



# LATROBE CITY COUNCIL

## AGENDA FOR THE COUNCIL MEETING

**TO BE HELD VIA AUDIO-VISUAL LINK  
AT 6PM ON  
02 AUGUST 2021**

**CM566**

***Please note:***

*Pursuant to s66(2)(b) and s66(2)(c), this Council Meeting will not be open to the public to attend in person. Instead participation may occur by video link and the Meeting may be viewed live on the internet from Council's website or Facebook page.*

*Opinions expressed or statements made by participants are the opinions or statements of those individuals and do not imply any form of endorsement by Council.*

*By attending a Council Meeting via audio-visual link those present will be recorded or their image captured. When participating in the meeting, consent is automatically given for those participating to be recorded and have images captured.*

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## **COUNCILLOR AND PUBLIC ATTENDANCE**

### **PLEASE NOTE**

The Victorian Government's *COVID-19 Omnibus (Emergency Measures) Act 2020* has introduced into the *Local Government Act 2020* new mechanisms that allow for virtual Council Meetings to ensure local government decision-making can continue during the coronavirus pandemic.

Pursuant to section 394 of the *Local Government Act 2020*, a Councillor may attend this Council Meeting remotely by electronic means of communication; and

Pursuant to section 395 of the *Local Government Act 2020* this Council Meeting may be closed to the attendance by members of the public by making available access to a live stream of the Meeting on the Council's internet site.

### **1. OPENING PRAYER**

*Our Father who art in Heaven, hallowed be thy name. Thy kingdom come, thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us, and lead us not into temptation but deliver us from evil. For the kingdom, the power, and the glory are yours now and forever. Amen.*

### **2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND**

*I would like to acknowledge that we are meeting here today on the traditional land of the Braiakaulung people of the Gunaikurnai nation and I pay respect to their elders past and present.*

*If there are other Elders present I would also like to acknowledge them.*

### **3. APOLOGIES AND LEAVE OF ABSENCE**

### **4. DECLARATION OF INTERESTS**

### **5. ADOPTION OF MINUTES**

### **RECOMMENDATION**

**That Council confirm the minutes of the Council Meeting held on 5 July 2021.**

### **6. ACKNOWLEDGEMENTS**

*Councillors may raise any formal acknowledgements that need to be made at this time, including congratulatory or condolences.*



## **7. PUBLIC PARTICIPATION TIME**

### **Attend as an observer**

The Victorian Government's *COVID-19 Omnibus (Emergency Measures) Act 2020* has introduced into the *Local Government Act 2020* new mechanisms that allow for virtual Council Meetings and allow for Council Meetings to be closed to the public.

The safety of Councillors, Council staff and our community is at the forefront of our decisions therefore this Meeting will be closed to physical participation by members of the public. To meet our legislated obligations and in the spirit of open, accessible and transparent governance, this Council Meeting is livestreamed and can be viewed by using the link on Council's website or Facebook page.

### **Public Questions on Notice**

In accordance with the Council Meeting Policy, members of the public can lodge a question on notice before 12noon on the day of the Council meeting in order for the question to be answered at the meeting.

### **Public Speakers**

An opportunity for members of the public to speak to an item on the agenda will be made available by necessary means. To participate, members of the public must have registered before 12noon on the day of the Council meeting.

**8. ITEMS HELD OVER FOR REPORT AND/OR CONSIDERATION/QUESTIONS ON NOTICE**

The Items Held Over Table provides a list of items where a further report to Council has been requested.

Work is currently underway to address these items and a target date for a report to be presented to Council is provided below. These dates are subject to change pending the status of the works.

The below items include open and confidential items and as such the report to Council may be included in an open or confidential agenda.

<b>Initial Meeting Date</b>	<b>Item</b>	<b>Target Date for Future Report</b>
<b>Regional City Growth and Investment</b>		
23 October 2017	Development Proposal - Expression of Interest	A report will be presented to Council in September 2021.
3 April 2018	Future Use of the Visitor Information Centre Building	A report will be presented to Council in November 2021.
3 June 2019	Latrobe Creative Precinct - Gippsland FM Proposal to Co-locate at the Precinct	Report presented to Council in October 2020. <b>Complete</b>
2 September 2019	SEA Electric: Request for Land at the Gippsland Logistics Precinct	A report will be presented to Council upon receipt of advice from the State Government.
11 November 2019	Celebrating the 20th Anniversary of the Sister City Relationship with Taizhou - Taizhou Garden in Latrobe	A report will be presented to Council at the conclusion of design works.
2 December 2019	2019/17: NIEIR Report	A report will be presented to Council in September 2021.
7 June 2021	Latrobe City Council's participation in One Gippsland and Gippsland Regional Plan	A report will be presented to Council in June 2022.

<b>Initial Meeting Date</b>	<b>Item</b>	<b>Target Date for Future Report</b>
<b>Community Health and Wellbeing</b>		
3 May 2021	2021/06 Monitoring System of Airborne and Soil Lead Levels	A report will be presented to Council in September 2021.
5 July 2021	Review of Illegal Camping Activity at the Lake Narracan Foreshore Reserve	A report will be presented to Council in August 2023.
5 July 2021	Domestic Animal Management Plan 2021-2025 Request to Release Drat Plan for Community Engagement	A report will be presented to Council on 4 October 2021.
<b>Office of the CEO</b>		
11 September 2017	Proposed Road Renaming - Ashley Avenue, Morwell	A report was presented to a Councillor Briefing in May 2021, with a report to Council to follow once consultation with Geographic Names Victoria is complete.
7 September 2020	2020/11: Naming of Reserves in Latrobe City	A report is scheduled for presentation at the 2 August 2021 Council Meeting.  <b>Complete</b>
7 June 2021	Release of draft Governance Rules and draft Local Law for Public Consultation	A report is scheduled to be presented to the 2 August Council Meeting.  <b>Complete</b>
<b>Assets and Presentation</b>		
3 September 2018	2018/11 Explore alternate options available to replace the supply and use of single use water bottles	A report will be presented to Council in April 2022.

<b>Initial Meeting Date</b>	<b>Item</b>	<b>Target Date for Future Report</b>
2 March 2020	2020/02 Review of Council Position 2010	A report was presented to a Councillor Briefing in April 2021 with a report to Council to follow.
8 February 2021	Traralgon Recreation Reserve and Showgrounds Masterplan	A further report will be presented to a briefing in September 2021 with a report to Council to follow.
8 February 2021	Latrobe Significant Tree Register 2021	A report will be presented to a Councillor Briefing in September with a report to Council to follow.
8 February 2021	Building Better Regions Fund Application Approval	A report will be presented to a Councillor Briefing in August with a report to Council to follow.
7 June 2021	Green Waste Disposal Amnesty for Properties in Declared Bushfire Risk Areas	A report will be presented to the September 2021 Council meeting.
5 July 2021	2021/08 Resident Only Parking Zone	A report will be presented to Council no later than 4 October 2021.
<b>Organisational Performance</b>		
5 July 2021	LCC-691 Hyland Highway Landfill – Leachate Management	A report will be presented to Council in 2024.

# **NOTICES OF MOTION**

**9. NOTICES OF MOTION**

**9.1 2021/11 SANITARY BINS IN COUNCIL TOILETS**

**Cr Melissa Ferguson**

I, Cr Melissa Ferguson, hereby give notice of my intention to move the following motion at the Council Meeting to be held on Monday, 02 August 2021:

**That Council receives a report at an upcoming Council Meeting presenting background, information and options (including appropriate budget implications) to provide sanitary bins in all toilets managed by Council. The provision of sanitary bins will provide dignity and privacy among those suffering from incontinence issues, which can affect all people, of all ages.**

Signed  
Cr Melissa Ferguson  
7 July 2021

**Attachments**  
Nil

**9.2 2021/12 SOUTH WARD COMMUNITY DISASTER RECOVERY COMMITTEE**

**Cr Melissa Ferguson**

I, Cr Melissa Ferguson, hereby give notice of my intention to move the following motion at the Council Meeting to be held on Monday 2 August 2021:

**That Council:**

- 1. Endorses the current Community Recovery Committee (CRC) located in the South Ward of Latrobe City (established following the Budgerie Yinnar South Jumbuck fires in 2019) as the new Community Disaster Recovery Committee (CDRC) with updated terms of reference to be developed, in consultation with the committee, to support recovery activities following any emergency or disaster in the South Ward including the recent flooding/storm disaster in that area; and**
- 2. Endorses Cr Melissa Ferguson as Council's representative on the new committee (as per the existing committee's request in writing to the Mayor and all Councillors dated the 18th of June, which clearly requests Cr Melissa Ferguson as the South Ward Councillor, be appointed as Council's delegate to this committee).**

