



# LATROBE CITY COUNCIL

## MINUTES OF THE ORDINARY COUNCIL MEETING

HELD IN THE  
NAMBUR WARIGA MEETING ROOM,  
CORPORATE HEADQUARTERS, MORWELL  
AT 7:00 PM ON 21 SEPTEMBER 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*  
*Carol Jeffs, General Manager Governance*  
*Tom McQualter, Manager Council Operations and Legal Services*  
*Peter Quigley, General Manager Built and Natural Environment Sustainability*  
*Katie Garlick, Council Operations Administration Officer*  
*Jayne Emans, Council Operations Administration Officer*

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<b>NIL</b>	

## **URGENT BUSINESS**

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## **TEA BREAK**

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## **ITEMS CLOSED TO THE PUBLIC**

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## **CLOSED**

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## **1. Opening Prayer**

The Opening Prayer was read by the Mayor.

## **Recognition of Traditional Landholders**

The Recognition of Traditional Landholders was read by the Mayor.

## **2. Apologies for Absence**

NIL

## **3. Declaration of Interests**

Cr Kam declared a direct interest under Section 77B of the *Local Government Act* 1989 and an indirect interest under Sections 78 and 78B of the *Local Government Act* 1989 in Item 14.6 - Moe Activity Centre Plan - Moe Rail Precinct Revitalisation Project.

The Chief Executive Officer declared a direct interest under Section 77B of the *Local Government Act* 1989 in Item 14.8 - Chief Executive Officer's Performance Review 2008/09.

## **4. Adoption of Minutes**

**Moved:** Cr Gibson

**Seconded:** Cr Lougheed

**That Council adopts the Minutes of the Ordinary Council Meeting held on 7 September 2009 (CM 302), relating to those items discussed in open Council.**

**CARRIED UNANIMOUSLY**

# **PUBLIC QUESTION TIME**

**5.1 VCAT AND OTHER COUNCIL RELATED LEGAL COSTS**

Mr Bill Barber asked the following question:

**Question**

In noting an article in yesterday's metropolitan print media regarding legal costs by Councils for VCAT. Will Council provide legal fee costing by Council for VCAT for 2008 and thus far for 2009?

Further will Council also include the recent Electoral Tribunal costs born by Latrobe City Stakeholders, together with any other legal fee matters pertaining to council, or will we need to resort to the usual 'Freedom of Information' procedures to obtain this information?

**Answer**

The Chief Executive Officer paraphrased the question and responded that the question will be taken on notice with the answers provided in writing and also included in subsequent Minutes.

**5.2 COUNCILLOR CONFLICT OF INTEREST RAISED IN STATE PARLIAMENT**

Mr Bill Barber asked the following question:

**Question**

Given the matter of the Mayor not standing aside during the last Council Meeting's debate regarding Council's electoral breach of the Local government Act. Does the Mayor now concede in hindsight that under Section 78D the Mayor may be in breach of this section of the Local Government Act?

Is Council and the Mayor clear that from last week's State Parliament Hansard, that this matter is now under investigation by the Minister for Local Government?

Giving the Mayor's actions could be seen as committing an honest mistake, will the Mayor now rectify this action, to have the vote taken at the last meeting rescinded?

Can this matter be again raised as a matter of urgency so that another vote be taken?

On this occasion it would be expected that the Deputy Mayor take the Chair and the Mayor leave the Chamber during the debate and subsequent vote?

**Answer**

The Chief Executive Officer paraphrased the question and responded that the question will be taken on notice with the answers provided in writing and also included in subsequent Minutes.

**5.3 MOE ACTIVITY CENTRE PLAN**

Mr Bill Barber asked the following question:

**Question**

In noting that this matter is listed under 'Items Closed' for tonight's meeting, given this matter has received some prominence in the media, including Council's breach in regard to this matter and matters raised in State Parliament last week. Is this Council's attempt at a 'Cover Up' to keep the community in the dark, regarding further project activities when after all, this matter should continue to be discussed in the public domain?

**Answer**

The Chief Executive Officer paraphrased the question and responded that only if Council resolves to, then this item will be heard in the open Agenda.



# **ITEMS REFERRED BY THE COUNCIL**

**7.1** **PROPOSED OLD CALLIGNEE ROAD REALIGNMENT -  
CALLIGNEE COMMUNITY CENTRE**

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

**1. PURPOSE**

The purpose of this report is for Council to consider submissions in relation to the proposed realignment of Old Callignee Road to enable the progression of the Callignee Community Centre project.

**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 2009-2013.

*Latrobe 2021 and Council Plan 2009-2013*

*Strategic Objective – Governance*

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

*Community Outcome – Legislative Compliance*

By ensuring adherence to legislative requirements.

*Strategic Action*

Ensure compliance with the Local Government Act.

*Policy – There is no specific policy relating to road deviations. The statutory process is specified by legislation.*

*Legislation*

*Local Government Act 1989*

Section 206 of the *Local Government Act 1989* gives Council powers in relation to the deviation of roads.

This report is consistent with Council's Latrobe 2021 vision document and the Council Plan 2009-2013.

*Strategic Objective – Sustainability*

To promote the responsible and sustainable care of our diverse built and natural environment for the use and enjoyment of the people who make up the vibrant community of Latrobe Valley. To provide leadership and to facilitate a well connected, interactive economic environment in which to do business.

*Community Outcome – Built Environment Sustainability*

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

*Strategic Action – Infrastructure Maintenance and Infrastructure Development*

Develop flexibility in facilities to cater for changing demands of the community.

Utilise place management principles for local areas in the municipality.

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

Promote and support the infrastructure and development of small town communities within the municipality.

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

**4. BACKGROUND**

The 7 February 2009 Black Saturday bushfires had a major impact in the Callignee area where all public buildings including the hall, former primary school and fire station were destroyed. As part of bushfire recovery efforts, the Callignee Community Centre project aims to establish a multi-purpose community facility that will meet the needs of the community and user groups of the facilities that were lost to the fires.

At the Ordinary Council Meeting held on 17 August 2009 Council was presented with concept plans for the Callignee Community Centre. The plans identified the need to realign Old Callignee Road in order to maximise the usable open space around the facility while minimising the impact on native vegetation. Two possible road realignment concepts were explored, these being a western or eastern road alignment. Both concepts involve deviation through Council owned land and Crown Land. Due to the potential use of Crown Land, support from the Department of Sustainability and Environment is required for either option to be viable.

Although a western road realignment was initially identified by Council and the community as an option, preliminary feasibility determined significant constraints that would result in very large cost to the project and therefore bringing the viability of project into question. The western alignment would have a major impact on native vegetation, not meet the avoid and minimise principles of the Victorian Native Vegetation Framework and would require significant offsets to comply. The Department of Sustainability and Environment has indicated that it would not support this alignment due to this impact.

Through consultation a potential eastern road alignment has been identified as the preferred option that has the support of a majority of Callignee community members and in principle support from the Department of Sustainability and Environment. However, a land owner of an adjacent allotment to the Callignee Community Centre site expressed concern with the eastern road alignment.

The *Local Government Act* 1989 gives Council certain powers in relation to deviation of roads and requires in the exercising of this power that a process of public notice and consideration of submissions must be undertaken before a decision is made regarding a deviation of a road. This statutory process provides all interested parties, including the adjacent land owner, the opportunity to lodge and have considered a formal submission in relation to the proposed realignment.

In view of the above, at the Ordinary Council Meeting held on 17 August 2009 it was resolved:

1. *That Council adopts the concept plans for the Callignee Community Centre.*

2. *That Council pursuant to Section 206 and Schedule 10 of the Local Government Act 1989, gives public notice of its intention to deviate a section of Old Callignee Road through land described as Crown Allotment 1A Parish of Callignee owned by Latrobe City Council and Crown Allotment 1B, Parish of Callignee being Crown Land Reserved for Mechanics Institute Purposes.*
3. *That Council, in accordance with section 223 of the Local Government Act 1989, considers any submissions received in relation to the proposal to deviate a section of Old Callignee Road through land described as Crown Allotment 1A, Parish of Callignee owned by Latrobe City Council and Crown Allotment 1B, Parish of Callignee, being Crown Land Reserved for Mechanics Institute Purposes, at the Ordinary Council Meeting to be held on 21 September 2009.*

## 5. **ISSUES**

When the submission period closed on 16 September 2009, two formal submissions had been lodged with Council (attached). These submissions are summarised below with a response provided for each main point.

Complete table:

<b>Submitter</b>	<b>Summary</b>	<b>Response</b>
Mr Terry Algie	Mr Algie has suggested the installation of pedestrian underpass linking the new facility and oval.	<p>This option is not deemed appropriate because leaving the road in its current location does not maximise the usable public open space around the new facility, which has been consistently highlighted during the public consultation process as a key outcome for this project.</p> <p>To ensure a pedestrian underpass allows appropriated disabled access, the underpass would</p>

Submitter	Summary	Response
		also encroach onto the oval surface, which would significantly impact the usability of the oval.
Mr Stuart Strachan	Supports the proposed realignment of the road as it provides for sensible use of the government land, allows the complex to be an integrated community centre that is safe for its users and will minimise traffic and maintenance difficulties.	None required

The land owner of an adjacent allotment to the Callignee Community Centre site who expressed concerns with the eastern road alignment has been consulted and the initial concerns have been resolved satisfactorily.

