATIONS

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

Latrobe 2021

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 a 'sense of place'.

Strategic Action

Develop libraries and community centres as centres of education, information and passive recreation.

Strategic Objective – Community Capacity Building

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

Community Outcome – Partnerships and Inclusiveness

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

Strategic Action

Strengthen and increase civic participation in the community.

Council Plan 2008-2012

Strategic Action

Support community-based programs to promote greater community empowerment.

Key Priorities and Actions

Deliver year two actions of the Neighbourhood Alliance Plan in Neighbourhood Renewal areas.

4. BACKGROUND

Neighbourhood Renewal (NR) is a state wide initiative of the Victorian Government to address inequality in Victoria's most disadvantaged communities. The program is currently delivered in 19 sites across Victoria. Latrobe Valley and Wendouree West were the first two Neighbourhood Renewal sites established when the eight year intensive program began in 2001.

Latrobe Valley Neighbourhood Renewal (LVNR) has been delivered in four neighbourhoods, being Glendonald Estate in Churchill, Moe Heights, Morwell East and Traralgon East.

The provision of new or upgraded Community Centres in Neighbourhood Renewal areas is a key strategy that has become a hallmark of Neighbourhood Renewal.

Facilities that have been built or supported by Neighbourhood Renewal are Moe Neighbourhood House, Morwell Neighbourhood House and the recently completed Churchill Community Hub.

The Neighbourhood Renewal program identified the re-vitalisation of Traralgon East community facilities as critical community infrastructure that would help to fulfil key Neighbourhood Renewal objectives.

In late 2007, the Traralgon East Residents Group identified as their top priority the provision of the re-vitalised Cameron Street Community Centre.

DHS then conducted a review in late 2007 and early 2008 – *‘Proposed Development of a Community Centre in the Traralgon East Neighbourhood Renewal Area’*. This review assessed the current use, strengths and limitation of the two existing facilities, community priorities and emerging community needs. The existing facilities are the Cameron Street Community Centre, which is attached to the preschool and the Traralgon East Community Hall.

In March 2008, DHS and Latrobe City co-hosted a community forum to establish community priorities regarding community facilities. A project steering group, chaired by the Ward Councillor, was established following this forum.

In mid 2008, DHS allocated \$75,000 to Latrobe City to fund a *Traralgon East Community Centre Feasibility Study*, including consultation with the NR community. FMSA Architects were contracted to undertake the feasibility study. The feasibility study has been completed and is included as an attachment to this report.

5. ISSUES

Community input reinforced Priestly Park in Cameron Street as the clearly preferred option for a community centre. It is located in the heart of the Neighbourhood Renewal area adjacent to amenities and transport. The community has developed a strong ownership for Priestly Park and is keen to progress the development of the park as a community facility.

The project steering group identified the following aspirations and priorities for a community centre:

- Visibility to Priestly Park and Cameron Street;
- Separate entry from the preschool;
- Ability for expanded community centre to address the park;
- Community workshops / arts and crafts area;
- Computer facilities;
- Community kitchen;
- Separate meeting rooms;
- Improved toilets;
- Increased storage for diverse users.

The *Traralgon East Community Centre Feasibility Study* assessed four possible development options:

- Option 1 Acquire the adjacent site located at 39 Cameron Street and build a linked facility.
- Option 2 Renovate the existing Cameron Street building.
- Option 3 Demolish and re-develop the existing Cameron Street building.
- Option 4 Renovate and extend the existing Traralgon East Community Hall.

The feasibility report identifies option 1 as the preferred option. This option is contingent on DHS making 39 Cameron Street available for the development of the community facility.

The feasibility report notes that this option would allow for:

- Provision of facilities and service opportunities that are restricted or lacking at the existing Traralgon East Community Centre.
- A proper redevelopment of the site without losing park land.
- The removal of an unsafe blind spot in the park.
- Increased natural surveillance by Police patrolling along Cameron Street.
- The inclusion of a community workshop.
- Multipurpose rooms and community gardens similar to the layout achieved at Moe Heights Neighbourhood House.

Community safety is a key indicator of Community Health and Wellbeing. The lack of community safety in Priestly Park has been well documented and was the impetus behind the successful 2008 Priestly Park Community Arts Project. The project design for option 1 increases natural surveillance and safe access to and use of Priestly Park, and will encourage extended community use of the park and the community centre.

Community arts has proven to be a very successful community engagement mechanism in Traralgon East. The proposed facility would be designed to support community led arts projects.

It is proposed that a Traralgon East community Centre Project Steering Group will be formed to facilitate an appropriate community based governance model for the proposed facility.

The Traralgon East Community Centre Project Steering Group will use a place-based approach, identifying and engaging key stakeholders and agencies that have an interest in the Traralgon East Community Centre. The group will also assist in the detailed design and construction phase of the proposed community centre.

6. FINANCIAL AND RESOURCES IMPLICATIONS

DHS allocated \$75,000 to Latrobe City to fund the feasibility study and to be utilised for project design if required following the feasibility study. To date \$15,000 of this amount has been expended leaving a balance of \$60,000 that could be utilised for the project design.

The feasibility study has identified an estimate of probable development cost for the project of \$510,000, including allowances for project management fees, and including a 25% contingency allowance, as the estimates are based on concept plans.

DHS has encouraged Latrobe City to apply for a \$100,000 grant for the project to help leverage additional government funding. Other potential funding sources include the Federal Government Jobs Fund and the State Government Community Support Fund.

The sale of the Traralgon East Community Hall is also a potential source of funds. The Traralgon East Community has determined that this facility does not meet its requirements and it receives minimal community usage. This hall was purchased in 2003 with funds made available by DHS.

It was expected that DHS Office of Housing would offer the in-kind donation of the Office of Housing property located at 39 Cameron Street to enable the project to proceed. Recent advice has been received from DHS that Council would need to purchase this property at a price as determined by the valuer general. The purchase and demolition costs will therefore need to be included in the funding submissions.

If this project gains Council support, Latrobe City officers will work on funding submissions for the total amount of project development costs.