Signed  
Cr Melissa Ferguson  
15 July 2021

**Attachments**

Nil

**9.3 2021/13 SOUTH WARD COMMUNITY DISASTER RECOVERY COMMITTEE  
TERMS OF REFERENCE**

**Cr Melissa Ferguson**

I, Cr Melissa Ferguson, hereby give notice of my intention to move the following motion at the Council Meeting to be held on Monday 2 August 2021

**That Council requests a report to the next Council Meeting in relation to the proposed new South Ward Community Disaster Recovery Committee (CDRC), following consultation with the committee, detailing terms of reference that reflects its new and ongoing work in the South Ward in relation to emergency/disaster recovery for council to consider, adjust if required, and Council's final endorsement to provide the committee clear guidance and direction for the future.**

Signed  
Cr Melissa Ferguson  
15 July 2021

**Attachments**  
Nil



**ITEMS REFERRED BY  
THE COUNCIL TO THIS  
MEETING FOR  
CONSIDERATION**

**10. ITEMS REFERRED BY THE COUNCIL TO THIS MEETING FOR  
CONSIDERATION**

**Agenda Item: 10.1**

**Agenda Item: Governance Rules and Local Law No.1**

**Sponsor: Chief Executive Office**

**Council Plan Objective: Ensure Council operates openly, transparently and responsibly.**

**Status: For Decision**

**Proposed Resolution:**

**That Council:**

- 1. Adopts the Governance Rules with an effective date of 03 August 2021;**
- 2. Requests a copy of the final Governance Rules be provided to all Councillors;**
- 3. Notes with the adoption of these Governance Rules, that any previous versions are now rescinded;**
- 4. Makes the Governance Rules available on Council's website and available for inspection at all Council Service Centres.**
- 5. In accordance with the requirements of section 119 of the *Local Government Act 1989*:**
  - 5.1. Makes and authorises the Chief Executive Officer to sign and seal Meeting Conduct Local Law No.1 2021 (Local Law No. 1);**
  - 5.2. On the making, signing and sealing of Local Law No. 1, revokes Meeting Conduct Local Law No. 1 2020;**
  - 5.3. Gives public notice of the making of Meeting Conduct Local Law No. 1 2021 in the Victorian Government Gazette, the Latrobe Valley Express and on Council's website including:**
    - (a) The title of the Local Law;**
    - (b) The purpose and general purport of the Local Law; and**
    - (c) That a copy of the Local Law may be inspected at Council's**

**offices;**

**with Meeting Conduct Local Law No. 1 2021 to come into operation the day following the day on which the public notice is published in the Victorian Government Gazette;**

- 5.4. Forwards to the Minister for Local Government a copy of Meeting Conduct Local Law No. 1 2021; and**
- 5.5. Makes Meeting Conduct Local Law No. 1 2021 available on Council's website and available for inspection at all Council Service Centres.**

### **Executive Summary:**

Council adopted the Governance Rules as required by section 60 of the *Local Government Act 2020* (the 2020 Act), along with a supporting Local Law No.1 for enforcement purposes, on 7 September 2020.

A recent officer review has been completed, including benchmarking against both the Local Government Victoria Model Governance Rules and the Governance Rules of a number of other Victorian councils. The review was guided by best practice governance procedures and sought to align the Rules with the Governance Principles in the 2020 Act, particularly transparency of Council decision making.

Following Councillor feedback, drafts of amended Governance Rules and the Local Law No.1 were approved by Council at the Council Meeting on 7 June 2021 for release for public review and submissions.

Both documents have accordingly been made available for community submissions, with the process for the Governance Rules being in accordance with Council's Community Engagement Policy and the *Local Government Act 1989* prescribing the process for Local Law No.1.

Submission periods for both documents have now concluded and no submissions have been received.

The proposed Governance Rules and Meeting Conduct Local Law No.1 2021 are now presented for adoption by Council.

### **Background:**

Council adopted its Governance Rules and accompanying Local Law No.1 on 7 September 2020 as part of the transition from the *Local Government Act 1989* (the 1989 Act) to the *Local Government Act 2020* (the 2020 Act).

The contents of the Rules and Local Law were largely taken from the previous documents governing Council meetings, being the Local Law No.1 in place at the time and Council's Meeting Policy. There were also some inclusions from Local Government Victoria's Model Governance Rules (Model Rules) which were released by LGV following stakeholder consultation and working group participation.

Officers have now been able to undertake a more thorough review of the content of the Rules and Local Law than was feasible in the limited timeframe of the transition. This review sought to capture potential amendments that would facilitate the orderly, consistent and transparent conduct of Council meetings and involved comprehensive benchmarking against both the Model Rules and the Governance Rules of other Victorian councils. The Victorian Ombudsman's 2016 report 'Investigation into the transparency of local government decision making' was also used as an overarching guide.

The amendments focus on assisting with clarity and practical operation, as well as the flow of meetings, to achieve the objectives for meeting conduct noted above. The alterations were in relation to:

- Amendment of provisions necessary to comply with new provisions in the 2020 Act;
- Incorporating various practical considerations into meeting procedures;
- Introducing more facilitative timeframes and additional guidance on procedure and content for Notices of Motion;
- Enhanced procedural certainty;
- More detailed requirements for minutes content;
- Clarification of conflict of interest processes;
- Appropriate application of the Governance Rules to Community Asset Committees;
- Drafting clarity (administrative amendments).

The Election Period Policy that forms part of the Governance Rules was not included in the review and as such the content of that Policy remains unchanged.

Proposed drafts of the Rules and Local Law were presented to the Councillor Briefing Session on 24 May 2021, and after incorporation of Councillor feedback, the drafts were approved for public release for submissions at the Council Meeting on 7 June 2021.

Section 60(4) of the 2020 Act requires Council to follow a process of community engagement when amending its Governance Rules, however deliberative engagement is not mandatory. In compliance with Council's Community Engagement Policy, the draft Governance Rules were made available online and at service

centres. Submissions were open from 8 June 2021 to 6 July 2021 inclusive; no submissions were received.

As the initial resolution to begin the process of amending the Local Law No.1 was made prior to 1 July 2021, which was the commencement date of 2020 Act provisions for Local Laws, it has been undertaken via the 1989 Act rather than the 2020 Act.

Pursuant to the 1989 Act, notice of the proposed Local Law was given in the Victorian Government Gazette, the Latrobe Valley Express, being a locally circulating newspaper, and on Council's website, with hardcopies available at service centres. A Community Impact Statement was made available with the draft Local Law online and at service centres as required by the 1989 Act. Submissions were open from 17 June 2021 to 15 July 2021 inclusive; no submissions were received.

As required by the 1989 Act, once the Local Law No.1 is adopted officers will arrange publication of a notice in the Government Gazette and Latrobe Valley Express, as well as send a copy to the Minister. It is intended for Local Law No.1 to come into force the day after public notice is given in the Victorian Government Gazette that it has been made.

**Issues:**

*Strategy Implications*

Adoption of the Governance Rules and Meeting Conduct Local Law No.1 2021 will achieve Objective 6 of the Council Plan - Ensure Council operates openly, transparently and responsibly. It will also best ensure compliance with the Act.

*Health Implications*

Nil.

*Communication*

Further targeted internal communication and education with Councillors or relevant officers can be undertaken if required.

*Financial Implications*

Nil.

*Risk Analysis*

<b>Identified risk</b>	<b>Risk likelihood*</b>	<b>Controls to manage risk</b>
<p><b>Reputational Risk</b></p> <p>The Rules and/or Local Law do not align with community expectations.</p>	1 (Rare)	<p>Reviewing the documents at appropriate intervals will best ensure alignment with community expectations.</p> <p>The documents were made available for community feedback prior to being presented for adoption.</p>
<p><b>Legal/Regulatory Risk</b></p> <p>Failure to publicly consult on the Rules and Local Law may mean Council has not complied with the community engagement requirement for development of the Rules and the requirements of the 1989 Act for development of Local Laws</p>	1 (Rare)	<p>The required processes for public feedback have been utilised, being community engagement for the Governance Rules, and the process at section 223 of the 1989 Act for the Local Law.</p>

\* Inherent likelihood ratings: 1 (Rare); 2 (Unlikely); 3 (Possible); 4 (Likely); 5 (Almost Certain)

*Legal and Compliance*

Section 60 of the 2020 Act requires Council to develop, adopt and keep in force Governance Rules and subsection 60(7) requires development of those Rules to involve community engagement. Section 119 of the 1989 Act requires public notice and the opportunity for public submissions in development of Local Laws. Public submissions are in accordance with section 223 of the 1989 Act.