The portion of the deviation that runs through Crown Land requires, under Section 206, Clause 2 of Schedule 10 of the *Local Government Act* 1989 the consent of the Minister administering the *Land Act* 1958, (at present the Minister for Environment and Climate Change). In principle support has already been gained from the Office of the Minister for Environment and Climate Change. This section also requires Council to publish a notice in the Government Gazette describing the deviation before any work is started giving effect to the deviation.

## 6. **FINANCIAL AND RESOURCES IMPLICATIONS**

Costs incurred to date in relation to the proposed road deviation are minimal, mainly being the public notices inviting community comment and written submissions.

The total budget for the construction of the Callignee Community Centre is \$3 million. This figure includes the \$2.5 million being contributed by the State Government. The realignment of the road will be funded from the project budget.

## 7. INTERNAL / EXTERNAL CONSULTATION

### *Engagement Method Used:*

A Public notice inviting community comment concerning the proposed realignment of Old Callignee Road, Callignee, was published as follows:

- Latrobe Valley Express – 20 August 2009

As required by Section 223 of the *Local Government Act 1989*, Section 223, the closing date to lodge submissions, 16 September 2009, was 28 days from the date of the public notice.

In regards to the overall Callignee Community Centre project, there has been significant stakeholder and community consultation. Activities have included the:

- establishment of a community reference group;
- establishment of a project noticeboard at the former hall site to display newsletters, plans, upcoming events and Latrobe City and community reference group contacts;
- installation of a suggestion box and feedback forms at the former hall site;
- the addition of a Callignee Community Centre web page to the Major Projects section of council's website;
- publication of a project newsletter; and
- holding several public meetings during the design stages of the project.

### *Details of Community Consultation / Results of Engagement:*

The invitation for community comment regarding the proposed road realignment resulted in two submissions being received (attached). A table summarising the content of and response to each submission is provided in the Issues section of this report. As required by Section 223 of the *Local Government Act 1989*, all those making formal submissions were invited to appear at the Ordinary Council Meeting on 21 September 2009 in support of their submission.

In summary, one submission supported the realignment and one submission presented an alternative of creating a pedestrian underpass to the oval from the new facility. However, for reasons detailed in the Issues section above, this suggestion of creating an underpass is not considered appropriate.

## 8. OPTIONS

Council has the following options:

1. Deviate a section of Old Callignee Road, Callignee through land described as Crown Allotment 1A, Parish of Callignee owned by Latrobe City Council and seeks formal consent of the Minister for Environment and Climate Change for the deviation of Old Callignee Road through Callignee Crown Allotment 1B, Parish of Callignee, being Crown Land Reserved for Mechanics Institute Purposes (this is the preferred option);
2. Not to continue with the process to realign Old Callignee Road, Callignee (not a preferred option as this will compromise the ability to achieve the desired outcomes of the overall Callignee Community Centre project).

## 9. CONCLUSION

The proposed eastern realignment of Old Callignee Road, Callignee through a portion of Council owned land and Crown Land will maximise the useable public open space around the new Callignee Community Centre while minimising the impact on native vegetation. Through the substantial community consultation process undertaken during the development of the community centre concept plans it was identified that there is broad community support and in principle support from the Department of Sustainability and Environment for the proposed eastern realignment.

Having given public notice of the intent to deviate Old Callignee Road, Callignee along the proposed eastern alignment and having considered submissions made in relation to this proposed deviation, Council may now make a decision in regards to the deviation.

## 10. RECOMMENDATION

1. **That Council, having considered in accordance with section 223 of the *Local Government Act 1989*, submissions made in relation to the proposal to deviate a section of Old Callignee Road, Callignee, resolves to deviate Old Callignee Road, Callignee through land described as Crown Allotment 1A, Parish of Callignee owned by Latrobe City Council.**



2. That Council, pursuant to Section 206 and Schedule 10 of the *Local Government Act 1989*, writes to the Minister for the Environment and Climate Change seeking formal consent for the deviation of Old Callignee Road, Callignee through Crown Allotment 1B, Parish of Callignee, being Crown Land Reserved for Mechanics Institute Purposes.
3. That all persons who have made a submission on the proposal to deviate a section of Old Callignee Road through land described as Crown Allotment 1A, Parish of Callignee owned by Latrobe City Council and Crown Allotment 1B, Parish of Callignee, being Crown Land Reserved for Mechanics Institute Purposes, be written to thanking them for the submission and notifying them of Council's decision in regards to the proposed deviation.

**Moved:** Cr Vermeulen

**Seconded:** Cr Lougheed

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

ATTACHMENTS

Paul Buckley  
 C.E.O.  
 Latrobe City  
MORWELL

"Greystone"  
 120 Pumps Rd  
CALLIGNEE

51955212 0R0409512688

21/8/09

Dear Mr. Buckley,

I am writing in regard to the proposed Callignee Community Hub Development, specifically the proposed realignment of Neaves Road.

Having attended most Community Meetings I have become aware that there is some difficulty in deciding where the road should be, to accommodate the complex.

The proposal that I would like to put forward is to leave the roads as they are at present and put in a pedestrian underpass linking the main complex with the sporting facilities.

Thereby making it safe for all concerned, while incurring less expense than the rerouting of the road and disagreement among adjacent neighbours.

Yours Faithfully

*Terry Algie*  
 Terry Algie

Latrobe City	
21 AUG 2009	
Doc. No:	
Action Officer:	
Disposal Code:	
Comments:	

I wish to write in support of the redevelopment of the new Callignee hall complex.

My family has lived in the Callignee district for more than 30 years, starting off on a relatively small block of 30 acres. We then increased our land holding and my sons have since increased it further so that it is now a reasonable sized commercial farming property. From this experience living and raising a family in the district for many years I am able to reflect and comment on the proposed development from both the viewpoint of a "blockie" and also a modern small commercial farmer.

The Callignee hall and ancillary buildings have met the needs of the community over many generations. From time to time it has been destroyed by fire. Following each fire the rebuilding has reflected the needs of the then current community. The Callignee community is different from its neighbours in Traralgon South and Balook in that it consists of both permanent community members spanning generations as well as more transitory block land holders who more closely replicate the urban churn of around 7 to 10 years. Yet it is primarily a farming district of both broadacres and forestry with Rural Living areas being served more appropriately by the Traralgon South complex. This is an important aspect to the district because it is the families who have been in the district for many decades that are most likely to be disadvantaged by the more vocal and communication savvy urban relocators. The long term families are also more likely to be the "silent majority" who just behave as they have always done with scant regard for the urban based regulators intent on interpreting what they perceive as being best for the residents lifestyle. In semi remote areas, such as Callignee, this lifestyle has generally incorporated an evolutionary aspect that outlives residents who subscribe to the urban churn. Urban "tree changers" move away within 10 years when they find it too difficult to impose their expectations on a remote community.

I have been singularly unimpressed with the performance of local government since the fires on February 7, 2009; in terms of considering the most efficient way to provide for the needs of the Callignee community. However, the Callignee Hall is the one glowing exception where regulators have facilitated the community's identification of a solution quickly and comparatively efficiently.