The annual operating expenditure of the Traralgon East Community Hall is approximately \$6,500, with an income of \$1,600, resulting in a net cost of \$4,900. It is anticipated that the operating cost of the proposed Traralgon East Community Centre could be in the order of \$10,000 due to an increased usage compared with the Traralgon East Community Hall.

7. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Traralgon East Community Consultation 2007 - 2009

- DHS project consultation late 2007 to early 2008 for 'Proposed Development of a Community Centre in the Traralgon East Neighbourhood Renewal Area';
- Traralgon East Community Forum in March 2008 co-facilitated by DHS and Latrobe City Council;
- Traralgon East Facilities Upgrade Steering Group – April to October 2008;
- Traralgon East Community Infrastructure Audit 2008 by SGS Economics and Planning; and
- Traralgon East Community Centre Feasibility Study by Latrobe City and FMSA Architects.

Details of Community Consultation / Results of Engagement:

A series of meetings were organised for this feasibility study with representatives from the following:

- Latrobe City Council
- DHS Neighbourhood Renewal
- DHS Office of Housing
- Department of Planning and Community Development
- FMSA Architects
- Traralgon East Community Group
- Neighbourhood Watch
- Cameron Street Preschool

These representatives formed the Community Reference Group (CRG) which met during February and March 2009 and arranged site meetings to other LVNR community centres in Moe Heights and Morwell East.

A series of other meetings were also held with the Traralgon East Residents Group and Neighbourhood Watch.

8. OPTIONS

1. Council could provide in principle support for option 1 as identified in the Traralgon East Community Centre Feasibility Report, to enable funding submissions to be pursued.
2. Council could give consideration to other options identified in the feasibility report.
3. Council could choose not to support the progression of the development of a community centre in Traralgon East.

9. CONCLUSION

The need for a centrally placed revitalised community centre in Traralgon East has been demonstrated through a number of reports and studies, and reinforced through extensive community consultation.

The proposed project will enhance and revitalise the existing Cameron Street facilities, creating a vibrant community precinct. It will lift the profile of the under-utilised Cameron Street preschool and is likely to encourage further enrolments.

The project is designed to improve access to and use of Priestly Park with no loss of public open space.

There is strong and continuing community engagement and backing for this project, with the Traralgon East Residents Group and Neighbourhood Watch both playing a leadership role.

The proposed project also delivers equity to the Traralgon East community, which is the only remaining Latrobe Valley Neighbourhood Renewal community that has not has a new community centre delivered through Neighbourhood Renewal.

There is strong support for the project from DHS Neighbourhood Renewal, with \$75,000 already committed to project feasibility, planning and design and an invitation for Latrobe City to apply for a further \$100,000 in funding to be used to leverage additional funding from the Victorian and Australian Governments.

DHS Neighbourhood Renewal has been advised that the proposed Traralgon East project closely fits the criteria of the Australian Governments Jobs Fund program and the Victorian Governments Community Support Fund.

The Jobs Fund program has a total of \$650 million available in three funding streams which are Local Jobs, Get Communities Working and Infrastructure Employment Projects. The Community Support Fund enables applications of up to \$1M for projects that are of multi-purpose community use.

10. RECOMMENDATION

- 1. That Council provides in principle support for the development of an expanded Traralgon East Community Centre in Cameron Street, Traralgon, subject to development funding being obtained.**
- 2. That Council authorises the Chief Executive Officer to prepare, submit and sign funding submissions for the development of an expanded Traralgon East Community Centre in Cameron Street, Traralgon.**
- 3. That a further report be presented to Council once officers have received advice of funding levels from Government.**

Moved: Cr Vermeulen

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

TRARALGON EAST COMMUNITY CENTRE – FEASIBILITY REPORT

ORGANISATIONAL EXCELLENCE

11.6.1 COUNCIL PLAN 2009-2013

AUTHOR: General Manager Organisational Excellence
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present the Council Plan 2009-2013 to Council for consideration.

2. DECLARATION OF INTERESTS

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

3. POLICY IMPLICATIONS

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

Latrobe 2021

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.

Council Plan 2008-2012

Develop the Council Plan and present to Council for consideration within the legislative timeframe.

4. BACKGROUND

In Victoria, councils are required under Section 125 of the *Local Government Act* 1989 to prepare a four year Council Plan, which must be reviewed annually.

The Council Plan must set out the strategic objectives of Council, strategies for achieving these objectives for the next four years, strategic indicators for monitoring the achievement of objectives and a Strategic Resource Plan.

The Council Plan 2009-2013 has been developed in accordance with, and based on, the strategic objectives identified in Latrobe 2021: The Vision for Latrobe Valley.

At the Ordinary Council Meeting held on 18 May 2009, Council resolved:

1. *That Council, in accordance with Section 125(3) of the Local Government Act 1989, gives public notice inviting submissions in respect of the draft Council Plan 2009-2013.*
2. *That Council considers all submissions in relation to the draft Council Plan 2009-2013 in accordance with Section 223 of the Local Government Act 1989 at a Special Council Meeting to be held on 29 June 2009 at 7.00pm.*

Submissions in relation to the Council Plan 2009-2013 were received up to 5.00pm on Wednesday, 17 June 2009.

5. **ISSUES**

The Council Plan 2009-2013 reflects the directions set by Council as identified in Latrobe 2021: The Vision for Latrobe Valley. The Council Plan has taken into consideration both financial and non-financial resource allocations, and makes a positive contribution to the achievement of Council's overall vision for the community.

The key priorities and actions outlined in the Council Plan have been used to develop the 2009/2010 annual budget.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

The Council Plan includes a Strategic Resource Plan.

The Strategic Resource Plan includes the next four financial years of standard statements describing the required financial and non-financial resources.

7. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Copies of the Council Plan 2009-2013 have been available for inspection at Latrobe City Council service centres and on the website since 19 May 2009.

Details of Community Consultation / Results of Engagement:

At the conclusion of the consultation period no submissions had been received.

8. OPTIONS

Council is obliged in accordance with Section 125(3) of the *Local Government Act 1989* to prepare a four year Council Plan and submit to the Minister for Local Government.

Council may choose to adopt the Council Plan in its current format or undertake amendments.

9. CONCLUSION

The Council Plan 2009-2013 provides Council with a four year strategic direction in accordance with Section 125 of the *Local Government Act 1989*.