*Community Implications*

A clear and consistent set of Governance Rules and accompanying Local Law provides a strong framework for the operation of Council, which in turn promotes the trust of the municipal community and encourages community member engagement. These documents are also considered to be an integral part of how Council maintains compliance with the overarching governance principles contained in section 9 of the 2020 Act.

*Environmental Implications*

Nil.

*Consultation*

Community engagement has been undertaken for the Governance Rules via the community engagement process outlined, and for the Local Law No.1 via the process under sections 119 and 223 of the 1989 Act.

*Other*

Nil.

**Declaration of Interests:**



Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

**Supporting Documents:**

*Local Government Act 2020*

*Local Government Act 1989*

**Attachments**

- 1   Draft Governance Rules
- 2   Draft Meeting Conduct Local Law No.1 2021

# 10.1

## **Governance Rules and Local Law No.1**

- 1 Draft Governance Rules..... 21**
- 2 Draft Meeting Conduct Local Law No.1 2021 ..... 72**





# Governance Rules

Version 2

Approval Date: [Click here to enter text.](#)

Review Date: [Click here to enter text.](#)



## Governance Rules

### DOCUMENT CONTROL

Responsible GM	Click here to enter text.	
Division	Click here to enter text.	
Last Updated (who & when)	Click here to enter text.	Click here to enter text.
<b>DOCUMENT HISTORY</b>		
Authority	Date	Description of change
Council	07/09/2020	Adoption of Rules
References	<i>Election Period Policy</i> <i>Citizen Confidentiality and Privacy Policy</i> <i>Civic, Ceremonial Functions and Honours Policy</i> <i>Employee Code of Conduct</i> <i>Local Government Act 2020</i> <i>Local Government Act 1989</i> <i>Planning and Environment Act 1987</i> <i>Privacy and Data Protection Act 2014</i>	
Next Review Date	Click here to enter text.	
Published on website	Click here to enter text.	
Document Reference No		



## Governance Rules

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## Part A: Introduction

### 1. Title

This is the Latrobe City Council Governance Rules which will be known as the "Governance Rules".

### 2. Objectives of these Governance Rules

The objectives of these Governance Rules are to:

- 2.1. prescribe the procedures governing the conduct of Council meetings and Delegated Committee meetings;
- 2.2. prescribe the form and availability of meeting records;
- 2.3. prescribe the processes for the election of the Mayor and Deputy Mayor, and the appointment of an Acting Mayor;
- 2.4. prescribe Council's Election Period Policy;
- 2.5. prescribe the procedures for disclosure of a conflict of interest by a:
  - 2.5.1 Councillor or a member of a Delegated Committee under section 130 of the *Local Government Act 2020*;
  - 2.5.2 Councillor under section 131 of the *Local Government Act 2020*; and
  - 2.5.3 Member of Council staff when providing information in respect of a matter within the meaning of section 126(1) of the *Local Government Act 2020*; and
- 2.6. provide opportunities for community participation in Council's decision-making processes.

### 3. Authorising Provision

These Governance Rules are made under section 60 of the *Local Government Act 2020*.

### 4. Scope of the Governance Rules

- 4.1 These Governance Rules apply to all Council meetings.
- 4.2 These Governance Rules apply to all meetings of:
  - 4.2.1 Delegated Committees appointed by the Council;
  - 4.2.2 Community Asset Committees appointed by the Council;insofar as is set out at Rules 68-69.

### 5. Definitions and Notes

In these Governance Rules:

Act	means the <i>Local Government Act 2020</i>
Agenda	means a document containing the date, time and place of a meeting and a list of business to be transacted at the meeting
Audit and Risk Committee	means the Audit and Risk Committee established by a Council under section 53 of the Act
Chair	means the Chairperson of a meeting and includes an acting, temporary and substitute Chairperson
Chamber	means any room where the Council holds a Council meeting
Chief Executive Officer	means the Chief Executive Officer of Council
Community Asset Committee	means a Community Asset Committee established by Council under section 65 of the Act
Council	means Latrobe City Council
Council meeting	means a meeting of the Council convened in accordance with these Governance Rules and includes scheduled meetings and unscheduled meetings
Delegated Committee	means a Delegated Committee established by Council under section 63 of the Act
Delegated Committee meeting	means a meeting of a Delegated Committee
Deputy Mayor	means the Deputy Mayor of Council and any person appointed by Council to act as Deputy Mayor
Disorder/Disorderly	means any disorderly conduct of a member of the gallery or a Councillor and includes: <ul style="list-style-type: none"> <li>• interjecting when another person is speaking, except, in the case of where a Councillor is raising a Point of Order;</li> <li>• making comments that are defamatory, malicious, abusive or offensive;</li> <li>• refusing to leave the meeting when requested, ordered or directed to do so by the Chair in accordance with the Act and the Governance Rules; and</li> <li>• engaging in any other conduct which prevents the orderly conduct of the meeting.</li> </ul>



Election Period	has the same meaning as in the <i>Local Government Act 2020</i>
Mayor	means the Mayor of Council and any person appointed by Council to be acting as Mayor
Motion	means a proposal framed in a way that will result in the opinion of Council being expressed, and a Council decision being made, if the proposal is adopted
Notice of Motion	means a notice setting out the text of a motion, which it is proposed to move at the next relevant meeting
Notice of rescission	means a notice of motion to rescind or amend a resolution made by Council
Point of Order	means a procedural point (about how the meeting is being conducted), not involving the substance of a matter before a meeting
Procedural Motion	means a motion that relates to a procedural matter only and which is not designed to produce any substantive decision but used merely as a formal procedural measure
Quorum	means the majority of members of the Council or a Delegated Committee
Rescind	means to repeal or amend a resolution and 'rescinded' includes 'amended'
Rule or Sub-Rule	means a rule or sub-rule included in these Governance Rules
Senior Officer	has the same meaning as in the <i>Local Government Act 1989</i>
Significant expenditure	means one (1) percent or more of general rate income of the Council
Urgent business	means a matter that relates to or arises out of a matter which has arisen since distribution of the agenda and cannot reasonably or conveniently be deferred until the next meeting

## **Part B: Election of the Mayor and Deputy Mayor Appointment of Acting Mayor**

**Summary:** This Part complements sections 25 to 27 of the Act and sets out the process to be followed for the election of the Mayor and any Deputy Mayor, and the appointment of an Acting Mayor.

### **6. Determining the Election of the Mayor**

- 6.1. The Chief Executive Officer will preside during the election of the Mayor.
- 6.2. The Chief Executive Officer must invite nominations for the office of Mayor and confirm acceptance of the nomination with the nominee.
- 6.3. Councillors may nominate themselves but each nomination must be seconded.
- 6.4. If there is only one nomination, the candidate nominated is declared elected. If a Councillor nominates himself or herself and they are the only Councillor nominated, then that Councillor is elected even if the nomination is not seconded.
- 6.5. If there is more than one nomination, the Councillors present at the meeting must vote for one of the candidates.
  - 6.5.1. If a candidate receives an absolute majority of the votes, that candidate is declared to have been elected;
  - 6.5.2. If no candidate receives an absolute majority of the votes, the candidate with the fewest number of votes is declared to be a defeated candidate. The Councillors present at the meeting must then vote for one of the remaining candidates;
  - 6.5.3. If one of the remaining candidates receives an absolute majority of the votes, that candidate is duly elected. If none of the remaining candidates receives an absolute majority of the votes, the process of declaring the candidates with the fewest number of votes a defeated candidate and voting for the remaining candidates must be repeated until one of the candidates receives an absolute majority of the votes. That candidate must then be declared to have been duly elected;
  - 6.5.4. Where there are three or more candidates remaining with two or more of those candidates having an equality of votes and one of them has to be declared, the declaration of a defeated candidate will be determined by lot.

- 6.5.5. If the lot is conducted, the Chief Executive Officer or a Senior Officer appointed by the Chief Executive Officer will conduct the lot and the following provisions will apply:
- 6.5.5.1. each candidate will draw one lot;
  - 6.5.5.2. the order of drawing lots will be determined by the alphabetical order of the surnames of the Councillors who received an equal number of votes except that if two or more such Councillors' surnames are identical, the order will be determined by the alphabetical order of the Councillors' first names; and
  - 6.5.5.3. as many identical pieces of paper as there are Councillors who received an equal number of votes must be placed in a container. The word "Defeated" will be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Defeated" written on it will be declared the defeated candidate (in which event a further vote must be taken on the remaining candidates).
- 6.5.6. If there are two remaining candidates and they have an equality of votes, a second vote will be conducted;
- 6.5.6.1. where, after a second vote, the two candidates still have an equality of votes, the Chief Executive Officer will seek the meeting to resolve to conduct a new election at a meeting to be held the following day at such time as is considered appropriate.
- 6.6. Upon being elected, the Mayor may make a ceremonial speech.
- 6.7. Immediately following the election, the Mayor is to take the chair.