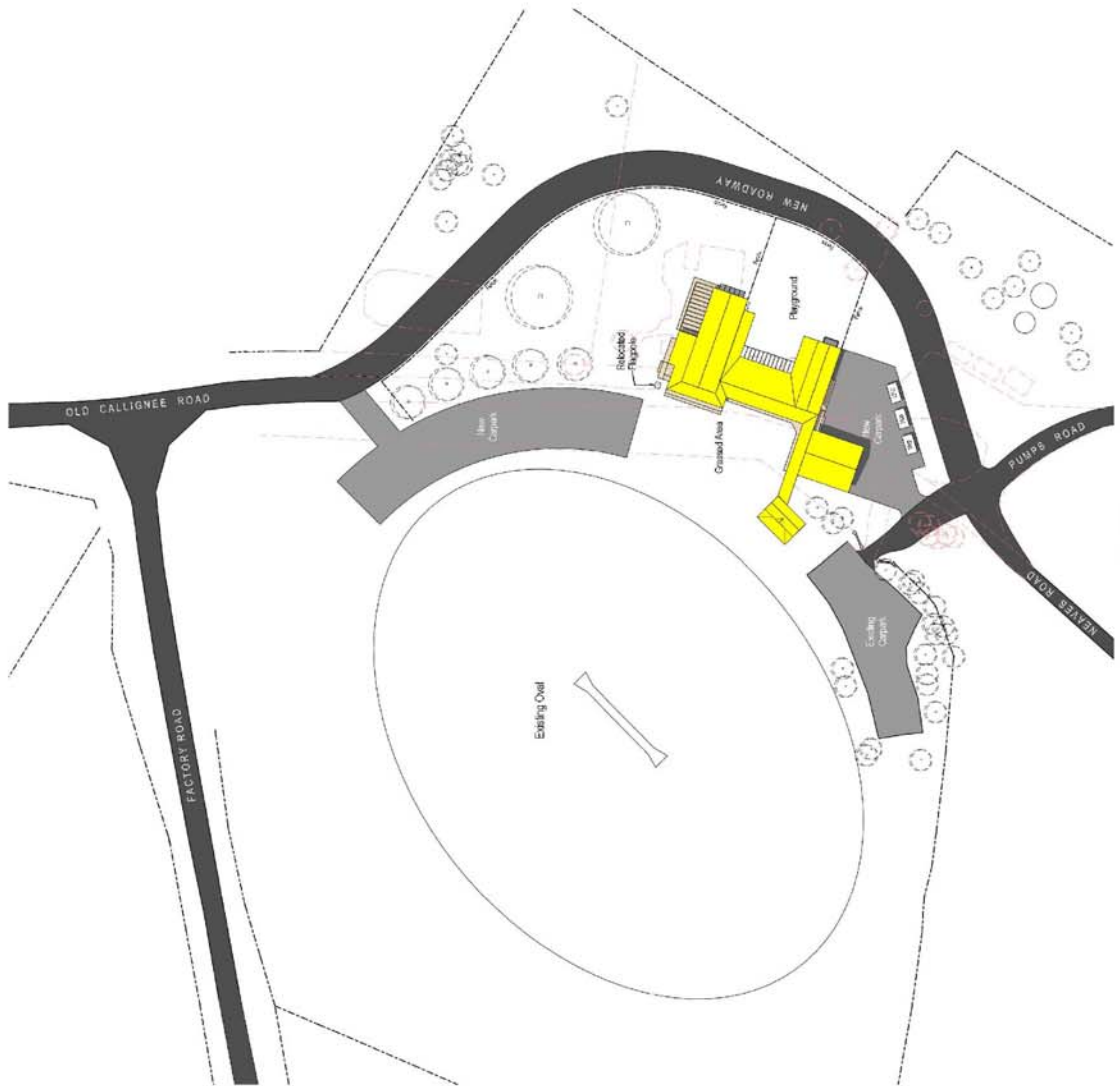
There has been extensive community consultation with changes to suit many different viewpoints and it does not appear as though the significant representations from Traralgon South have inordinately swayed the debate. The resultant development is sympathetic to our diverse community and appears to be capable of being maintained without being a significant additional burden to the Callignee community.

The building is:

- modern yet retains a rural feel;
- is a complex which can be used by the community and others as an adjunct to the tourist road (Traralgon Balook Road) which passes through the centre of the community.
- it is different to the Traralgon South complex, thus reflects long term Callignee residents passionate and patriotic feelings for their district;
- the size reflects the size requirements of the community;
- integration of the cricket club, playschool, hall and fire brigade is a sensible utilization of resources;
- most importantly the realignment of the road provides for sensible use of the government land dedicated to use by a school, hall, oval and roadways. The fire shed land was donated by the then owner of the property. The proposed realignment allows the complex to be an integrated community centre that is safe for its users. Rather than the present layout which separates the facility into its constituent parts or other proposals which saw the road pass to the west of the oval that provided a far more dangerous environment for users and left usable public land vacant. The proposal maximizes the use of bitumen roads and should limit traffic on the difficult to maintain high gradients of Neaves Road.

**Stuart Strachan**  
**September 2009**

Eastern Alignment



Prepared by:  
California Community and  
Landscape Council



SK1



# **CORRESPONDENCE**

**9.1 MAV CONFLICTING DUTIES FUND**

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

**1. INTRODUCTION**

The purpose of this report is for Council to consider contributing to the Municipal Association of Victoria Conflicting Duties fund that is being established to enable affected individuals to challenge the legality of the *Local Government (Conflicting Duties) Bill* 2009 that was passed by the Legislative Council of Victoria on 3 September 2009.

**2. DECLARATION OF INTERESTS**

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

**3. OFFICER COMMENTS**

The *Local Government (Conflicting Duties) Act* 2009 disqualifies electorate officers and ministerial advisors from being councillors came into operation on Wednesday, 9 September 2009.

The Municipal Association of Victoria (MAV) is in the process of identifying individual councillors affected by this legislation and encouraging them to take Supreme Court action to challenge the validity of this legislation. Initial legal advice obtained by the MAV indicates that the *Local Government (Conflicting Duties) Bill* 2009 is inconsistent with the *Charter of Human Rights and Responsibility Act* 2006.

The MAV Conflicting Duties Fund is being established to assist any affected individual(s) to meet the costs of challenging this legislation if it proceeds to the Supreme Court of Victoria. In the event that the legal action does not occur then any remaining funds will be returned to contributing Councils and / or individuals.

The MAV have suggested contributions to the fund of \$3,000.00 for metropolitan councils and \$1,500.00 for rural councils but have indicated that individuals and councils may opt to pay a higher amount. A copy of the MAV Conflicting Duties Fund Form is provided as attachment 1.



It is suggested that an amount between the proposed metropolitan and rural rate would reflect the regional city status of Latrobe City Council.

**4. RECOMMENDATION**

**That Council contributes the sum of \$2,250 to the Municipal Association of Victoria Conflicting Duties Fund.**

**Moved:** Cr Middlemiss

**Seconded:** Cr White

**That the Recommendation be adopted.**

**For the Motion**

Councillors White, Middlemiss, Vermeulen, Price, and Lougheed

**Against the Motion**

Councillors Gibson, Kam, Fitzgerald and O'Callaghan

**The Mayor confirmed that the Recommendation had been CARRIED**

**ATTACHMENT 1**

FORM

**MAV Conflicting Duties Fund**

The MAV is currently identifying if one or more individuals are prepared to seek a declaration in the Supreme Court of Victoria that the provision within the *Local Government (Conflicting Duties) Act* disqualifying electorate officers and ministerial advisors from being councillors is inconsistent with the *Charter of Human Rights and Responsibility Act*.

An MAV Conflicting Duties fund is being established to assist individual(s) in meeting the costs relating to the declaration should it proceed. The fund will be held in trust and funding of any amount that councils and individuals are able to contribute towards this action would be welcome. If after the preliminary legal work is undertaken the declaration does not proceed the remaining funds will be returned to contributing councils and individuals.

Suggested figures that councils may wish to consider are \$3,000 for metropolitan councils and \$1,500 for rural councils; these are provided as a guide only and councils/individuals may opt to pay a higher amount.

The total amount of funds collected will determine how much support the MAV can provide and to how many individuals.

Please indicate your willingness to contribute to the fund by signing and returning this form. Note that a copy of a council resolution supporting the making of a contribution will also suffice as an indication of your support.

Return to [conflictingdutiesfund@mav.asn.au](mailto:conflictingdutiesfund@mav.asn.au) or fax to 03 9667 5555 by 30 September 2009.

---

Name: \_\_\_\_\_ Position: \_\_\_\_\_  
 Email: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Organisation: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Proposed donation amount: \_\_\_\_\_

- Copy of council resolution attached  
 Payment to follow (payment details on following page)

For further information contact:  
 Alison Lyon  
 General Counsel and Corporate Secretary  
 T: 9667 5522 E: [alyon@mav.asn.au](mailto:alyon@mav.asn.au)

**MUNICIPAL ASSOCIATION OF VICTORIA**  
 LEVEL 12 60 COLLINS STREET MELBOURNE  
 GPO BOX 4326 MELBOURNE 3001  
 T 03] 9667 5555 F 03] 9667 5550 W [www.mav.asn.au](http://www.mav.asn.au)



## FORM

**MAV Conflicting Duties Fund Payment****Contact details**

Name: \_\_\_\_\_ Position: \_\_\_\_\_  
Email: \_\_\_\_\_ Phone: \_\_\_\_\_  
Organisation \_\_\_\_\_  
Address \_\_\_\_\_

**Payment method (please tick):**

- Cheque (*payable to Municipal Association of Victoria*)  
 Purchase order (*provide number below*)  
 Credit card (*complete details below*)  
 Electronic funds transfer (*complete details below*)

Donation amount: \$ \_\_\_\_\_ Purchase order number \_\_\_\_\_

Card No: \_\_\_\_\_

Card Type (*Visa, MC only*).  Visa  MC Expiry date: \_\_\_ / \_\_\_

Name on card: \_\_\_\_\_ Signature: \_\_\_\_\_

EFT payments to:  
MAV General Account  
BSB 083 004  
Account No: 8959 2774  
Reference: CDF

**Upon payment this form constitutes a tax invoice for GST purposes.  
Please retain a copy for your records.  
ABN 24 326 561 315**

**MUNICIPAL ASSOCIATION OF VICTORIA**  
LEVEL 12 60 COLLINS STREET MELBOURNE  
GPO BOX 4326 MELBOURNE 3001  
T 03] 9667 5555 F 03] 9667 5550 W [www.mav.asn.au](http://www.mav.asn.au)

# **BUILT AND NATURAL ENVIRONMENT SUSTAINABILITY**

**11.3.1 PROPOSED TEMPORARY TOILET FOR THE MOE CENTRAL  
BUSINESS DISTRICT**

**AUTHOR:** General Manager Built and Natural Environment Sustainability  
**(ATTACHMENT – NO)**

**1. PURPOSE**

The purpose of this report is to seek Council's approval to install a temporary toilet in the Moe Central Business District (CBD) until such time as a permanent structure is constructed as identified in the Latrobe City Council Public Toilet Strategy and the Moe Activity Centre Plan.