Consultation has been undertaken in line with the requirements of the Local Government Act 1989, Sections 125 and 223, with no submissions resulting from this process.

10. RECOMMENDATION

That Council adopts the Latrobe City Council Plan 2009-2013.

Moved: Cr White

Seconded: Cr Vermeulen

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

COUNCIL PLAN 2009-2013

GOVERNANCE

11.7.1 2009/2010 BUDGET

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to present the 2009/2010 budget for Council's consideration with a recommendation that it be adopted.

2. DECLARATION OF INTERESTS

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

3. 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 Governance

By ensuring adherence to legislative requirements.

Strategic Action

Ensure compliance with the Local Government Act.

Strategy - Community Engagement Policy and Strategy

Council's adopted Community Engagement Policy and Strategy provides a framework for how the community and Council may communicate more effectively with one another.

4. BACKGROUND

On 18 May 2009, Council resolved to give notice of preparation of the proposed 2009/2010 budget, including proposed rates and charges for the year, and invited submissions on the budget in accordance with Section 129 of the *Local Government Act* 1989.

The notice advertising preparation of the budget was subsequently advertised in the Latrobe Valley Express on Thursday, 21 May 2009, Thursday, 28 May 2009 and Thursday, 4 June 2009 inviting submissions in relation to the proposed budget.

The closing date for submissions was Wednesday, 17 June 2009. Nine submissions were received in relation to the draft 2009/2010 budget. All those who made submissions were provided with the opportunity to be heard by Council at the Special Council Meeting held on 29 June 2009. Subsequently six submitters took the opportunity to speak to their submission at the Special Council Meeting.

The draft 2009/2010 budget has been prepared utilising financially prudent principles and measures, whilst supporting the delivery of "*Latrobe 2021: The Vision for Latrobe Valley*" and clearly articulates the resources required to deliver the 2009-2013 Council Plan.

The draft 2009/2010 budget proposes new borrowings of \$4.35 million for the construction of new assets in the capital program. Even with the additional borrowings, Council remains well within the State Government borrowing guidelines limits.

The draft 2009/2010 budget proposes a 5.2% increase in general rates and the municipal charge, excluding growth. This report forms part of the statutory process for the adoption of the 2009/2010 budget.

5. ISSUES

In assessing the movement in expenses for an industry over time, an important variable is the underlying movement in the industry's input cost. This variable is referred to as the Consumer Price Index (CPI) which measures the price movements of a standard basket of goods reflecting household consumption. The March 2009 quarter CPI for the Melbourne All Groups was 2.1%.

While the CPI broadly reflects movements in household consumer spending, it is not necessarily the most appropriate measure for local government. Material costs have been increasing at a higher level, particularly bituminous products which have been increasing in the order of 15% per annum.

The budget has been drafted to provide for delivery of actions within the Council Plan 2009-2013 and the continued provision of the large range of services and programs.

Capital works spending is once again the largest ever allocated, increasing to \$35.82M. The capital works program allows for the completion of projects currently underway, as well as a range of new projects.

There is a continued focus on the maintenance and renewal of existing assets, and allocations for development projects. Some of the key projects included in the capital works program include the allocation of \$13.5 million for roads, drains and footpaths. An allocation of \$3.9 million has been made for the Moe children's hub which will incorporate an early learning centre, maternal and child health centre as well as a shared school and community multipurpose centre. An additional allocation of \$750,000 has been made towards the purchase of a new building for the Traralgon Early Learning Centre, making a total allocation over two years of \$2.4 million. The Moe Activity Centre Plan has a funding allocation of \$3 million.

Following public consultation nine submissions were been received in relation to the draft budget. Council considered these submissions at a Special Council Meeting held on 29 June 2009.

The following table includes a summary and comment on each submissions received.

Name	Summary of submission	Comment
Robert Lewis and Gary Honeychurch on behalf of 62 residents	Not supporting the proposed budget allocation of \$20K for the development of an oval at Warren Terrace, Hazelwood North as they believe it is contrary to Council's Southern Towns Outdoor Recreation Plan recommendation.	The construction of a full size oval in Hazelwood North will be subject to a decision by Council following the undertaking of due diligence on Church the Church Road site. The proposed allocation of funds to establish a basic oval at Warren Terrace will not provide an oval to the standard envisaged by the Southern Towns Outdoor Recreation Plan.

Name	Summary of submission	Comment
Gary and Lee Honeychurch	Not supporting the proposed budget allocation of \$20K for the development of an oval at Warren Terrace, Hazelwood North as they believe it is contrary to Council's Southern Towns Outdoor Recreation Plan recommendation.	The construction of a full size oval in Hazelwood North will be subject to a decision by Council following the undertaking of due diligence on Church the Church Road site. The proposed allocation of funds to establish a basic oval at Warren Terrace will not provide an oval to the standard envisaged by the Southern Towns Outdoor Recreation Plan.
The RAMS Churchill United Soccer Club	Supporting the inclusion in the draft budget of funding to upgrade lighting, and other works at the Hazelwood South Recreation Reserve.	The content of the submission was noted.
Latrobe City Farm Ratepayers Association	Supporting the retention of the farm rate for the 2009/10 year.	The content of the submission was noted.
Moe and District Residents Association Inc.	Seeking an amendment to the budget to provide funding for an additional public toilet in Moe's shopping centre and to upgrade the existing public toilet block next to the Moe town hall.	Council consideration of the provision of public toilets in Moe CBD is the subject of a Council report for the meeting 6 July 2009.
Carol and Brien Flint, on behalf of the Godridge Action Group	Requesting that Council include the sealing of Godridge Road in the 2009/10 budget.	The draft budget proposes the allocation of funds in 2009/10 through a special charge scheme for the sealing of Godridge Road.
Colin and Linda Reid	Verbal submission to thank Council for its support of the new Hockey facility.	The submission was noted.

Name	Summary of submission	Comment
Mr Neil Murdoch	Providing comment and feedback in relation to Councils rating strategy as well as issues in relation to the different types of materials used for footpaths constructed in Boolarra.	The contents of the submission were noted. An inspection of the path indicated by Mr Murdoch to require maintenance will be inspected and any maintenance undertaken in accordance with Councils Footpath Asset Management Plan.
A Lawrence	Providing comment on the level of Council rates.	The content of the submission was noted.