***Explanatory Note***

As an example, if 4 candidates are nominated and candidate A receives 3 votes and candidates B, C and D each receive 2 votes, a lot must be used to determine which of candidates B, C or D is considered defeated. This is because candidate A did not receive a majority of the votes (having received only 3 of a possible 9 votes).

In this instance, a lot is used to determine which of the 3 candidates is defeated and then the vote is re-taken for all candidates to determine if a candidate receives an absolute majority.

As the Mayor must be elected by absolute majority of the Councillors under section 25 of the Act, a lot cannot be conducted where there are only 2 candidates remaining.

**7. Determining the Election of any Deputy Mayor**

If Council resolves that there will be an office of Deputy Mayor, the Deputy Mayor is to be elected in the manner provided for in Rule 6 except that:

- 7.1. the Mayor is to chair the election of the Deputy Mayor; and
- 7.2. any reference to the Mayor in that Sub-Rule is to be taken as a reference to the Deputy Mayor.

**8. Determining the Appointment of any Acting Mayor**

If Council resolves in accordance with section 20B of the Act that an Acting Mayor is to be appointed, the Acting Mayor is to be appointed in the manner provided for in Rule 6 except that:

- 8.1. the Chief Executive Officer is to chair the appointment of the Acting Mayor; and
- 8.2. any reference to the Mayor in that Sub-Rule is to be taken as a reference to the Acting Mayor.

## **Part C: Meetings Procedure**

**Summary:** This Part complements requirements in the Act applying to all meetings of Council and deals with procedural elements of Council meetings. Voting is also conducted in accordance with the Act.

### **Division 1 - Notices of Meetings and Delivery of Agendas**

#### **9. Council meetings**

- 9.1. The dates, times and places Council meetings are to be held will be determined by Council.
- 9.2. At or before the last meeting each calendar year, Council must fix the date, time and place of all Council meetings for the following calendar year.
  - 9.2.1 A schedule of Council meetings will be published on Council's website and be available from Council's customer service centres.
- 9.3. An unscheduled Council meeting may be called by:
  - 9.3.1 Council resolution;
  - 9.3.2 Written notice by the Mayor or three Councillors specifying the business to be transacted and delivered to the Chief Executive Officer.
- 9.4. The Chief Executive Officer must determine a time and date for the meeting within 3 business days, unless exceptional circumstances apply.
- 9.5. Notice of an Unscheduled meeting must be published on Council's website as soon as practicable after the time and date of the meeting has been determined.
- 9.6. Only the business specified in the Council resolution, or written notice, may be considered at an Unscheduled meeting, unless all Council, by unanimous resolution determine to admit another matter.
- 9.7. Reasonable notice, including on the Council's website, must be given when Council has changed a meeting date, time or place.
- 9.8. A Council meeting must not go longer than three hours, unless a majority of Councillors present vote in favour of it continuing. If the Councillors present vote against the meeting continuing, the meeting is adjourned to a time, date and place to be determined by the Chair.
- 9.9. Councillors who are unable to attend a Meeting may submit an apology:
  - 9.9.1. In writing to the Chair, who will advise the meeting; or
  - 9.9.2. By seeking another Councillor to submit it at the meeting on their behalf.
- 9.10. An apology submitted to a meeting will be recorded in the minutes.

- 9.11. A Councillor intending to take a leave of absence should submit it in writing to the Mayor:
- 9.11.1. The Mayor will seek to have any leave of absence request received included in the agenda of the next Council Meeting;
  - 9.11.2. A leave of absence not included in a Council Meeting agenda may still be considered by Council if a written request has been received by the Mayor prior to the meeting;
  - 9.11.3. Council will not unreasonably withhold its approval of a leave of absence request.
- 9.12. A Councillor who has not submitted an apology or had a leave of absence approved who is not in attendance at a Council meeting will be recorded as absent.

## **10. Agendas**

- 10.1. For all scheduled meetings of Council, the Chief Executive Officer must provide notice of the meeting and a meeting agenda, which includes a motion to adopt the attached or previously distributed minutes of the previous meeting, to every Councillor at least three business days before the meeting.
- 10.2. For any unscheduled meeting of Council, the Chief Executive Officer must provide notice of the meeting and a meeting agenda to every Councillor within a reasonable time of the special meeting being called but not less than 24 hours prior to the meeting unless there are urgent or exceptional circumstances.
- 10.3. The requirements to provide notice and an agenda under Sub-Rules 10.1 and 10.2 do not apply to a Councillor who has been granted leave of absence and who has advised the Chief Executive Officer in writing not to provide the notice and agenda.
- 10.4. An agenda for each Council meeting:
- 10.4.1. that is not an Unscheduled meeting, will be made available on Council's website no less than 2 business days before the Council meeting;
  - 10.4.2. that is an Unscheduled meeting, will be made available on Council's website no less than 1 business day before the Council meeting unless exceptional circumstances apply in which case it will be made available as soon as practicable.

## **Division 2 – Quorums**

### **11. Inability to gain a Quorum**

If, after 30 minutes from the scheduled starting time of any Council meeting, a quorum cannot be obtained:

- 11.1. those Councillors present; or

- 11.2. if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, a senior officer appointed as a member of Council's Executive Team,

must adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

## **12. Inability to maintain a Quorum**

If, during any Council meeting or any adjournment of the meeting, a quorum cannot be maintained:

- 12.1. those Councillors present; or
- 12.2. if there are no Councillors present, the Chief Executive Officer, or, in the absence of the Chief Executive Officer, a senior officer appointed as a member of Council's Executive Team,

must adjourn the meeting for a period not exceeding seven days from the date of the adjournment.

## **13. Inability to achieve or maintain a Quorum due to Conflicts of Interest of Councillors**

- 13.1 The Chair may defer an item of business in respect of which there is, or is likely to be, a disclosure of a conflict of interest by one or more Councillors that will cause a quorum to be lost, and direct the Chief Executive Officer to include that item of business on an agenda for a future Council meeting.
- 13.2 If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, Council will:
- 13.2.1 Determine the matter will be considered in separate parts, if a quorum can be maintained for each separate part; or
- 13.2.2 Determine to make decisions on separate parts of the matter at a meeting where quorum can be maintained, before making a decision on the whole matter at a meeting for which quorum can be maintained.
- 13.3 If a quorum cannot be achieved or maintained due to the declaration of conflicts of interests by the majority of Councillors, and the matter cannot be separated into component parts or prior decisions made, Council will delegate the decision to be made:
- 13.3.1 By the Chief Executive Officer; or
- 13.3.2 By a Delegated Committee, established for the purpose of determining the matter, comprised of all the Councillors who have not disclosed a conflict of interest and any other person(s) the Council considers suitable.
- 13.4 A decision made under delegation due to Council not being able to achieve or maintain a quorum will be reported to the next Council meeting.

**14. Adjourning or Postponing a Meeting**

- 14.1. Council may adjourn any meeting.
- 14.2. On advice from the Chief Executive Officer or his or her delegate that there is evidence the required meeting notice was incorrect or inconsistent and this information led to a councillor(s) not attending the meeting, the Chair may adjourn a meeting.
- 14.3. If the Chair is of the opinion that the conduct of those present at the meeting is obstructing the progress of business at the meeting, the Chair may adjourn the meeting to a later time on the same day, whether a short adjournment of less than an hour or a longer period as necessary, or to another day that the Chair considers appropriate.
- 14.4. The Chief Executive Officer must give notice to each Councillor of the date, time and place to which the meeting stands adjourned and of the business remaining.
- 14.5. If there is an emergency, the Chief Executive Officer or his or her delegate may postpone a Council meeting provided reasonable attempts are made to notify every Councillor.
- 14.6. The Chief Executive Officer must provide a report to the next meeting of the Council of the circumstances causing the postponement of the Council meeting.
- 14.7. The Chief Executive Officer must provide written notice of a meeting adjourned under Rules 11, 12 or 13 but where this is not practicable because time does not permit that to occur, then, provided every reasonable attempt is made to contact every Councillor, notice by telephone, facsimile, email, in person or by some other means is sufficient.