**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 2009-2013.

*Latrobe 2021 and Council Plan 2009-2013*

*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.

The Strategy requires toilet facilities to be designed in accordance with a range of principles such as:

- Environmentally Sustainable Development
- Crime Prevention Through Environmental Design (CPTED)
- Equity of Access and
- Efficiency

These principles relate to:

1. Public Toilets are defined as “the separate public sanitary facilities provided at activity centres that have no focal buildings or to cover periods of closure of focal buildings.
2. 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 with a reduced threshold of 20 patrons or spectators should apply at venues such as places where BBQ facilities are the main focal point.
3. A 24 hour level of service should be provided in all the main town centres, at the following nominated public toilet facilities:
  - Moe - Station Development
  - Morwell Morwell – Railway/Bus Station Complex
  - Traralgon - Seymour Street near Car Park
  - Churchill – Proposed Community Inter Generational Hub facility
4. Public Toilets that meet the usage warrants in town centres should not be more than around 500 metres apart.
5. The capacity of facilities be designed to cope with normal levels of activity.
6. The current programmed cleaning basis be augmented with a greater reactive ‘as needs’ service, to optimise cleaning levels.

7. 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 activity thresholds;  
should be decommissioned.

#### 4. **BACKGROUND**

At the Ordinary Council Meeting held on 7 June 2009, Council resolved as follows:

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.*

This report addresses the first resolution only. The second resolution will be the subject of a further report due to be presented to Council at the Ordinary Council Meeting to be held on 19 October 2009.

#### 5. **ISSUES**

The Public Toilet Strategy 2006, listed a new public toilet to be constructed in the Moe Railway precinct and to decommission the toilet facilities located adjacent to the Moe Town Hall in Albert Street, Moe. Construction of the new toilet and decommissioning of the toilet adjacent to the Town Hall was deferred pending resolution of the Moe Activity Centre Plan.

Following the Council resolution on 7 June 2009 a site has been identified in the Moe Railway precinct on the south side of George Street to the west of the existing shops in the unused goods yard of the VicTrack property for the location of the temporary toilet facility. The site selected will be outside the public buildings envelope required for the Moe Activity Centre development. Discussions with VicTrack have commenced regarding leasing the portion of land within this site to locate a temporary toilet and it is expected that a lease will be granted by VicTrack.

The following aerial photograph shows the proposed location of the temporary toilet. It should be noted that the toilet has not been drawn to scale.



It is expected that a temporary toilet will be required in this location for a period in excess of two years until a permanent toilet is constructed in this precinct. It is not planned to decommission the toilet facility adjacent to the Town Hall until such time as the permanent toilet facility is constructed.

Latrobe City Council has two portable toilets that are used whenever a toilet is being reconstructed to provide a continuing service at that site. They are also used by various community groups or at events when the expected usage at a venue will exceed the normal capacity.

One of these existing portable toilets would be able to be used, however if that was the case it would not be available for its normal intended use.



Various designs of prefabricated toilets have been reviewed and it is expected that a three cubicle toilet which includes one accessible toilet combined with a change table facility can be purchased and assembled for approximately \$40,000.00. A prefabricated building will also appear to be a more permanent and visually appealing structure on this highly visible site.

The prefabricated building when no longer required at this site in Moe will be able to be dismantled and re-erected at another location. Due consideration for the appearance of the temporary toilet should also be given as the VicTrack land is highly visible and accessible which is a strong point in the CPTED principles which guide the siting of toilets.

**6. FINANCIAL AND RESOURCES IMPLICATIONS**

The estimated cost to provide a suitable prefabricated temporary toilet on the north side of the Moe Rail Precinct is as follows:

Supply of utility services to site	-	\$11,000.00
Supply of suitable prefabricated building	-	<u>\$40,000.00</u>
Total	-	\$51,000.00

The estimated cost to provide a Council owned portable toilet on the same site is as follows:

Supply of utility services to site, provide transportation of building to site, concrete footings, level building & chain to footings, provide elevated walkway and handrails	-	\$11,000.00
	-	<u>\$ 6,500.00</u>
Total	-	\$17,500.00

The expected cost of providing a suitable prefabricated temporary toilet on the north side of the Moe Rail Precinct can be funded through the Moe Activity Centre Plan high priority actions.

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.

### *Details of Community Consultation / Results of Engagement:*

There has been no community consultation during the preparation of this report.

## 8. OPTIONS

The following options are available to Council:

1. Purchase a prefabricated toilet to be used as a temporary toilet at the Moe Railway precinct site on the south side of George Street to the west of the existing shops in the unused goods yard of the VicTrack property.
2. Locate a council owned portable temporary public toilet at the Moe Railway precinct site on the south side of George Street to the west of the existing shops in the unused goods yard of the VicTrack property.
3. Choose another location for either a new prefabricated or council owned portable toilet and erect on that site.

## 9. CONCLUSION

The Public Toilet Strategy identified a new toilet to be constructed in the Moe Railway precinct and to decommission the toilet facilities adjacent to the Town Hall in Albert Street. Construction of this new toilet and decommissioning of the toilet adjacent to the Town Hall toilet was deferred pending resolution of the Moe Activity Centre Plan. Decommissioning of this toilet should not be brought forward and should proceed following the construction of the new permanent facility as planned.

Siting of the temporary public toilet in this location as identified in the Public Toilet Strategy 2006 will allow this area to be better served until construction of the new toilet that will be part of the development in this precinct. The VicTrack site is highly visible and meets the CPTED principles of good design.

As this is a highly visible site, consideration should be given to the aesthetics of the temporary toilet facility as it is expected to be in use for a period in excess of two years.

**10. RECOMMENDATION**

That Council purchases and temporarily locates a prefabricated toilet on land to be leased from VicTrack in the Moe Railway precinct site on the south side of George Street to the west of the existing shops in the unused goods yard until such time as a permanent facility is established as part of the Moe Activity Centre Plan.

**Moved:** Cr Gibson

**Seconded:** Cr Fitzgerald

That Council defers consideration of this item until the Ordinary Council Meeting to be held on 19 October 2009.

**For the Motion**

Councillors Gibson, Kam, Fitzgerald and O'Callaghan

**Against the Motion**

Councillors White, Middlemiss, Vermeulen, Price and Lougheed

**The Mayor confirmed that the Recommendation had been LOST**

**The original Recommendation became the Motion before the chair.**

**Moved:** Cr Lougheed

**Seconded:** Cr White

**That Council purchases and temporarily locates a prefabricated toilet on land to be leased from VicTrack in the Moe Railway precinct site on the south side of George Street to the west of the existing shops in the unused goods yard until such time as a permanent facility is established as part of the Moe Activity Centre Plan.**

**For the Motion**

Councillors White, Middlemiss, Vermeulen, Price and Lougheed

**Against the Motion**

Councillors Gibson, Kam, Fitzgerald and O'Callaghan

**The Mayor confirmed that the Recommendation had been CARRIED**

# GOVERNANCE

**11.6.1 CONTRACT ACTIVITIES FROM PREVIOUS COUNCIL MEETINGS AND FROM 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. DOCUMENT/S**

- a) The following contracts were signed and sealed by the Chief Executive Officer under delegation on 27 August 2009:

CONTRACT NO.	DESCRIPTION	CONTRACTOR	DATE AWARDED
12672	Provision of consultancy services	MWH Australia Pty Ltd	20/07/2009 Item Number: 14.8 Amendments: No
12682	Supply, delivery and placement of asphalt products	Quality Roads Sealing and Asphalt Pty Ltd	3/08/2009 Item Number: 14.8 Amendments: No

- b) The following contracts were signed and sealed by the Chief Executive Officer under delegation on 2 September 2009:

CONTRACT NO.	DESCRIPTION	CONTRACTOR	DATE AWARDED
12683	Supply, delivery and placement of asphalt products	Pioneer Road Services Pty Ltd	3/08/2009 Item Number: 14.8 Amendments: No
12697	Reconstruction of Hyland Street, Morwell	HCM Constructions Vic Pty Ltd	17/08/2009 Item Number: 14.9 Amendments: No

- c) The following is a summary for a contract variation approved by the Chief Executive Officer under delegation on 19 August 2009:

CONTRACT NO.	DESCRIPTION	CONTRACTOR	ORIGINAL CONTRACT AMOUNT	PREVIOUS VARIATION AMOUNT	VARIATION AMOUNT	ADJUSTED CONTRACT TOTAL
12529	Refurbishment of Moe /Newborough Leisure Centre	Kirway Constructions Pty Ltd	\$1,693,040.00	\$159,196.00	\$25,316.50	\$1,877,552.50

**3. RECOMMENDATION**

**That Council notes this report on contract decisions made by the Chief Executive Officer under delegation on 27 August 2009, 19 August 2009 and 2 September 2009.**

**Moved:** Cr Lougheed

**Seconded:** Cr Vermeulen

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

**11.6.2 PRINCES HIGHWAY EAST - TRARALGON TO SALE  
DUPLICATION PROJECT - VICROADS ACQUISITION OF PART  
PLANTATION RESERVE**

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

**1. PURPOSE**

The purpose of this report is to consider the transfer of parts of the Council owned plantation reserve adjacent to the Traralgon Maffra Road to Stammers Road section of the Princes Highway East – Traralgon to Sale Duplication Project.