6. FINANCIAL AND RESOURCES IMPLICATIONS

The budget has been drafted to provide for the continuation and, in some cases, enhancement of services and programs. Once again provision has made for a significant capital works program of \$35.82 million.

The budget has been prepared with an increase in income from rates of 5.2% which, includes the maintenance of the farm rate at 75% of the general rate.

7. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

Copies of the draft budget have been available for inspection at Council offices and on the Council web site since 19 May 2009, ensuring a minimum of 28 days were available for submissions to be received.

Council's Audit Committee considered the draft budget at its meeting held on 14 May 2009 and recommended that the draft 2009/2010 draft budget be considered by Council for adoption following consideration of public submissions.

8. OPTIONS

Having considered the submissions, Council has the following options:

1. adopt the proposed budget;
2. amend the budget prior to adoption; or
3. not adopt the budget.

Any material amendment to the draft budget would require Council to undertake further community consultation and adoption at a later date.

9. CONCLUSION

The proposed 2009/2010 budget has been prepared to provide for the ongoing delivery of services and programs as well as a significant capital works program. The increase in income from rates is proposed to be 5.2%, excluding supplementary rates.

Council's audit committee has commended the budget as being financially responsible. Community input has been received and all submissions have been considered.

10. RECOMMENDATION

1. That the 2009/2010 Budget, dated 30 June 2009, annexed to this resolution, and having regard to submissions made under the *Local Government Act 1989*, be adopted by Council in accordance with Section 130 of the *Local Government Act 1989*.
2. That Council, in accordance with the provisions of the *Local Government Act 1989*, declares that the amount that it intends to raise by way of general rates, municipal charges and service charges for the period 1 July 2009 to 30 June 2010 is as follows:

(a) General Rates	\$32,757,226
(b) Municipal Charge	\$3,383,710
(c) Service Charges	\$6,236,379
(d) Payments in lieu of rates	\$7,841,485
3. That Council declares that:
 - 3.1 the general rates will be raised in 2009/2010 by the application of the following differential rates calculated on the Capital Improved Value of rateable property:

- (a) General rate of 0.00443739 cents in the dollar on lands as defined in paragraph 4.1(a).
 - (b) Farm rate of 0.00332804 cents in the dollar on farm land as defined in paragraph 5.1(a).
- 3.2 the general rates for a twelve month period commencing 1 July 2009 and that the rates be levied in respect of each portion of rateable land for which the Council has a separate valuation.
- 3.3 Council is of the opinion that the differential rates to be levied in 2009/2010 will contribute to the equitable and efficient carrying out of its functions.
- 4. That Council specifies in relation to the General Rate for 2009/2010 the following in accordance with Section 161 of the *Local Government Act 1989*:
 - 4.1 The objectives of the general rate as:
 - (a) the types and classes of land to which the rate will apply is all other rateable land that is not defined as farm land as described in paragraph 5.1(a);
 - (b) the level of the general rate is 0.00443739 cents in the dollar on the capital improved value of land as defined;
 - (c) the reasons for the use and level of that rate are that:
 - (i) the types and classes of land to which the rate applies can be easily identified;
 - (ii) it is appropriate to have a general rate so as to fairly rate lands other than recreational and farm lands;
 - (iii) the level of the general rate is appropriate having regard to all relevant matters including the use to which the land is put and the amount to be raised by Council's Municipal Charge;
 - (iv) the level of the general rate is appropriate to ensure that the burden of the payment of rates is fairly apportioned across all rateable land within the Municipal district; which objectives the Council considers are consistent with the economical and efficient carrying out of its functions, and

- 4.2 The characteristics of the land which are the criteria for declaring the general rate are as set out in subparagraph 4.1(a) above.
5. That Council specifies in relation to the farm rate for 2009/2010 the following in accordance with Section 161 of the *Local Government Act 1989*:
- 5.1 The objectives of the farm rate as:
- (a) the types and classes of land to which the rate will apply is farm land as defined in Section 2 of the *Valuation of Land Act 1960*, namely, any rateable land which is not less than 2 hectares in area and which is used primarily for carrying on one or more of the following businesses or industries:
 - (i) grazing (including agistment);
 - (ii) dairying;
 - (iii) pig farming;
 - (iv) poultry farming;
 - (v) fish farming;
 - (vi) tree farming;
 - (vii) bee keeping;
 - (viii) viticulture;
 - (ix) horticulture;
 - (x) fruit growing;
 - (xi) the growing of crops of any kind; and that is used by a business:
 - (i) that has a significant and substantial commercial purpose or character; and
 - (ii) that seeks to make a profit on a continuous or repetitive basis from its activities on the land; and
 - (iii) that is making a profit from its activities on the land, or that has a reasonable prospect of making a profit from its activities on the land if it continues to operate in the way it is operating
 - (b) the level of the farm rate is 0.00332804 cents in the dollar on the capital improved value of farm land as defined;
 - (c) the reasons for the use and level of that rate are that:
 - (i) the types and classes of land to which the rate applies can be easily identified;
 - (ii) it is appropriate to have a farm rate so as to fairly rate farm land;

- (iii) the level of the farm rate is appropriate having regard to all relevant matters including the use to which farm land is put and the amount to be raised by Council's Municipal charge;
 - (iv) the level of the farm rate is appropriate to ensure that the burden of the payment of general rates is fairly apportioned across all rateable land within the Municipal district;
 - (d) the types and classes of land to which the rate will apply can be identified as farm land as defined in paragraph (a); which objectives the Council considers are consistent with the economical and efficient carrying out of its functions.
- 5.2 The characteristics of the land which are the criteria for declaring the farm rate are as set out in sub-paragraph 5.1(a) above.
6. That Council declares a Municipal charge at the annual rate of \$95.00 for rateable land in respect of which a Municipal charge may be levied to recover some of the administrative costs of the Council for a period of 12 months from 1 July 2009 to 30 June 2010.
7. That Council:
- 7.1 declares an annual service charge of \$202.00 per premises for the weekly collection and disposal of refuse in respect of premises to which the service is provided (whether or not the owner or occupier of such premises avails himself or herself of the service provided) for a twelve month period from 1 July 2009 to 30 June 2010.
 - 7.2 determines that where exemptions are granted, waste services will be charged for services utilised for the period 1 July 2009 to 30 June 2010 as follows:

Garbage 120L bin	\$115 pa
Garbage 240L bin	\$205 pa
Garbage 240L bin Special	\$140 pa
Recycling 240L bin	\$ 46 pa
Organics 240L bin	\$ 41 pa
8. That Council declares that for Cultural and Recreational Land, in accordance with Section 4 of the Cultural and Recreational Lands Act 1963, the following amounts be specified as the amounts payable in respect of recreational lands described as:

Morwell Bowling Club	52 Hazelwood Road, Morwell	\$4,503.96
Morwell Golf Club	Fairway Drive, Morwell	\$2,258.64
Boolarra Bowling Club	22 Duke Street, Boolarra	\$732.17

Yinnar Bowling Club	Main Street, Yinnar	\$488.11
Yallourn North Bowls Club	Reserve Street, Yallourn North	\$865.29
LV Water Ski Club	Hall Road, Yallourn North	\$266.24
Traralgon Bowling Club	45-57 Gwalia Street, Traralgon	\$3,927.10
Traralgon Golf Club	Princes Street, Traralgon	\$4,503.96
Glenview Park	McNairn Road, Traralgon	\$5,671.00
Moe Racing Club	Waterloo Road, Moe	\$4,326.47
Yallourn Bowling Club	1-5 Coach Road, Newborough	\$2,085.58
Moe Golf Club	26 Thompsons Road, Newborough	\$2,218.70
Yallourn Golf Club	Golf Links Road, Moe	\$2,618.07
Moe Bowling Club	Waterloo Road, Moe	\$1,331.22
Victorian Field & Game Association	Scales Road, Flynn Creek	\$348.34

These amounts have regard to the services provided by the Council in relation to such lands and the benefit to the community derived from such recreational lands.

9. That Council directs that copies of the information required by Section 161(3) of the *Local Government Act 1989* be made available for inspection at Council's office during office hours.
10. That Council:
 - 10.1 having considered submissions received in relation to the draft 2009/2010 budget, directs that the rates and charges as declared for 2009/2010 be levied by sending notices to the persons who are liable to pay, in accordance with Section 158 of the *Local Government Act 1989*.
 - 10.2 resolves that the rates and charges for 2009/2010 must be paid by the dates fixed under Section 167 of the *Local Government Act 1989*, namely:
 - (i) in full by 15 February 2010; or
 - (ii) by equal instalments on the following dates:
 - 30 September 2009;
 - 30 November 2009;
 - 28 February 2010; and
 - 31 May 2010.
 - 10.3 direct that the Chief Executive Officer be authorised to demand payment of and recover the rates and charges as declared in relation to the 2009/2010 Budget.
11. Rate of Interest – Section 172 of the *Local Government Act 1989*:
 - 11.1 That for the 2009/2010 financial year Council resolves to require a person to pay interest on any outstanding amounts of rates and charges:

- (a) which that person is liable to pay; and
- (b) which have not been paid by the date specified under Section 167 of the *Local Government Act 1989* for their payment except where the Council has agreed to waive the whole or part of any such interest.

11.2 That for the 2009/2010 financial year Council resolves in accordance with Section 172 of the *Local Government Act 1989* that the rate of interest will be as specified under Section 2 of the *Penalty Interest Rates Act 1983* (Currently 10%).

- 12. That Council, in accordance with Section 74 of the *Local Government Act 1989*, declares its intention to set the Mayoral and Councillor allowances for the four year period 1 July 2009 to 30 June 2013, as \$68,125 and \$22,018 respectively.
- 13. That Council authorises the Chief Executive Officer to sign and seal any loan and financial documents relating to the proposed borrowings of \$4,350,000 in the 2009/2010 budget.

Moved: Cr O'Callaghan

Seconded: Cr Vermeulen

- 1. That the 2009/2010 Budget, dated 30 June 2009, annexed to this resolution, and having regard to submissions made under the *Local Government Act 1989*, amended at page 64 so that the item 'Warren Terrace, Hazelwood North – Oval Development' is replaced with 'preliminary development of a plan for a recreational facility in the Hazelwood North area', be adopted by Council in accordance with Section 130 of the *Local Government Act 1989*.
- 2. That Council, in accordance with the provisions of the *Local Government Act 1989*, declares that the amount that it intends to raise by way of general rates, municipal charges and service charges for the period 1 July 2009 to 30 June 2010 is as follows:
 - (a) General Rates \$32,757,226
 - (b) Municipal Charge \$3,383,710
 - (c) Service Charges \$6,236,379
 - (d) Payments in lieu of rates \$7,841,485
- 3. That Council declares that:
 - 3.1 the general rates will be raised in 2009/2010 by the application of the following differential rates calculated on the Capital Improved Value of rateable property:
 - (a) General rate of 0.00443739 cents in the dollar on lands as defined in paragraph 4.1(a).
 - (b) Farm rate of 0.00332804 cents in the dollar on farm land as defined in paragraph 5.1(a).