**Division 3 – Business of Meetings****15. Business at Meetings and Order of Business**

- 15.1 No business can be dealt with at a Council meeting unless it is contained on the agenda or admitted as urgent business in accordance with Rule 17;
- 15.2 The order of business to be included in an agenda for a scheduled Council meeting will be determined by the Chief Executive Officer and the Mayor having regard to the principles of open, efficient and effective processes of government.

**16. Change to Order of Business**

Once an agenda has been sent to Councillors, the order of business for that meeting may be altered with the consent of the Mayor prior to the commencement of the meeting.



**17. Urgent Business**

Business which has not been listed on the agenda must not be admitted as urgent business other than by resolution of Council and only then if it:

- 17.1. relates to or arises out of a matter which has arisen since distribution of the agenda; and
- 17.2. cannot reasonably or conveniently be deferred until the next Council meeting.

**Division 4 – Motions and Debate****18. Councillors may propose Notices of Motion**

- 18.1. A Councillor may submit a notice of motion to the Chief Executive Officer for a matter to be listed on a meeting agenda.
- 18.2. A notice of motion cannot be accepted by the Chair, unless it has been listed on the agenda for the meeting at which it was proposed to be moved or unless it is accepted by Council as urgent business.

**19. Notice of Motion**

- 19.1. A notice of motion must be:
  - 19.1.1. in writing;
  - 19.1.2. signed and dated by the Councillor proposing the notice of motion; and
  - 19.1.3. lodged with the Chief Executive Officer by 10:00 am four business days before the next scheduled Council meeting to allow inclusion in the agenda in accordance with Sub-Rule 10.1;
- 19.2. A notice of motion lodged in accordance with Sub-Rule 19.1 must have been raised for discussion at a Councillor Briefing Session by the Councillor who is proposing to move it, at least 7 days prior to the Council meeting at which it is proposed to be moved.
- 19.3. Once lodged with the Chief Executive Officer a notice of motion may be withdrawn by, no later than 2 business days before the meeting at which it was to be considered, the Councillor who lodged the notice of motion submitting written advice to the Chief Executive Officer that it is to be withdrawn.
- 19.4. The Chief Executive Officer must reject a notice of motion which:
  - 19.4.1. is vague;
  - 19.4.2. is identical or substantially similar to a notice of motion or a rescission motion that has been considered by the Council and lost in the preceding six months;
  - 19.4.3. relates to a matter already included in the agenda circulated to Councillors in accordance with Rule 10;

- 19.4.4. is defamatory;
  - 19.4.5. may be prejudicial to any person or Council;
  - 19.4.6. is objectionable in language or nature;
  - 19.4.7. is outside the powers of Council;
  - 19.4.8. is a notice of motion submitted during the Election period; or
  - 19.4.9. is a matter subject to a Council decision making process which has commenced but is not yet complete.
- 19.5. If the Chief Executive Officer rejects a notice of motion under Sub-Rule 19.4, the Chief Executive Officer will inform the Councillor who lodged the notice of motion of that rejection and the reasons for it within 1 working day of receiving the notice of motion. The Councillor will be provided with an opportunity to amend the proposed notice of motion provided that the amended notice of motion is lodged with the Chief Executive Officer within 1 working day of being informed of the rejection.
- 19.6. The Chief Executive Officer may reject and refer any notice of motion to the Council's operational service request process if it relates to a matter that the Chief Executive Officer determines is more appropriately addressed that way.
- 19.7. Subject to Sub-Rule 19.8 a notice of motion must call for a Council report if the notice of motion:
- 19.7.1. substantially affects the level of Council services;
  - 19.7.2. commits the Council to expenditure in excess of \$5,000 and that has not been included in the adopted budget;
  - 19.7.3. establishes or amends a Council policy; or
  - 19.7.4. commits the Council to any contractual arrangement, as determined by the Chief Executive Officer.
- 19.8. Where a notice of motion is likely to commit Council to significant expenditure not included in the adopted budget then the notice of motion must only call for referral to and for Council's consideration as part of its future year's annual budget and public submission process.
- 19.9. The Chief Executive Officer may designate a notice of motion to be confidential in accordance with the Act, in which case the notice of motion will be confidential unless the Council resolves otherwise.
- 19.10. The full text of any notice of motion accepted by the Chief Executive Officer must be included in the agenda.
- 19.11. The Chief Executive Officer must cause all notices of motion to be numbered, dated and entered in the notice of motion register in the order in which they are received.

- 19.12. Except by leave of Council, each notice of motion before any meeting must be considered in the order in which they were entered in the notice of motion register under Sub-Rule 19.11.
- 19.13. The motion moved must not be substantially different to the motion published in the agenda, however, it may be amended by resolution of the Council.
- 19.14. If a Councillor who has given a notice of motion is absent from the meeting, or fails to move the motion when called upon to do so by the Chair, any other Councillor may move the motion.
- 19.15. If a notice of motion is not moved at the meeting at which it is listed, it lapses.

## **20. Chair's Duty**

- 20.1. The Chair must not accept any motion or amendment which the Chair considers to be:
- 20.1.1. defamatory;
  - 20.1.2. objectionable in language or nature;
  - 20.1.3. vague or unclear in intention;
  - 20.1.4. outside the powers of Council;
  - 20.1.5. irrelevant to the item of business on the agenda and which has not been admitted as urgent business; or
  - 20.1.6. an amendment that is contrary to Sub-Rule 24.3.
- 20.2. The Chair must:
- 20.2.1. conduct the meeting impartially;
  - 20.2.2. maintain a neutral position on an item under debate;
    - 20.2.2.1. after a motion has been determined, the Chair may make comments related to conducting the debate, for example thanking Councillors for their contribution, but keeping in mind the primacy of the chairing role and the importance of maintaining neutrality;
  - 20.2.3. refrain from debate on a motion;
    - 20.2.3.1. where the Chair wishes to move or second a motion, they must temporarily vacate the Chair before the motion is considered by Council. The Chair will be temporarily filled in accordance with Rule 47.2 until the relevant Motion is determined.
  - 20.2.4. allow the Chief Executive Officer the opportunity to correct factual errors or incorrect assertions that arise during the meeting;
  - 20.2.5. call a person to order if their behaviour is disruptive and interferes with the conduct of the business of Council.

## **21. Motion Procedure**

The procedure for moving any motion is:

- 21.1. The Chair will state the item number and title on the agenda in full, then ask “Councillors, do I have a motion?”;
- 21.2. The mover must state the motion without speaking to it:
  - 21.2.1. if the motion being moved is identical to the officer recommendation in the report, the mover may state the motion to be as per that recommendation;
  - 21.2.2. if the motion being moved is not identical to the officer recommendation in the report, the mover must state the content of the motion in full.
- 21.3. The motion must be seconded by a Councillor other than the mover.
- 21.4. The motion will lapse if it is not seconded.
- 21.5. If the motion is seconded, the Chair must ask: “Is the motion opposed?”
- 21.6. If the motion is not opposed the Chair must ask: “Does any Councillor wish to speak in favour of the motion?”
- 21.7. If no Councillor opposes the motion, or wishes to speak on the motion, the Chair must declare the motion carried.
- 21.8. If a Councillor opposes the motion, the Chair must ask the mover to address the Council on the motion.
- 21.9. The Chair must ask the seconder to address the Council on the motion who may reserve his or her address until later in debate.
- 21.10. The Chair will then invite any Councillor opposed to the motion to debate it and then must provide an opportunity for any Councillor to speak in favour of the motion, allowing any other Councillors wanting to speak in favour or against the motion to speak in turn.
- 21.11. If no further Councillor wishes to speak for or against the motion, the Chair must ask the mover if they wish to exercise their right of reply in accordance with Rule 22 prior to the motion being put to the vote.

## **22. Right of Reply**

- 22.1. The mover of a motion, including an amendment, has a right of reply to matters raised during debate.
- 22.2. No new matters may be raised in the right of reply.
- 22.3. If no Councillor has spoken against a Motion, there will be no right of reply.
- 22.4. After the right of reply has been exercised but subject to any Councillor exercising his or her right to ask any question concerning or arising out of the

motion or amendment, the motion or amendment must immediately be put to the vote without any further discussion or debate.