**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 2009-2013.

*Latrobe 2021 and Council Plan 2009-2013*

*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 – Sale of Council Owned Property Policy 09 POL-3*

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

### *Legislation*

Section 191 of the *Local Government Act 1989* (the Act) authorises Council to transfer land (with or without consideration) to:

- (a) the Crown; or
- (b) a Minister; or
- (c) any public body; or
- (d) the trustees appointed under any Act to be held on trust for public or municipal purposes; or
- (e) a public hospital within the meaning of the *Health Services Act 1988* or other hospital carried on by an association or society otherwise than for profit or gain to the members of the association or society.

This section also exempts Council from the requirement to give public notice and consider written submissions pursuant to Section 223 of the Act.

## **4. BACKGROUND**

VicRoads will soon commence initial works to upgrade the Princes Highway at Traralgon East between Traralgon and Sale. The details on VicRoads website state that the 1.5 km section of the highway between Traralgon-Maffra Road and Stammers Road will include the following features:

- Two lanes each way with a raised central median;
- Roundabouts proposed at Rocla Road and Stammers Road;
- Traffic signals and dedicated turning lanes at the Traralgon-Maffra Road and Eastern Road / McNairn Road intersections;
- Changes to a number of the service road entry and exit points.

As part of this upgrade VicRoads have advised that they require parts of the Council owned plantation reserve on the southern side of the Princes Highway to be transferred to VicRoads for inclusion in the above improvements.

This reserve was created in 1979 on Plan of Subdivision 133052 and is contained in Certificate of Title Volume 10246 Folio 387.



The land proposed to be transferred to VicRoads is shown as Parcel 11 on Survey Plan 21864, Parcels 20 and 21 on Survey Plan 21865 and Parcel 30 on Survey Plan 21866, copies of which are attached to this report.

## 5. **ISSUES**

VicRoads, as a government authority, could obtain the required land via compulsory acquisition under the *Land Acquisition and Compensation Act 1986* however this process could take some time to complete.

Given the time constraints imposed by the projected commencement date on or about 1 October 2009 a more effective process would be for Council to agree to make the land available for this purpose and VicRoads have requested written confirmation to this effect.

Council officers have conducted two separate meetings with representatives from VicRoads to discuss planning and native vegetation requirements and the terms and conditions of the transfer of the land. At present there are no outstanding issues of concern for Council officers in relation to these items.

## 6. **FINANCIAL AND RESOURCES IMPLICATIONS**

In accordance with Government policy the amount payable for the land will be based upon a valuation provided by the Valuer-General Victoria.

VicRoads have also agreed to prepare the necessary Plan of Subdivision and meet Councils reasonable legal costs arising from the transfer of the land.

## 7. **INTERNAL / EXTERNAL CONSULTATION**

As mentioned previously, Council officers have held meetings with VicRoads to discuss the planning and native vegetation requirements and the terms and conditions of the transfer of the land. There are no outstanding matters of concern in relation to these items.

Given that VicRoads is a government authority Section 191 of the *Local Government Act 1989* allows Council to transfer the land without the requirement of giving public notice and considering submissions.

## 8. OPTIONS

Council has the following options available:

1. Agree to transfer the required land to VicRoads at an amount of compensation to be determined by the Valuer-General Victoria; or
2. Not agree to transfer the required land to VicRoads.

## 9. CONCLUSION

VicRoads require parts of the Plantation Reserve created on Plan of Subdivision 133052 as part of the Princes Highway East – Traralgon to Sale Duplication Project.

Given the proposed commencement date of 1 October 2009 there is insufficient time for VicRoads to undertake the compulsory acquisition process under the *Land Acquisition and Compensation Act* 1986.

It is therefore recommended that Council resolve the transfer the requested land to VicRoads for a consideration to be determined by the Valuer-General Victoria.

## 10. RECOMMENDATION

1. **That Council makes available to VicRoads for the purpose of the Princes Highway East – Traralgon to Sale Duplication Project, the required parcels of Plantation Reservation being Parcel 11 on Survey Plan 21864, Parcels 20 and 21 on Survey Plan 21865 and Parcel 30 on Survey Plan 21866, for a consideration to be determined by the Valuer-General Victoria.**
2. **That Council authorises the Chief Executive Officer to sign and/or seal all relevant documents prepared relating to the transfer of land to the Roads Corporation (VicRoads) all required sections of the Plantation Reserve on Plan of Subdivision 133052 being Parcel 11 on Survey Plan 21864, Parcels 20 and 21 on Survey Plan 21865 and Parcel 30 on Survey Plan 21866, pursuant to Section 191 of the *Local Government Act* 1989.**

**Moved:** Cr Fitzgerald

**Seconded:** Cr Kam

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

**ATTACHMENT**

ABN 61 760 960 480

Property Services  
60 Denmark Street  
Kew Victoria Australia 3101  
Ausdoc DX 27 Melbourne

[www.vicroads.vic.gov.au](http://www.vicroads.vic.gov.au)

Henry Morrison  
Co-ordinator Property Statutory Services  
Latrobe City Council  
P O Box 264  
**MORWELL VIC 3840**

Contact : Rob White  
Telephone : 9854 1852  
Facsimile : 9853 0221  
Date : 12/09/2009  
Our Ref : Traralgon

Dear Mr Morrison

**PRINCES HIGHWAY : TRARALGON**

I refer to your meeting with Rob White, Cheryl Harrison and Carolyn Deppeler on 12 August 2009 in relation to Council's tree reserve required for the widening of Princes Highway.

VicRoads would be pleased to receive your written confirmation that pursuant to *Schedule 3 Section 11 of the Road Management Act 2004*, the Latrobe City Council will make available for the purposes of the project, the required land 3,516 m<sup>2</sup> of land. The required land is shown as Parcel 11 on Survey Plan 21864, Parcels 20 and 21 on Survey Plan 21865 and Parcel 30 on Survey Plan 21866. Copies of these Survey Plans are enclosed.

In accordance with Government policy, the amount payable for the land will be based on an assessment provided by the Valuer-General Victoria. It is proposed that the Valuer-General's assessment will be undertaken as though the land was acquired pursuant to *the Land Acquisition and Compensation Act 1986*. However, please note that as the land would not be acquired through gazettal, the provisions in respect of interest and solatium will not be applicable. VicRoads will instruct the office of the Valuer-General to prepare this assessment. A copy of the assessment will be provided to the Latrobe City Council.

If the Council agrees to make the land available, please sign and date the attached letter and return it to VicRoads.

As discussed at the meeting VicRoads will prepare a Plan of Subdivision to excise the land made available and meet your reasonable legal costs arising from the transaction.

Thank you for your assistance in this matter, noting that should Council agree to make the land available it will be of great benefit to the delivery of this significant project. Should you have any queries, please do not hesitate to contact Rob White on 9854 1955.

Yours sincerely

**Tim Pontefract**  
Acquisition Manager



**VicRoads  
Property Services  
3<sup>rd</sup> Floor South Building  
60 Denmark Street  
KEW VIC 3101**

**Attention: Mr Rob White**

**PRINCES HIGHWAY  
LATROBE CITY COUNCIL**

On the understanding that compensation for loss of the land will be considered as per the assessment of the Valuer-General Victoria, and that the assessment will be undertaken as though the land had been acquired under the Land Acquisition Compensation Act 1986, the Latrobe City Council consents and agrees to:-