- 3.2 the general rates for a twelve month period commencing 1 July 2009 and that the rates be levied in respect of each portion of rateable land for which the Council has a separate valuation.
- 3.3 Council is of the opinion that the differential rates to be levied in 2009/2010 will contribute to the equitable and efficient carrying out of its functions.
4. That Council specifies in relation to the General Rate for 2009/2010 the following in accordance with Section 161 of the *Local Government Act 1989*:
- 4.1 The objectives of the general rate as:
- (a) the types and classes of land to which the rate will apply is all other rateable land that is not defined as farm land as described in paragraph 5.1(a);
 - (b) the level of the general rate is 0.00443739 cents in the dollar on the capital improved value of land as defined;
 - (c) the reasons for the use and level of that rate are that:
 - (i) the types and classes of land to which the rate applies can be easily identified;
 - (ii) it is appropriate to have a general rate so as to fairly rate lands other than recreational and farm lands;
 - (iii) the level of the general rate is appropriate having regard to all relevant matters including the use to which the land is put and the amount to be raised by Council's Municipal Charge;
 - (iv) the level of the general rate is appropriate to ensure that the burden of the payment of rates is fairly apportioned across all rateable land within the Municipal district; which objectives the Council considers are consistent with the economical and efficient carrying out of its functions, and
- 4.2 The characteristics of the land which are the criteria for declaring the general rate are as set out in sub-paragraph 4.1(a) above.
5. That Council specifies in relation to the farm rate for 2009/2010 the following in accordance with Section 161 of the *Local Government Act 1989*:
- 5.1 The objectives of the farm rate as:
- (a) the types and classes of land to which the rate will apply is farm land as defined in Section 2 of the *Valuation of Land Act 1960*, namely, any rateable land which is not less than 2 hectares in area and which is used primarily for carrying on one or more of the following businesses or industries:
 - (i) grazing (including agistment);
 - (ii) dairying;
 - (iii) pig farming;
 - (iv) poultry farming;
 - (v) fish farming;
 - (vi) tree farming;
 - (vii) bee keeping;
 - (viii) viticulture;
 - (ix) horticulture;

- (x) fruit growing;
 - (xi) the growing of crops of any kind; and that is used by a business:
 - (i) that has a significant and substantial commercial purpose or character; and
 - (ii) that seeks to make a profit on a continuous or repetitive basis from its activities on the land; and
 - (iii) that is making a profit from its activities on the land, or that has a reasonable prospect of making a profit from its activities on the land if it continues to operate in the way it is operating
 - (b) the level of the farm rate is 0.00332804 cents in the dollar on the capital improved value of farm land as defined;
 - (c) the reasons for the use and level of that rate are that:
 - (i) the types and classes of land to which the rate applies can be easily identified;
 - (ii) it is appropriate to have a farm rate so as to fairly rate farm land;
 - (iii) the level of the farm rate is appropriate having regard to all relevant matters including the use to which farm land is put and the amount to be raised by Council's Municipal charge;
 - (iv) the level of the farm rate is appropriate to ensure that the burden of the payment of general rates is fairly apportioned across all rateable land within the Municipal district;
 - (d) the types and classes of land to which the rate will apply can be identified as farm land as defined in paragraph (a); which objectives the Council considers are consistent with the economical and efficient carrying out of its functions.
- 5.2 The characteristics of the land which are the criteria for declaring the farm rate are as set out in sub-paragraph 5.1(a) above.
6. That Council declares a Municipal charge at the annual rate of \$95.00 for rateable land in respect of which a Municipal charge may be levied to recover some of the administrative costs of the Council for a period of 12 months from 1 July 2009 to 30 June 2010.
7. That Council:
- 7.1 declares an annual service charge of \$202.00 per premises for the weekly collection and disposal of refuse in respect of premises to which the service is provided (whether or not the owner or occupier of such premises avails himself or herself of the service provided) for a twelve month period from 1 July 2009 to 30 June 2010.
 - 7.2 determines that where exemptions are granted, waste services will be charged for services utilised for the period 1 July 2009 to 30 June 2010 as follows:

Garbage 120L bin	\$115 pa
Garbage 240L bin	\$205 pa
Garbage 240L bin Special	\$140 pa
Recycling 240L bin	\$ 46 pa
Organics 240L bin	\$ 41 pa

8. That Council declares that for Cultural and Recreational Land, in accordance with Section 4 of the Cultural and Recreational Lands Act 1963, the following amounts be specified as the amounts payable in respect of recreational lands described as:

Morwell Bowling Club	52 Hazelwood Road, Morwell	\$4,503.96
Morwell Golf Club	Fairway Drive, Morwell	\$2,258.64
Boolarra Bowling Club	22 Duke Street, Boolarra	\$732.17
Yinnar Bowling Club	Main Street, Yinnar	\$488.11
Yallourn North Bowls Club	Reserve Street, Yallourn North	\$865.29
LV Water Ski Club	Hall Road, Yallourn North	\$266.24
Traralgon Bowling Club	45-57 Gwalia Street, Traralgon	\$3,927.10
Traralgon Golf Club	Princes Street, Traralgon	\$4,503.96
Glenview Park	McNairn Road, Traralgon	\$5,671.00
Moe Racing Club	Waterloo Road, Moe	\$4,326.47
Yallourn Bowling Club	1-5 Coach Road, Newborough	\$2,085.58
Moe Golf Club	26 Thompsons Road, Newborough	\$2,218.70
Yallourn Golf Club	Golf Links Road, Moe	\$2,618.07
Moe Bowling Club	Waterloo Road, Moe	\$1,331.22
Victorian Field & Game Association	Scales Road, Flynn Creek	\$348.34

These amounts have regard to the services provided by the Council in relation to such lands and the benefit to the community derived from such recreational lands.

9. That Council directs that copies of the information required by Section 161(3) of the *Local Government Act 1989* be made available for inspection at Council's office during office hours.
10. That Council:
- 10.1 having considered submissions received in relation to the draft 2009/2010 budget, directs that the rates and charges as declared for 2009/2010 be levied by sending notices to the persons who are liable to pay, in accordance with Section 158 of the *Local Government Act 1989*.
- 10.2 resolves that the rates and charges for 2009/2010 must be paid by the dates fixed under Section 167 of the *Local Government Act 1989*, namely:
- (i) in full by 15 February 2010; or
- (ii) by equal instalments on the following dates:
- 30 September 2009;
 - 30 November 2009;
 - 28 February 2010; and
 - 31 May 2010.
- 10.3 direct that the Chief Executive Officer be authorised to demand payment of and recover the rates and charges as declared in relation to the 2009/2010 Budget.
11. Rate of Interest – Section 172 of the *Local Government Act 1989*:
- 11.1 That for the 2009/2010 financial year Council resolves to require a person to pay interest on any outstanding amounts of rates and charges:

- (a) which that person is liable to pay; and
- (b) which have not been paid by the date specified under Section 167 of the *Local Government Act 1989* for their payment except where the Council has agreed to waive the whole or part of any such interest.