### **23. Determining a Motion**

- 23.1. To determine a motion before a Council meeting, the Chair will:
  - 23.1.1. First call for those in favour of the motion;
  - 23.1.2. Then those opposed to the motion; andthen declares the result to the meeting.
- 23.2. Each Councillor present at a meeting who is entitled to vote must vote. Any Councillor who is present and does not vote will be taken to have voted against the motion in line with section 61(5)(e) of the Act.
- 23.3. Voting may be by any method resolved by Council that enables those in attendance and, where applicable, those watching a livestream broadcast, to clearly see which way a Council has voted at the time a vote is taken.
- 23.4. In the absence of Council resolving an alternative method, voting on any matter is by show of hands.
- 23.5. Voting at a meeting must not be in secret, but if the meeting is closed to the public, a Councillor is not required to divulge their vote to the public.
- 23.6. The vote cast by each Councillor will be recorded in the minutes of the meeting.
- 23.7. Once a vote on a motion or amendment has been taken, no further discussion relating to the motion or amendment is allowed unless the discussion involves foreshadowing a notice of rescission where a resolution has just been made, or a positive motion where a resolution has just been rescinded.

#### **Explanatory Note**

For example, Rule 23.7 would permit discussion about a matter which would otherwise be left unresolved because a notice of rescission had been successful. For instance, assume that Council resolved to refuse a planning permit application. Assume further that this resolution was rescinded.

### **24. Moving an Amendment**

- 24.1. A motion which has been moved and seconded but not put to the vote may be amended.
- 24.2. An amendment may be proposed and seconded by any Councillor, except the mover or seconder of the motion.
- 24.3. A proposed amendment must:
  - 24.3.1. be relevant to the subject of the motion;
  - 24.3.2. not be in opposition to the motion; and

24.3.3. not contradict the form or substance of the motion.

24.4. The Chair will follow the procedure in Rules 21 to 23 for consideration of the motion.

24.5. Any debate arising from an amendment to a motion must be confined to the terms of the amendment.

24.6. A motion to confirm a previous resolution of Council cannot be amended.

## **25. How many Amendments may be Proposed**

25.1. Only one amendment may be accepted by the Chair at any one time.

25.2. No second or subsequent amendment may be taken into consideration until the previous amendment has been dealt with.

## **26. Who may debate an Amendment**

A Councillor may address the meeting once on any amendment, whether or not they have spoken to the original motion.

## **27. An Amendment Once Carried**

27.1. If the amendment is carried:

27.1.1. the motion as amended becomes the substantive motion before the meeting; and

27.1.2. the mover and seconder of the amendment are deemed to be the mover and seconder of the amended motion before the meeting; and

27.1.3. the amended motion can then be further amended.

27.2. If the amendment is not carried, the debate returns to the motion, or a further amendment may be proposed.

## **28. Withdrawal of Motions and Amendments**

Before any motion or amendment is put to the vote, it may be withdrawn by the mover and seconder with leave of Council.

## **29. Separation of Motions and Amendments**

Where a motion or amendment contains more than one part, a Councillor may request the Chair before any vote is taken on the matter, to put the motion to the vote in separate parts.

## **30. Chair may Separate or Aggregate Motions and Amendments**

The Chair may decide to put any motion to the vote in:

30.1. several parts; or

30.2. its aggregate form.

**31. Foreshadowing Motions**

- 31.1. At any time during debate a Councillor may foreshadow a motion so as to inform Council of his or her intention to move a motion at a later stage in the meeting, but this does not extend any special right to the foreshadowed motion.
- 31.2. A foreshadowed motion must substantially relate to an item already listed on the agenda of the meeting, otherwise it can only be accepted by Council as urgent business and subject to the urgent business restrictions under Rule 17.
- 31.3. A motion foreshadowed may be prefaced with a statement that in the event of a particular motion before the Chair being resolved in a certain way, a Councillor intends to move an alternative motion.
- 31.4. If the substantive motion in relation to which a Councillor foreshadowed a motion is:
  - 31.4.1. not moved or seconded; or
  - 31.4.2. moved, seconded and lost;the Chair may call on that Councillor to move their foreshadowed motion immediately.
- 31.5. The minutes of the meeting will not record a foreshadowed motion until the foreshadowed motion is formally moved.

**32. Motions and Amendments in Writing**

- 32.1. The Chair must require that a complex or detailed motion or amendment be in writing and may adjourn the meeting while the motion or amendment is being written.
- 32.2. The Chair may defer a matter until a motion has been written, allowing the meeting to proceed uninterrupted.

**33. Repeating Motion or Amendment**

The Chair may request the Chief Executive Officer or the person taking the minutes to read the motion or amendment to the meeting before the vote is taken.

**34. Debate must be relevant to the Motion**

- 34.1. Debate must always be relevant to the motion before the Chair, and, if not, the Chair must request the speaker to confine debate to the motion.
- 34.2. If the speaker continues to debate irrelevant matters after being requested to confine debate to the motion before the Chair, the Chair may direct the speaker not to speak any further.
- 34.3. A speaker to whom a direction has been given under Sub-Rule 34.2 must comply with that direction. If the speaker fails to comply with the Chair's direction, the Chair may require the speaker to leave the chamber until the

motion has been put to the vote and the speaker must comply with that requirement.

### **35. Priority of address**

In the case of competition for the right to speak, the Chair will determine the order in which the Councillors concerned will be heard.

### **36. Speaking Times**

A Councillor must not speak longer than the time set out below, unless granted an extension by the Chair:

- 36.1. the mover of a motion or an amendment which has been opposed or where a Councillor has asked to speak in favour of the motion under Rule 21 - 3 minutes;
- 36.2. any other Councillor – 3 minutes; and
- 36.3. the mover of a motion exercising a right of reply – 3 minutes.

### **37. Extension of Speaking Times**

- 37.1. An extension of speaking time may be granted by the Chair at any time before, during or immediately after debate, but only one extension is permitted for each speaker on any question and the extension cannot be granted for longer than 3 minutes.
- 37.2. The Chair must not grant an extension of speaking time if another speaker has commenced participation in the debate.

### **38. Addressing the Meeting**

A Councillor, member of Council staff or a member of the public present at a Council meeting should extend appropriate courtesy to each other when they are addressing the meeting and respect the processes under which Council operates.

### **39. Right to Ask Questions**

- 39.1. At an appropriate time during a debate, the Chair may allow questions from Councillors concerning or arising out of the motion or amendment before the Chair.
- 39.2. Questions may only be raised when no other Councillor is speaking..
- 39.3. All questions must be:
  - 39.3.1. directed through the Chair;
  - 39.3.2. relevant to the matter before Council;
  - 39.3.3. seeking genuine clarification of the matter; and
  - 39.3.4. limited to the facts of the matter.
- 39.4. The Chair has the discretion to restrict the number of questions asked and answered to allow for the orderly flow of the meeting.



**Division 5 – Procedural Motions****40. Procedural Motions**

- 40.1. Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chair.
- 40.2. The Chair may reject a procedural motion if the Chair believes the Motion on which it is proposed has not been adequately or sufficiently debated.
- 40.3. Procedural motions require a seconder.
- 40.4. Procedural motions must be recorded in the minutes of the meeting.
- 40.5. Notwithstanding any other provision in these Governance Rules, procedural motions must be dealt with in accordance with the following table:

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**PROCEDURAL MOTIONS TABLE**

<b>Procedural Motion</b>	<b>Form</b>	<b>Mover and Seconder</b>	<b>When Motion Prohibited</b>	<b>Effect if Carried</b>	<b>Effect if Lost</b>	<b>Debate Permitted on Motion</b>
Deferral of debate to later hour and/or date	That Council defers consideration of this matter to the XX Council meeting.	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	(a) During the election of the Mayor/Deputy Mayor (b) During the election of a Chair; (c) When another Councillor is speaking	Motion and/or amendment is postponed to the stated date	Debate continues unaffected	Yes
The closure (of debate)	That the motion be now put	Any Councillor who has not moved or seconded the substantive motion or otherwise spoken to the substantive motion	During nominations for Chair	Motion or amendment is put to the vote immediately without further debate, subject to any Councillor exercising their right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

<b>Procedural Motion</b>	<b>Form</b>	<b>Mover and Seconder</b>	<b>When Motion Prohibited</b>	<b>Effect if Carried</b>	<b>Effect if Lost</b>	<b>Debate Permitted on Motion</b>
Pausing debate (laying the motion on the table)	That the motion be laid on the table	Any Councillor who has not spoken for/against the substantive motion	During the election of the Mayor/Deputy Mayor	Motion is not further discussed or voted on until Council resolves to take the motion from the table at the same meeting	Debate continues unaffected	No
Resuming debate (taking the motion from the table)	That the motion in relation to XX be taken from the table	Any Councillor	When no motion is on the table	Debate of the item resumes	Debate of the item remains paused	No
Alter the order of business	That the item listed at XX on the agenda be considered before/after the item listed as YY	Any Councillor	(a) At a meeting to elect the Mayor; (b) During any debate	Alters the order of business for the meeting	Items are considered in the order listed on the agenda	No