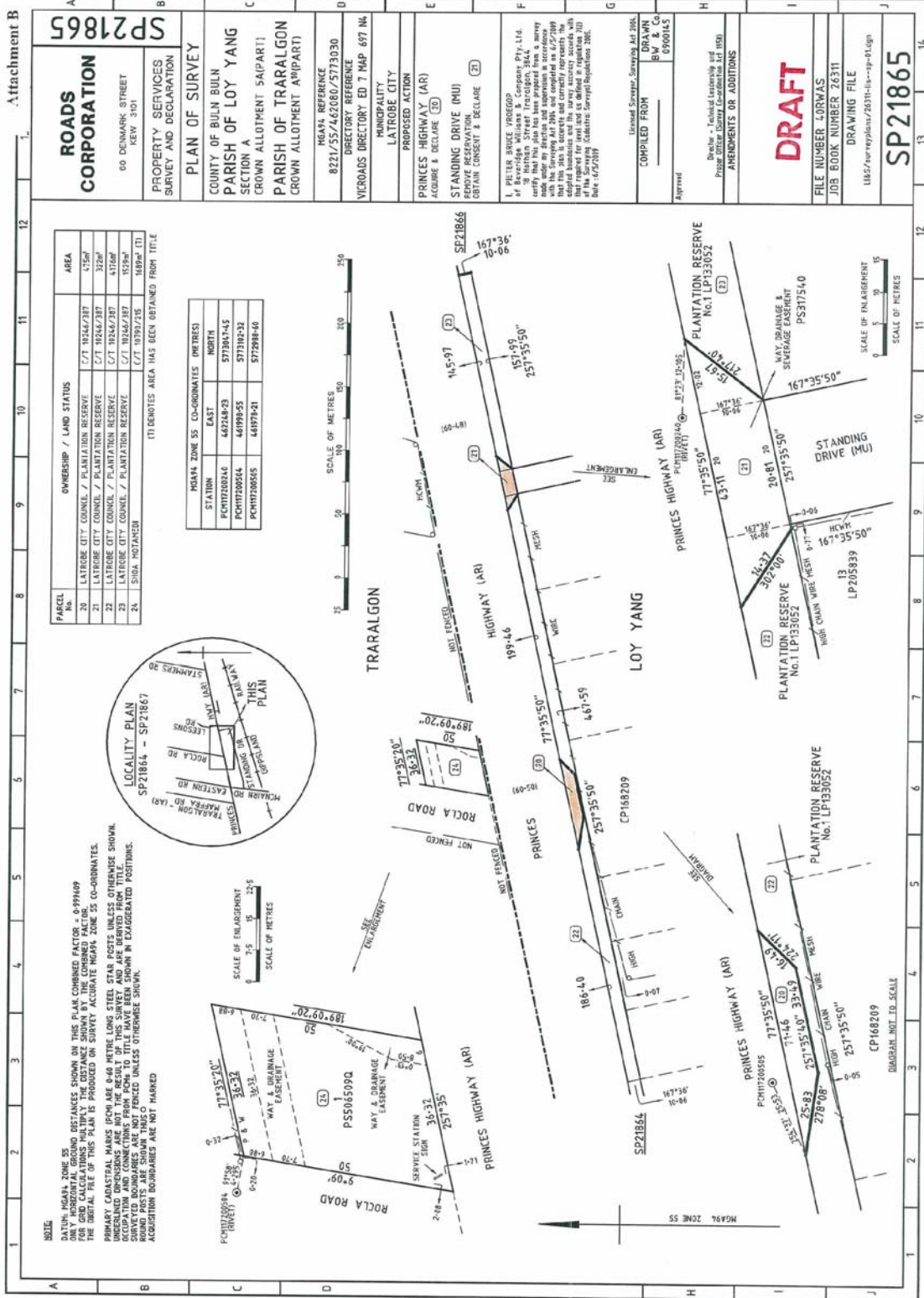
- Make the land shown as Parcel 11 on Survey Plan 21864, Parcels 20 and 21 on Survey Plan 21865 and Parcel 30 on Survey Plan 21866 available pursuant to Schedule 3, Section 11 (3)(a) of the Road Management Act 2004
  
- Provide possession of the subject land to VicRoads on or about 1 October 2009.

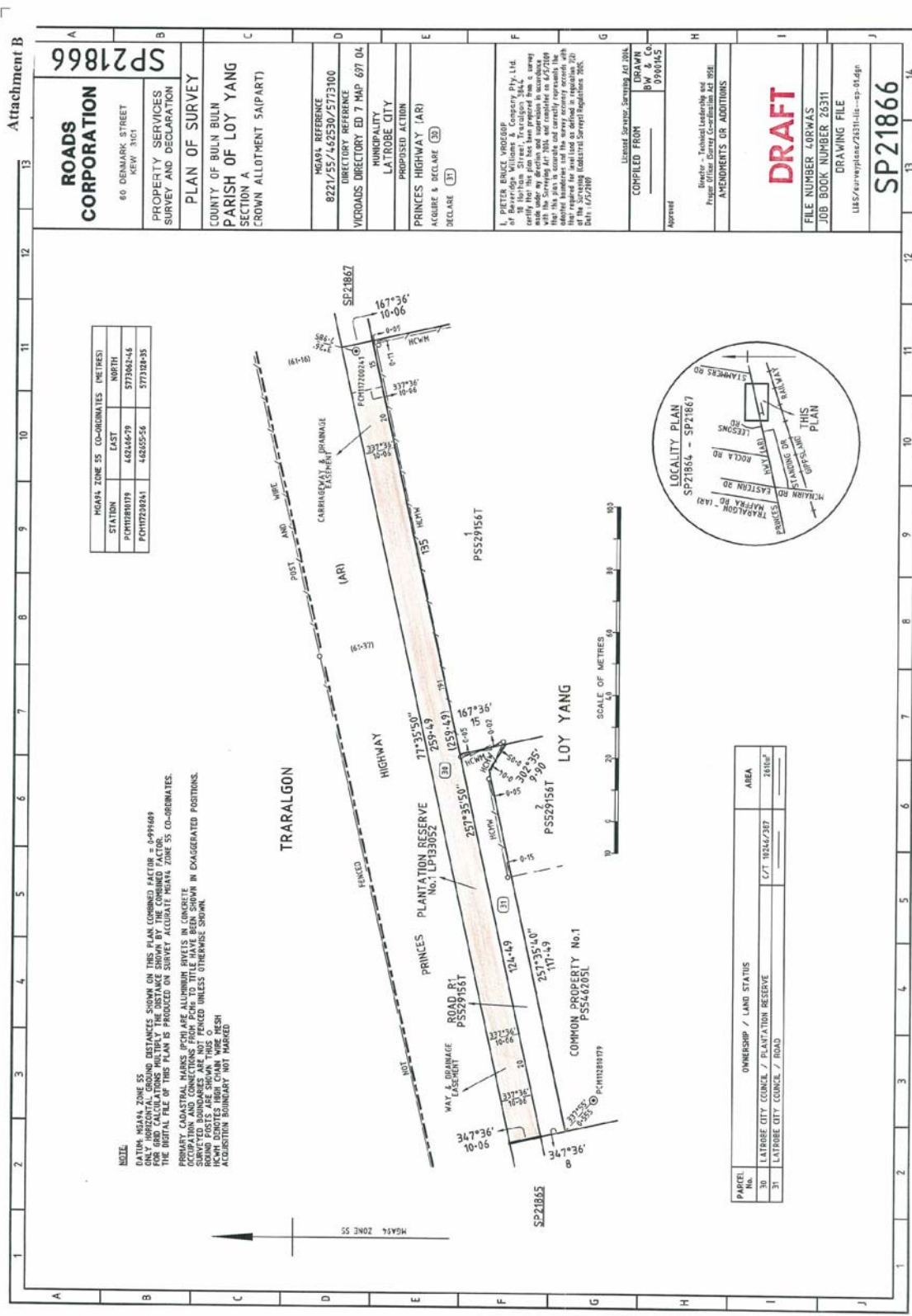
Signed.....

On behalf of the Latrobe City Council.

Dated .....

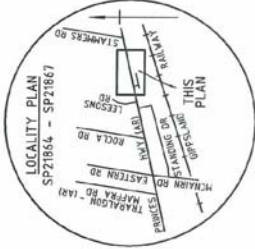






MGA94 ZONE 55 CO-ORDINATES (METRES)	
STATION	EAST
PCH12181079	482466.79
PCH12181081	482655.56
PCH12181075	5773181.95
	NORTH
	5773184.46

**NOTE:**  
 DATUM: MGA94 ZONE 55  
 HORIZONTAL GROUND DISTANCES SHOWN ON THIS PLAN CORRECTED BY FACTOR = 6.991669  
 FOR VERTICAL CURVATURE. ALL DISTANCES ARE IN METRES.  
 THE DIGITAL FILE OF THIS PLAN IS PRODUCED ON SURVEY ACCURATE MGA94 ZONE 55 CO-ORDINATES.  
 PRIMARY CADASTRAL MARKS (PCH) ARE ALUMINIUM RIVETS IN CONCRETE.  
 OCCUPATION AND CONNECTIONS FROM PCH TO TITLE HAVE BEEN SHOWN IN EXAGGERATED POSITIONS.  
 SURVEY MARKS ARE SHOWN IN RED.  
 BOUNDARY MARKS ARE SHOWN IN BLUE.  
 R/W DENOTES IRRI CHAIN WIRE MESH.  
 ACQUISITION BOUNDARY NOT MARKED.