- 11.2 That for the 2009/2010 financial year Council resolves in accordance with Section 172 of the *Local Government Act 1989* that the rate of interest will be as specified under Section 2 of the *Penalty Interest Rates Act 1983* (Currently 10%).
12. That Council, in accordance with Section 74 of the *Local Government Act 1989*, declares its intention to set the Mayoral and Councillor allowances for the four year period 1 July 2009 to 30 June 2013, as \$68,125 and \$22,018 respectively.
13. That Council authorises the Chief Executive Officer to sign and seal any loan and financial documents relating to the proposed borrowings of \$4,350,000 in the 2009/2010 budget.

CARRIED UNANIMOUSLY

Moved: Cr Fitzgerald

Seconded: Cr Gibson

That the 'preliminary development of a plan for a recreational facility in the Hazelwood North area', be subject to a feasibility study being completed into the most appropriate site.

The Motion was put and LOST

For the Motion

Councillors Gibson, Kam and Fitzgerald

Against the Motion

Councillors White, Middlemiss, Vermeulen, Price, Loughheed and O'Callaghan

The Mayor confirmed that the Motion had been LOST

Adjournment

The meeting was adjourned at 8.50pm

The meeting resumed at 9.03 pm

Moved: Cr Fitzgerald

Seconded: Cr Kam

That the 'preliminary development of a plan for a recreational facility in the Hazelwood North area', be subject to a feasibility study being completed into the most appropriate site or sites.

The Motion was put and LOST

For the Motion

Councillors Gibson, Kam and Fitzgerald

Against the Motion

Councillors White, Middlemiss, Vermeulen, Price, Loughed and O'Callaghan

The Mayor confirmed that the Motion had been LOST

ATTACHMENT

2009/2010 BUDGET

11.7.2 AUTHORISATION OF COUNCIL OFFICERS

AUTHOR: General Manager Governance
(ATTACHMENT – YES)

1. PURPOSE

The purpose of this report is to allow Council to consider authorising additional Council officers pursuant to section 224 of the *Local Government Act* 1989 and other Acts as appropriate.

2. DECLARATION OF INTERESTS

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

3. 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 – Legislative Governance

Ensure compliance with the Local Government Act.

Ensure compliance with other relevant legislation.

4. BACKGROUND

Section 224 of the *Local Government Act* 1989 allows the following:

224. Authorised officers

- (1) *A Council may appoint any person other than a Councillor to be an authorised officer for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of the Council.*
- (1A) *A Council must maintain a register that shows the names of all people appointed by it to be authorised officers.*
- (2) *The Council must issue an identity card to each authorised officer.*
- (3) *An identity card must—*
 - (a) *contain a photograph of the authorised officer; and*
 - (b) *contain the signature of the authorised officer; and*
 - (c) *be signed by a member of Council staff appointed for the purpose.*

By authorising officers a council is authorising or appointing a person to a particular statutory position. Once a person is authorised by Council, that person has the powers of that statutory position; as distinct from being delegated the powers of the Council.

Authorisations are different from delegations as delegations involve the Council giving its powers to members of staff who then act on behalf of Council. Persons authorised by Council to hold a statutory position are acting as holders of statutory powers; they are not acting as delegates or on behalf of the Council. Their powers and responsibilities are different to the powers and responsibilities of the Council.

Therefore it is important, for the proper functioning of the Council, to authorise officers generally under the *Local Government Act 1989* and specifically under other appropriate Acts.

5. ISSUES

Currently Council has a number of persons authorised to act in various statutory positions.

To ensure good governance it is appropriate for Council to periodically review its authorisations register and ensure that only appropriate persons are provided with authorisation.

Council has recently recruited a number of new planners that require authorisation from Council.

The Chief Executive Officer's delegation precludes him from authorising an officer under the *Planning and Environment Act 1987*. Therefore any authorisations under this Act must be specifically made by Council.

This authorisation allows planning officers to enter private property within the municipality to perform their duties without risk of being charged with trespass by the owner of the property.

6. FINANCIAL AND RESOURCES IMPLICATIONS

There is no direct cost to Council in authorising various powers and functions.

7. INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

No external consultation has been engaged.

Details of Community Consultation / Results of Engagement:

Community consultation has not been undertaken as this is a statutory function required by the *Local Government Act 1989*.

8. OPTIONS

Council has the following options in relation to the authorisation of officers:

1. Not authorise various officers under the *Planning and Environment Act 1987*, however this may impede Council officers' ability to fully perform their expected duties; or
2. Authorise all of the officers proposed in the Council Instrument of Appointment and Authorisation – July 2009.

9. CONCLUSION

Some Acts under which Council operates require direct authorisation from Council to Council officers to perform certain statutory duties.

By authorising various Council officers under the *Planning and Environment Act 1987*, Council will ensure that Council officers can fully perform their duties under the Act.

Should Council accept the recommendation, the Chief Executive Officer will simultaneously authorise various officers and persons in accordance with his delegation.

10. RECOMMENDATION

- 1. That Council, in the exercise of the powers conferred by section 224 of the *Local Government Act 1989* and section 147(4) of the *Planning and Environment Act 1987* appoints and authorises the following members of Council staff; Kathryn Morland and Luke Johnson as referred to in the Council Instrument of Appointment and Authorisation – July 2009; and**
- 2. That Council authorises the Chief Executive Officer to sign and seal the Council Instrument of Appointment and Authorisation – July 2009 and that this Instrument comes into force immediately upon the common seal of Council being affixed.**

Moved: Cr Lougheed

Seconded: Cr White

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

ATTACHMENT

Council Instrument of Appointment and Authorisation – July 2009

**Latrobe City Council****Instrument of Appointment and Authorisation**

1. PLANNING AND ENVIRONMENT ACT 1987

In this clause "officer" means:

Kathryn Morland
Luke Johnson

By this instrument of appointment and authorisation Latrobe City Council under section 147(4) of the *Planning and Environment Act 1987* appoints the officers to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and regulations of that Act.

2. **It is declared that:**

- (a) this Instrument comes into force immediately upon its execution;
- (b) this Instrument remains in force until it is varied, or revoked in its entirety;
- (c) that any authority or appointment to any officer referred to in this Instrument is automatically revoked upon that officer ceasing employment with the Council.