<b>Procedural Motion</b>	<b>Form</b>	<b>Mover and Seconder</b>	<b>When Motion Prohibited</b>	<b>Effect if Carried</b>	<b>Effect if Lost</b>	<b>Debate Permitted on Motion</b>
Suspension of standing orders	That standing orders be suspended to enable discussion on XX	Any Councillor		The rules of the meeting are temporarily suspended for the specific reason given in the motion.  No debate or decision on any matter other than a decision to resume standing orders, is permitted	The meeting continues unaffected	No
Resumption of standing orders	That standing orders be resumed	Any Councillor	When standing orders have not been suspended	The temporary suspension of the rules of the meeting is removed	The meeting cannot continue	No

## Division 6 – Rescission Motions

### 41. Notice of Rescission

- 41.1. A Councillor may propose a notice of rescission provided:
- 41.1.1. the resolution proposed to be rescinded has not been acted on; and
  - 41.1.2. the notice of rescission is provided to the Chief Executive Officer setting out:
    - 41.1.2.1. the resolution to be rescinded; and
    - 41.1.2.2. the meeting and date when the resolution was made.
- 41.2. A notice of rescission is a form of notice of motion and all provisions in these Governance Rules regulating notices of motion apply to notices of rescission.
- 41.3. A resolution will be deemed to have been acted on if the Chief Executive Officer has caused:
- 41.3.1. its contents or substance to be formally communicated to a person whose interests are materially affected by it, including by publishing the proposed minutes of the meeting on Council's website; or
  - 41.3.2. a statutory process or work to commence;
- so as to vest enforceable rights in or obligations on Council or any other person.
- 41.4. The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:
- 41.4.1. has not been acted on; and
  - 41.4.2. is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with Rule 41.1;
- unless deferring implementation of the resolution would have the effect of depriving the resolution of efficacy or in the Chief Executive Officer's opinion, place the Council at significant legal, financial or other risk.

#### Explanatory Note

By way of example, assume that, on a Monday evening, Council resolves to have legal representation at a planning appeal to be heard on the following Thursday. Assume also that, immediately after that resolution is made, a Councillor lodges a notice of motion to rescind that resolution. Finally, assume that the notice of rescission would not be dealt with until the next Monday evening (being after the day on which the planning appeal is to be heard).

In these circumstances, deferring implementation of the resolution would have the effect of depriving the resolution of efficacy. This is because the notice of

rescission would not be debated until after the very thing contemplated by the resolution had come and gone. In other words, by the time the notice of rescission was dealt with the opportunity for legal representation at the planning appeal would have been lost.

Rule 41.4 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the resolution rather than deferring implementation of it.

#### **42. When a Rescission Motion is Lost**

- 42.1. If a rescission motion is lost, a similar motion may not be put before Council for at least six months from the date it was last lost, unless Council resolves that the notice of motion be re-listed at a future meeting.
- 42.2. If a rescission motion is lost, the Chief Executive Officer or an appropriate member of Council staff is not prevented from acting upon the resolution even if a subsequent notice of rescission has been listed for a Council meeting at least six months subsequent to when the motion for rescission was lost.

#### **Explanatory Note**

By way of example, assume that Council resolves to write a letter to a Minister relating to a planning matter. Immediately after the resolution is made, a Councillor lodges a notice of motion to rescind that resolution at the next Council meeting. The notice of rescission is subsequently lost. Assume that the Councillor seeks to lodge a further notice of rescission to be heard in not less than six months' time.

Rule 42.2 would, in such circumstances, justify the Chief Executive Officer or an appropriate member of Council staff actioning the original resolution rather than deferring implementation of it until after the further notice of rescission.

#### **43. If Not Moved**

If a rescission motion is not moved at the meeting at which it is listed, it lapses and cannot be put before Council for at least six months from the date it lapsed.

#### **44. May be Moved by any Councillor**

A rescission motion listed on an agenda may be moved by any Councillor present but may not be amended.

### **Division 7 – Points of Order**

#### **45. Chair to Decide**

The Chair must decide all points of order by stating the provision, rule, practice or precedent which the Chair considers applicable to the point raised without entering into any discussion or comment.

**46. Chair may Adjourn to Consider**

- 46.1. The Chair may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.
- 46.2. All other proceedings before Council are suspended until the point of order is decided.

**47. Dissent from Chair's Ruling**

- 47.1. A Councillor may move that the Council disagree with the Chair's ruling on a point of order, by moving:

"That the Chair's ruling [setting out that ruling or part of that ruling] be dissented from".
- 47.2. When a motion in accordance with this Rule is moved and seconded, the Chair must leave the Chair and the Deputy Mayor (or, if there is no Deputy Mayor or the Deputy Mayor is not present, a temporary Chair elected by the meeting) must take their place.
- 47.3. The Deputy Mayor or temporary Chair must invite the mover to state the reasons for their dissent and the Chair may then reply .
- 47.4. The temporary Chair must put the motion in the following form:

"That the Chair's ruling be dissented from."
- 47.5. The temporary Chair maintains a Chair's right to a second vote under section 61(5)(d).
- 47.6. If the vote is in the negative, the Chair resumes the Chair and the meeting proceeds.
- 47.7. If the vote is in the affirmative, the Chair must then resume the Chair, reverse or vary (as the case may be) the Chair's previous ruling and proceed.
- 47.8. The Chair must then resume the Chair for the remainder of the meeting.
- 47.9. The defeat of the Chair's ruling is in no way a motion of censure or non-confidence in the Chair, and should not be so regarded by the meeting.

**48. Procedure for Point of Order**

- 48.1. A Councillor raising a point of order must:
  - 48.1.1. state the point of order; and
  - 48.1.2. state any section, Rule, paragraph or provision relevant to the point of order.
- 48.2. Any Councillor interrupted by another Councillor raising a point of order must remain silent until the Councillor raising the point of order has been heard and determined by the Chair.

**49. Valid Points of Order**

A point of order may be raised in relation to:

- 49.1. a motion, which, under Rule 20, or a question which, under Rule 39, should not be accepted by the Chair;
- 49.2. a question of procedure;
- 49.3. any act of disorder;
- 49.4. a Councillor who is not conducting themselves in accordance with the Councillor Code of Conduct;
- 49.5. irrelevant debate; or
- 49.6. a matter that is outside the powers of Council.

**Explanatory Note**

Rising to express a difference of opinion or to contradict a speaker is not a point of order.

Raising issues irrelevant to the motion before the meeting can be considered a basis of a valid point of order.

Making defamatory remarks or verbally personally attacking another Councillor would be considered a basis for a valid point of order.

**Division 8 – Minutes****50. Confirmation of Minutes**

- 50.1. At every Council meeting the minutes of the preceding meeting must be dealt with as follows:
  - 50.1.1. a motion will be moved to confirm the minutes in the following terms: “That the minutes of the .....meeting held on .....20.....be confirmed.”;
  - 50.1.2. if no Councillor indicates opposition to the minutes, the Chair must declare the minutes confirmed;
  - 50.1.3. if a Councillor indicates opposition to the minutes, that Councillor must specify the particular matter in the minutes concerned and may, after asking any questions to clarify the matter, move a motion to correct the inaccuracy;
  - 50.1.4. once the minutes are confirmed the Chair of the meeting at which they are confirmed must sign them, if practicable.
- 50.2. No discussion or debate on the confirmation of minutes is permitted except where their accuracy as a record of the proceedings of the meeting to which they relate is questioned.



- 50.3. The Chief Executive Officer must ensure that the minutes of any meeting are:
- 50.3.1. published on Council's website; and
  - 50.3.2. available for inspection at Council's office during normal business hours.
- 50.4. Nothing in Sub-Rule 50.3 requires Council or the Chief Executive Officer to make public any minutes relating to a Council meeting or part of a Council meeting closed to members of the public in accordance with section 66 of the Act.

#### **51. Content of the Minutes**

- 51.1. The Chief Executive Officer must ensure that minutes of each Council meeting are kept and those minutes include:
- 51.1.1. The date, place, time and nature of the meeting;
  - 51.1.2. The names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;
  - 51.1.3. The names of the members of Council staff present;
  - 51.1.4. Any information required to reflect the mode of the meeting for example an in-person meeting, a virtual meeting or a combination of both.
  - 51.1.5. Any disclosure of the existence and type (and, where appropriate, nature) of a conflict of interest made by a Councillor, and when such disclosure occurred;
  - 51.1.6. Arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
  - 51.1.7. Each motion and amendment moved (including procedural motions, and motions and amendments that lapse for the want of a seconder);
  - 51.1.8. The outcome of every motion moved;
  - 51.1.9. The vote cast by each Councillor;
  - 51.1.10. Whether any vote against a motion was a result of a Councillor abstaining from the vote including where relevant explanatory notes as to how the vote was tallied;
  - 51.1.11. Questions upon notice and the responses provided;
  - 51.1.12. Details of any petitions made to Council;
  - 51.1.13. The failure of a quorum;
  - 51.1.14. The time and reason for any adjournment of the meeting or suspension of standing orders, including when the meeting or standing orders were resumed;

- 51.1.15. Any closure of the meeting to members of the public in accordance with the provisions of section 66(2) of the Act including the reason for the closure;
- 51.1.16. The date and time the meeting was commenced and concluded;
- 51.1.17. Any other matter that the Chief Executive Officer thinks should be recorded to clarify the intention of the meeting or the reading of the minutes.