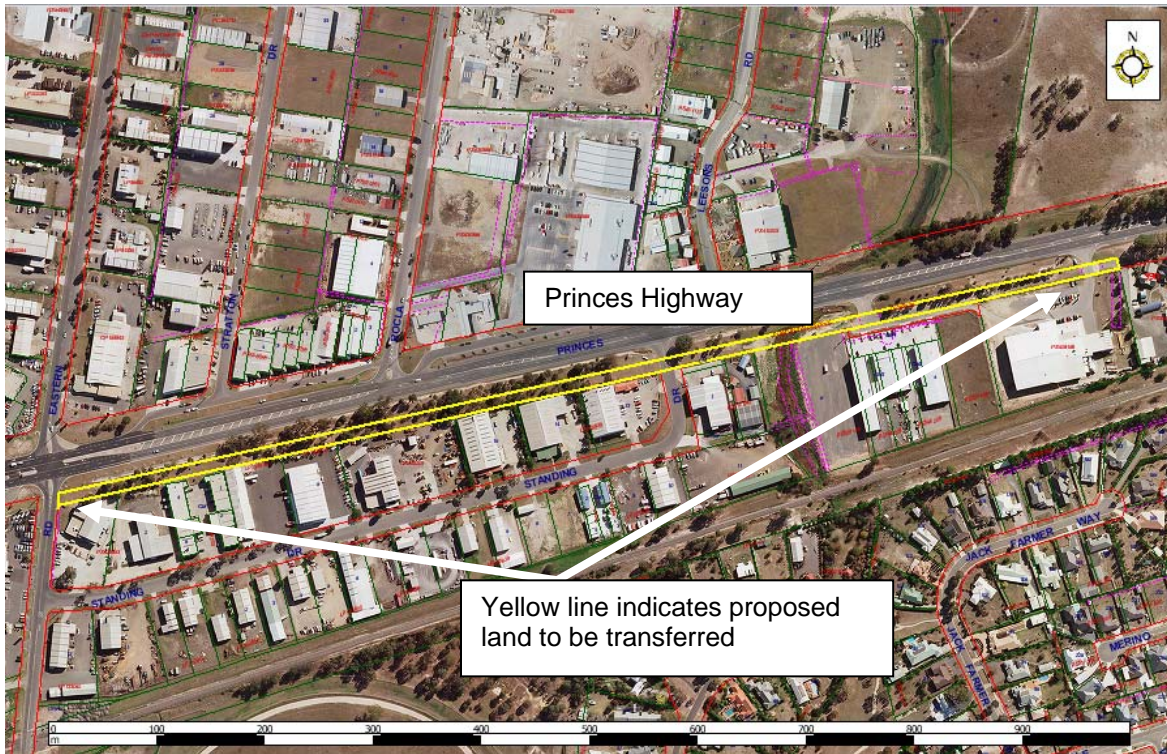


PARCEL No.	OWNERSHIP / LAND STATUS	AREA
30	LATROBE CITY COUNCIL / PLANTATION RESERVE	2816m <sup>2</sup>
31	LATROBE CITY COUNCIL / ROAD	

Attachment B

<b>ROADS CORPORATION</b>	
60 DENMARK STREET NEW 3011	
PROPERTY SERVICES SURVEY AND DECLARATION	
PLAN OF SURVEY	
COUNTY OF BULN BULN PARISH OF LOY YANG SECTION A CROWN ALLOTMENT 5A(PART)	
MGA94 REFERENCE	8221/55/462530/5773100
DIRECTORY REFERENCE	VICROADS DIRECTORY ED 7 MAP 697 04
MUNICIPALITY	LATROBE CITY
PROPOSED ACTION	PRINCES HIGHWAY (AR)
ACQUIRE & DECLARE	DECLARE (31)
I, PIETER BRUCE WROGEM of the County of Buln Buln, in the Parish of Loy Yang, in the State of Victoria, do hereby certify that this plan has been prepared from a survey made by me or under my supervision and in accordance with the Survey Act 2002 and complies with the Survey Regulations 2002. I am a duly qualified and licensed Surveyor in Victoria. My registration number is 12018. My office is situated at 60 Denmark Street, New 3011, Victoria 3044. This plan is to be used as defined in regulation 2(2) of the Survey Regulations 2002.	
APPROVED	LIAMAL SPRING SURVEYING AND CONSULTANTS DRAWN BY & Co 0900045
Director - Technical Leadership and Professional Control AMENDMENTS OR ADDITIONS	
<b>DRAFT</b>	
FILE NUMBER 40RWAS	
JOB BOOK NUMBER 26311	
DRAWING FILE	
LBS/cur/wy/plans/26311-ll-01.dwg	
<b>SP21866</b>	





**11.6.3**      **2009 VICTORIAN BUSHFIRES ROYAL COMMISSION INTERIM REPORT**

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

**1. PURPOSE**

The purpose of this report is to present to Council the 2009 Victorian Bushfires Royal Commission Interim Report released on 17 August 2009.

**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 2009-2013.

*Latrobe 2021 and Council Plan 2009-2013*

*Strategic Objective –Liveability*

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

*Community Outcome – Community Liveability*

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

*Strategic Action – Community Well-being*

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

*Policy – Municipal Emergency Management Plan 2008 (MEMP 2008)*

As required by the *Emergency Management Act 1986*, the MEMP 2008 details agreed arrangements for the prevention of, the response to and recovery from emergencies that could occur in Latrobe City.

*Policy – Municipal Fire Prevention Plan 2008 (MFPP 2008)*

As required by the *Country Fire Authority Act 1958*, the MFPP 2008 details arrangements to protect, as far as practicable all life, property, community assets, flora and fauna in the Latrobe City area from damage or destruction by the occurrence of fire and to make the municipality a safer place in which to live, work and visit.

#### 4. **BACKGROUND**

The 2009 Victorian Bushfire Royal Commission (the Commission) was established on 16 February 2009 to exam a broad range of issues in regards to the bushfires which swept through parts of Victoria in late January and early February 2009 (including the Black Saturday and Delburn Complex Busfires). The Commission is charged with investigating the circumstances which led to these fires, the response of various Commonwealth, State and Local Government authorities to these and opportunities to prevent a reoccurrence of the devastation experienced.

Between 19 March and 6 July 2009 the Commission undertook community consultation through 26 meetings in 14 fire locations, received submissions with information relevant to the Commission's Terms of Reference and completed a first block of public hearings. The first block of public hearings focused on warnings and information provided to the community on bushfires to enable the Commission to make recommendations on vital issues that are important to the preservation of human life in time for preparation for the 2009/2010 fire danger season.

The Commission's interim report (attached), delivered on 17 August 2009, contains 51 recommendations focused predominantly on changes that can be made prior to the 2009/2010 fire danger season.

## 5. ISSUES

The recommendations contained in the Commission's interim report have been grouped into categories and effectively summarised in pages 18 to 26 of the interim report Executive Summary (attached). The categories are:

- Warnings
- Information
- Stay or Go
- Risk and Refuge
- Emergency Management
- Commonwealth Response

The Commission has requested that parties including the Commonwealth, State, and Local Governments submit 'Implementation Plans' in regards to the recommendations by 30 September 2009. These plans are to be brief advice setting out the proposed response, allocated responsibilities and an implementation schedule. As requested by the Commission, the Municipal Association of Victoria will be coordinating the municipal council response. However, the complete municipal response is largely dependant on the State Government policy or program changes that are being determined at present. The State Government has indicated support for all 51 recommendations in the interim report and that it is being guided by emergency service agencies to determine what steps can practically be taken ahead of the next bushfire season.

Once these responses are known, a further report will be provided to Council detailing Council's program and preparations for the 2009/2010 fire danger season.

Following the submission of the 'Implementation Plans' parties are to submit to the Commission no later than 31 March 2010 a further 'Delivery Report' - that being a more detailed report on the progress made towards implementing each recommendation and, where appropriate, the outcomes and effectiveness of the response.

A further 28 weeks of public hearings are scheduled to examine the issues specified in the Commission's terms of reference including investigating the Churchill and Delburn fires and the circumstances surrounding the deaths of the 173 people who died in the 2009 Victorian bushfires. The Commission is required to deliver a final report on 31 July 2010.

6. **FINANCIAL AND RESOURCES IMPLICATIONS**

This report has no immediate financial implications.

7. **INTERNAL / EXTERNAL CONSULTATION**

*Engagement Method Used:*

None applicable

*Details of Community Consultation / Results of Engagement:*

Nil

8. **OPTIONS**

The option available to Council is to note the 2009 Victorian Bushfires Royal Commission Interim Report

9. **CONCLUSION**

The 2009 Victorian Bushfire Royal Commission was established to investigate the conditions that led to the Black Saturday Bushfires, the response to these fires and opportunities to prevent a reoccurrence of the devastation experienced in parts of Victoria in late January and early February 2009.

The Commission delivered an Interim Report on 17 August 2009 containing 51 recommendations focused predominantly on changes that can be made prior to the 2009/2010 bushfire season. At present the State Government is preparing an implementation plan to be delivered to the Commission by 30 September 2009. The Municipal Association of Victoria will also submit a combined Local Government response at this time. However the actual impact of each recommendation will be largely dependant on developments in State Government policy and initiatives that, in the most part, are not yet known.