This Instrument is authorised by a resolution of the Council on [date].

The common seal of Latrobe City Council was hereto affixed in the presence of:

.....
PAUL LAURENCE BUCKLEY
Chief Executive Officer
Latrobe City Council

Date:

**11.7.3 CONTRACT ACTIVITIES AT PREVIOUS COUNCIL MEETINGS
AND BY THE CHIEF EXECUTIVE OFFICER UNDER
DELEGATION**

AUTHOR: General Manager Governance
(ATTACHMENT - NO)

1. DECLARATION OF INTERESTS

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

2. CONTRACT/S

The following is a summary of contracts awarded at the Council Meeting held on 18 May 2009:

INVITATION TO TENDER 12594
Provision of Debt Collection Services

1. That Council accepts the tender submitted by Credit Collect for Invitation to Tender 12594 Provision of Debt Collection Services, for the rates as tendered, for a period of two (2) years, with an option for an extension for a further year, as this tender provides the best value for money outcome 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 Credit Collect, resulting from Invitation to Tender 12594 Provision of Debt Collection Services.

INVITATION TO TENDER 12599
Provision of Veterinary Services

1. That Council accepts the tenders submitted by Moe Veterinary Centre and Old Sale Road Veterinary Services for Invitation to Tender 12599 Provision of Veterinary Services, for the rates as tendered, for a period of one (1) year, with an option for an extension for a further year, as these tenders provide the best value for money outcome 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 Moe Veterinary Centre and Old Sale Road Veterinary Services resulting from Invitation to Tender 12599 Provision of Veterinary Services.

The following is a summary of contracts awarded at the Council Meeting held on 15 June 2009:

INVITATION TO TENDER 12564

Provision of Organisation Development Consultancy Services

1. That Council accepts the tenders submitted by Team Synergy Management Consultants and S T S Pty Ltd for Invitation to Tender 12564 Provision of Organisational Developments Consultancy Services, for the schedule of rates for a period of two (2) years, with an option for an extension of a further two (2) years, as these tenders provide the best value for money outcome 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 Team Synergy Management Consultants and S T S Pty Ltd, resulting from Invitation to Tender 12564 Provision of Organisational Development Consultancy Services.

INVITATION TO TENDER 12607

Provision of Herbicide Spraying within Latrobe City

1. That Council accepts the tender submitted by Harrick Services Pty Ltd for invitation to tender no. 12607 Herbicide Spraying within Latrobe City, for the rates as tendered, for a one (1) year period with an option for an extension for a further one (1) year, as this tender provides the best value for money outcome 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 Harrick Services Pty Ltd resulting from invitation to tender no. 12607 Herbicide Spraying within Latrobe City.

The following is a summary of contracts awarded by the Chief Executive Officer under delegation on 17 June 2009:

INVITATION TO QUOTE 12655

Undergrounding of electrical power supply at Market Street, Moe

1. That the quotation submitted by Jemena Asset Management Pty Ltd for invitation to quote 12655 undergrounding of power supply at Market Street, Moe, for the sum of \$151,780.00 exclusive of GST, be accepted as this quotation provides the best value for money outcome for the community when assessed against the evaluation criteria.

The following is a summary of contracts signed and sealed by the Chief Executive officer under delegation on 3 June 2009:

CONTRACT NO	DESCRIPTION	CONTRACTOR	DATE AWARDED BY COUNCIL
12598	Supply and delivery of one (1) 4wd articulated tool carrier with front end loader	William Adams Pty Ltd	16/02/2009 Item No: 14.5 Amendments: No

The following is a summary of contracts signed and sealed by the Chief Executive officer under delegation on 10 June 2009:

CONTRACT NO	DESCRIPTION	CONTRACTOR	DATE AWARDED BY COUNCIL
12646	Provision of Debt Collection Services	Mark G Answerth & Associates Pty Ltd	18/05/2009 Item No: 14.5 Amendments: No
12650	Provision of Veterinary Services	Kintore Nominees Pty Ltd	16 February 2009 Item No: 14.6 Amendments: No
12649	Provision of Veterinary Services	Darmody & Dunn Pty Ltd	16 February 2009 Item No: 14.6 Amendments: No

3. **RECOMMENDATION**

That Council notes this report on contract decisions made at the Ordinary Council Meetings held on 18 May 2009 and 15 June 2009 and by the Chief Executive Officer under delegation on 17 June 2009.

Moved: Cr White

Seconded: Cr Vermeulen

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

11.7.4 DOCUMENTS PRESENTED FOR SIGNING AND SEALING

AUTHOR: General Manager Governance
(ATTACHMENT - NO)

1. DECLARATION OF INTERESTS

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

2. DOCUMENT/S

PP2008/256	Section 173 Agreement pursuant to the <i>Planning and Environment Act</i> 1987 between Latrobe City Council and David Keith Waite and Faye Lorraine Waite as the registered proprietor of the land described in Certificate of Title Volume 3654 Folio 623, and David Keith Waite as registered proprietor of the land described in Certificate of Title Volume 7713 Folio 186, located at 126 Waites Road, Glengarry, providing that the land will not be further subdivided and that the 65.85 hectares and the 3.6 hectares will be retained as agricultural parcels, pursuant to Planning Permit No. 2008/256 for a 2 lot re-subdivision and development of a single dwelling on proposed Lot 1, dated 15 October 2008.
------------	---

3. RECOMMENDATION

That Council authorises the Chief Executive Officer to sign and seal the Section 173 Agreement between Latrobe City Council and David Keith Waite and Faye Lorraine Waite as the registered proprietor of the land described in Certificate of Title Volume 3654 Folio 623, and David Keith Waite as registered proprietor of the land described in Certificate of Title Volume 7713 Folio 186, providing that the land will not be further subdivided and that the 65.85 hectares and the 3.6 hectares will be retained as agricultural parcels, pursuant to Planning Permit No. 2008/256.

Moved: Cr White
Seconded: Cr Gibson

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

13. TEA BREAK

Adjournment of Meeting

The Mayor adjourned the Meeting at 9.17pm for a tea break.

Resumption of Meeting

The Mayor resumed the Meeting at 9.33 pm.