The Commission is required to deliver a final report on 31 July 2010 and to that effect hearings recommenced on 24 August 2009 and will continue until 13 May 2010.

**10. RECOMMENDATION**

- 1. That Council notes the 2009 Victorian Bushfire Royal Commission Interim Report.**
- 2. That a further report be presented to Council at the Ordinary Council Meeting to be held on 19 October 2009 outlining Council's response to the relevant recommendations of the 2009 Victorian Bushfire Royal Interim Report.**

**Moved:** Cr Vermeulen

**Seconded:** Cr Lougheed

**That the Recommendation be adopted.**

**CARRIED UNANIMOUSLY**

**URGENT BUSINESS**

**12. URGENT BUSINESS**

**Moved:** Cr Kam

**Seconded:** Cr Fitzgerald

**That Council admits an item of Urgent Business in relation to item 14.7 of the Council Agenda.**

**For the Motion**

Councillors Gibson, Kam and Fitzgerald

**Against the Motion**

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

**The Mayor confirmed that the Motion had been LOST**



Cr Gibson enquired as to the process to allow Item 14.6 of this Council Agenda to be considered in the section of the agenda that is open to the public.

**Moved:** Cr White

**Seconded:** Cr Lougheed

**That Council admits an item of Urgent Business in relation to item 14.6 of the Council Agenda.**

Cr Kam left the Council Chamber at 8.13 pm due to a direct interest under Section 77B of the *Local Government Act 1989* and an indirect interest under Sections 78 and 78B of the *Local Government Act 1989* in this item.

**For the Motion**

Councillors White, Gibson, Vermeulen, Price, Fitzgerald and Lougheed

**Against the Motion**

Councillors Middlemiss and O'Callaghan

**The Mayor confirmed that the Motion had been CARRIED**

The Mayor sought Council's consent to bring forward Item 14.6 - Moe Activity Centre Plan - Moe Rail Precinct Revitalisation Project, to be considered as part of items open to the public.

**Moved:** Cr White

**Seconded:** Cr Lougheed

**That Item 14.6 be brought forward for consideration as part of items open to the public.**

**CARRIED UNANIMOUSLY**

**14.6** **MOE ACTIVITY CENTRE PLAN - MOE RAIL PRECINCT  
REVITALISATION PROJECT**

**CONFIDENTIAL – PROPOSED DEVELOPMENTS – s.89(2)(e)  
LOCAL GOVERNMENT ACT 1989**

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

**1. PURPOSE**

The purpose of this report is to present to Council the draft Moe Rail Precinct Master Plan including concept designs for the community hub and to seek authorisation to release the master plan to the community for a four week consultation period.

**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 2009-2013.

*Latrobe 2021 and Council Plan 2009-2013*

*Strategic Objective - Sustainability*

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

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

*Community Outcome - Economic Sustainability*

By providing leadership and facilitating a vibrant and dynamic 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 - Economic Sustainability*

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

*Strategic Actions - Built Environment Sustainability*

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

Deliver the principle actions of the transit cities initiative.

*Key Priorities and Actions - Built Environment Sustainability*

*Council Plan 2009-2013*

Progress Phase 1 of the Moe Activity Rail Precinct Revitalisation Project from the Moe Activity Centre Plan July 2009 and June 2013.

**4. BACKGROUND**

Council adopted the Moe Activity Centre Plan at the Ordinary Council Meeting held on 17 December 2007.

The Moe Activity Centre Plan contains seven individual projects that have been designed to be a catalyst for urban revitalisation in the Moe Activity Centre.

The seven projects are:

1. Moe train station precinct
2. Integrated bus loop and street upgrades
3. Moore Street shared zone
4. Clifton Street car park
5. Hasthorpe Place Precinct
6. Roundabout overpass
7. Southern precinct housing

Projects 1, 2, 3, and 6 have been combined to form the Moe Rail Precinct Revitalisation Project (MRPRP).

Implementation of the Moe Rail Precinct Revitalisation Project is being undertaken according to the staged plan that has been prepared and communicated previously. A summary is provided below:

1. Property Investigation Phase	October 2008 – December 2009
2. Pre-Planning Phase	February 2009 – November 2009
3. Usage Planning Phase	April 2009 – July 2009
4. Design Planning Phase	December 2009 onwards
5. Construction	Following phase 4

The property investigation and pre-planning phases are both underway and are expected to be completed according to the schedule shown.

The usage planning phase of the project was completed in July this year with the findings report being adopted by Council at the Ordinary Council Meeting held on 20 July 2009 with the following resolution:

1. *That Council adopts the Moe Rail Precinct Revitalisation Project: Community Engagement and Consultation Activities, Consultation Findings Report, July 2009.*
2. *That the Moe Rail Precinct contain the following function themes, consistent with the recommendations of the Moe Rail Precinct Revitalisation Project: Community Engagement and Consultation Activities, Consultation Findings Report, July 2009:*
  - a. *Transportation Hub Services*
  - b. *Car Parking*
  - c. *Library services*
  - d. *Lifestyle/entertainment facilities*
  - e. *Youth and child friendly facilities*
  - f. *Community services and facilities*
3. *That a copy of the Moe Rail Precinct Revitalisation Project: Community Engagement and Consultation Activities, Consultation Findings Report, July 2009 be provided to all people that participated in the 'Design In' workshop and made available to all community members via the Latrobe City Website and Council Service Centres.*
4. *That Council appoints consultants to prepare a masterplan for the precinct in accordance with the recommendations contained within the Moe Rail Precinct Revitalisation Project: Community Engagement and Consultation Activities, Consultation Findings Report, July 2009.*

## 5. **ISSUES**

In accordance with the resolution of Council's 20 July 2009 Ordinary Council Meeting, consultants have been appointed to prepare a master plan for the Moe Rail Precinct including concept designs for the community hub.

The consultants were provided with a copy of both the Findings Report and the Transcript Report to inform them of the community aspirations and preferences for the precinct.

A draft master plan and concept designs for the community hub have been prepared (attached) in accordance with the brief and authorisation is sought to release this master plan and concept designs to the community for a four week consultation period, commencing 22 September 2009.

Feedback and comments received during this time will be considered in a further report to Council.

## **6. FINANCIAL AND RESOURCES IMPLICATIONS**

The preparation of the master plan is being funded through a collaborative model with contributions from Latrobe City Council, Department of Planning and Community Development, Department of Transport and VicTrack.

## **7. INTERNAL / EXTERNAL CONSULTATION**

*Details of Community Consultation / Results of Engagement:*

Extensive consultation was undertaken to develop the Moe Activity Centre Plan and consultation continues to be a major component of implementation of the projects.

A significant consultation exercise comprising a "Design In" and an "Ideas Shop" was used to engage with the community and to encourage participation and contribution to this project.

A number of key state government departments and agencies have a direct interest and involvement in this project and are members of a Project Team which has oversight of the project and have been actively involved in the preparation of the master plan.

Proposed consultation will include:

- Media Release
- Public Notice in LV Express and Moe News
- Placement of the Master Plan on Latrobe City Council website
- Copies made available at all council service centres

## 8. OPTIONS

Options available to Council include:

1. Release the master plan and concept designs for the community hub for a four week community consultation period.
2. Release the master plan and concept designs for the community hub for a community consultation period greater than four weeks.
3. Not release the master plan and concept designs for the community hub.
4. Adopt the master plan and concept designs as attached to this report.

## 9. CONCLUSION

Transit Cities is a state government policy objective and delivering the principles of the Transit Cities in Moe is meeting both state government policy commitments along with Latrobe City Council strategic direction.

Significant commitment has been directed to the implementation of this project through state, federal and local government budget allocations.

A significant community consultation event has been used to inform the preparation of the Master Plan and key state government departments and agencies have been involved ensuring that it is meeting the needs of all stakeholders.

The next step in the project is to release the master plan to the community for consideration and feedback.

## 10. RECOMMENDATION

1. That Council releases the Moe Rail Precinct Revitalisation Project Draft Master Plan, including concept designs for the Community Hub to the community for a four week consultation period, commencing 22 September 2009.
2. That a further report detailing submissions received be presented to Council on 2 November 2009 for consideration of the final master plan.

**Moved:** Cr White

**Seconded:** Cr Lougheed

1. That Council releases the Moe Rail Precinct Revitalisation Project Draft Master Plan, including concept designs for the Community Hub to the community for a six week consultation period, commencing 22 September 2009.
2. That a further report detailing submissions received be presented to Council on 16 November 2009 for consideration of the final master plan.

**CARRIED UNANIMOUSLY**

Cr Kam returned to the Council Chamber at 8.34 pm.

**ATTACHMENT****MOE RAIL PRECINCT REVITALISATION PROJECT DRAFT MASTER PLAN**

Please click of the 'link' below for Council's webpage containing the master plan:

<http://www.latrobe.vic.gov.au/Projects/MoeActivityCentre/>



**14. TEA BREAK****Adjournment of Meeting**

The Mayor adjourned the Meeting at 8.34 pm for a tea break.

**Resumption of Meeting**

The Mayor resumed the Meeting at 8.49 pm.