## **52. Recording and broadcasting Meetings**

Except for a member of staff authorised by the Chief Executive Officer, a person must not operate film, photographic, tape-recording or other equipment to reproduce sound and/or images of any part of a Council meeting, without first obtaining the consent of Council or the Chair (as the case may be). Such consent may at any time during the course of such meeting be revoked by Council or the Chair (as the case may be).

## **Division 9 – Behaviour**

### **53. Public Addressing the Meeting**

- 53.1. All present at a Council meeting are required to behave in accordance with the Governance Rules to allow the meeting to proceed without disruption.
- 53.2. Any member of the public addressing Council must extend due courtesy and respect to Council and the processes and policies under which it operates and must take direction from the Chair whenever called on to do so.
- 53.3. Appropriate behaviour includes:
  - 53.3.1. Be quiet during proceedings;
  - 53.3.2. Not create a nuisance within the meeting;
  - 53.3.3. Be respectful of the protocols of the meeting;
  - 53.3.4. Not harassing those attending the meeting, including Councillors, officers and other visitors;
  - 53.3.5. Not bringing in any placards, posters or materials other than personal effects unless prior permission has been sought and granted from the Chair;
  - 53.3.6. Not displaying any physical violence or verbal abuse to anyone or anything within the meeting;
  - 53.3.7. Not record meeting proceedings without the consent of the Chair via photography, filming or audio unless consent has been given in accordance with Rule 52 of these Governance Rules;
  - 53.3.8. Have mobile devices switched off or on silent.

**54. Chair May Remove**

Where any person, including a Councillor, engages in improper or disorderly conduct or acts in a way that otherwise disrupts a meeting, the Chair, having previously warned the person to cease that behaviour, may order and cause the removal of that person.

**55. Suspensions**

- 55.1. Council may by resolution suspend from a portion of the meeting, or for the balance of the meeting, any Councillor who engages in improper or disorderly conduct or acts in a way that otherwise disrupts a meeting, where the Chair has previously warned the Councillor to cease that behaviour.
- 55.2. A Councillor may move a motion that another Councillor be ordered to leave the Council Chamber for the remainder of the meeting by moving:
- 55.2.1. For suspension for the balance of the meeting: "That Cr [...] be ordered to leave the Council Chamber for the remainder of the meeting"; and
- 55.2.2. For suspension for a portion of the meeting: "That Cr [...] be ordered to leave the Council Chamber until [point Councillor is to be permitted to re-enter Chamber]".
- 55.3. The Chair must invite the mover to state the reason for the motion and the Councillor the subject of the motion may then reply.
- 55.4. The Chair must then put the motion to the vote.

**56. Removal from Chamber**

The Chair, or Council in the case of a suspension, may ask a member of the Victoria Police to remove from the Chamber any person who acts in breach of these Governance Rules and whom the Chair has ordered to be removed from the meeting under Rule 54 of these Governance Rules or whom Council has suspended under Rule 55.

**Division 10 – Miscellaneous****57. Matters Not Provided For**

Where a situation has not been provided for under these Governance Rules, the Council may determine the matter by resolution.

**Division 11 – Suspension of Standing Orders****58. Suspension of Standing Orders**

- 58.1. To expedite the business of a meeting, Council may suspend standing orders.

**Explanatory Note**

The suspension of standing orders should be used to enable full discussion or clarification of any issue without the constraints of formal meeting procedure.

Its purpose is to enable the formalities of meeting procedures to be temporarily disposed of while an issue is discussed or clarified.

- 58.2. The suspension of standing orders should not be used purely to dispense with the processes and protocol of the governance of Council.
- 58.3. Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary.

**Division 12 – Public Engagement****59. Community Participation**

- 59.1. Latrobe City Council will consider where possible, the inclusion of community members to engage in the meetings that have not been closed to the public, or to a forum where Council decides that these Governance Rules will apply.
- 59.2. Where community members or organisations, including businesses, wish to make arrangements to address Council on a topic at a time other than at a Council meeting, requests can be submitted electronically to [egovernance@latrobe.vic.gov.au](mailto:egovernance@latrobe.vic.gov.au).

**60. Requirements for Councillors whilst speaking**

There is no requirement for a Councillor to stand whilst speaking. However, Councillors must ensure that they utilise the supplied microphone (or any other specific device to enable clarity of speaking), to enable that all members of the public in attendance (including hearing loop or streaming services) may hear the debate and decision making of the Council.

**61. Acknowledgments**

- 61.1. At times it will be appropriate for the Council to acknowledge, or recognise achievements of individuals or groups, or the passing of a person who is closely associated with the Council or the community at a Council meeting. Where formal honours are applicable, the *Civic, Ceremonial Functions and Honours Policy* must be followed.
- 61.2. At a Council meeting, the following may occur:
- 61.2.1. a Councillor speaking on the matter (in accordance with the debate timeframes outlined in these Governance Rules) noting the details of the achievements or passing of a person;
  - 61.2.2. a presentation of a certificate or plaque; or
  - 61.2.3. a minute's silence recognising the passing of a person.
- 61.3. A Council resolution is not required to note the details of the achievements or the passing of a person (or send correspondence as such), however, one will

be required if further action is required and cannot override provisions outlined within the *Civic, Ceremonial Functions and Honours Policy*.

## **62. Streaming Council Meetings**

- 62.1. In the spirit of open, accessible and transparent governance, Latrobe City Council will consider streaming Council meetings, either in part or in whole, in accordance with requirements provided for in these Governance Rules.
- 62.2. By attending a Council meeting those present may be recorded or image captured. Where participating in the meeting, consent is automatically given for those participating to being recorded and images captured. Notices of this effect will be on display at the meeting, although all care is to be taken to maintain a person's privacy as an attendee in the gallery.
- 62.3. Recordings are used to enable the community who are unable to attend the meeting to view the meeting and for the preparation of the official minutes. Recordings will be retained for viewing by the public for a period deemed reasonable by Council.

## **63. Petitions**

- 63.1. The community has the right to lobby Council, and can do so through petitioning. For a petition from the community to be considered valid, and accepted and presented to a Council meeting on its own merits, the requirements in Sub-Rules 63.2 to 63.4 must be met:
- 63.2. A petition must be:
  - 63.2.1. in the prescribed template format (attached to these Governance Rules at Appendix One);
  - 63.2.2. addressed to Latrobe City Council;
  - 63.2.3. refer to a matter on which Latrobe City Council has the power to act;
  - 63.3.4. state the reasons for petitioning Latrobe City Council;
  - 63.3.5. contain a request for action by Latrobe City Council;
  - 63.3.6. be signed by at least ten people (must not be in pencil);
  - 63.3.7. not relate to a matter under consideration through a current submission/objection process (e.g. through the Act or the *Planning and Environment Act 1987*).
- 63.3. The terms of the petition must:
  - 63.3.1. be placed at the top of every page;
  - 63.3.2. not contain any alterations;
  - 63.3.3. not exceed 250 words;
  - 63.3.4. not be illegal and must not promote illegal acts; and
  - 63.3.5. language must not be objectionable or inflammatory in nature.
- 63.4. Only paper-based petitions (in the prescribed format) or e-petitions that are submitted through an approved Council e-petition facility that meet the above criteria will be accepted.

- 63.5. Submitting your petition
- 63.5.1. Paper-based petitions should be forwarded by mail with the details of the head petitioner or other nominated person for follow up, to:
- Latrobe City Council  
PO Box 264  
Morwell VIC 3840
- or delivered in person to any Latrobe City Council customer service centre during business hours.
- 63.5.2. E-petitions can be forwarded in accordance with the criteria specified by Council for that facility.
- 63.6. Once received, officers will provide written acknowledgement of receipt, and undertake an initial assessment against the criteria specified in these Rules to ensure that it complies prior to being presented to the next available Council meeting.
- 63.7. Where the petition does not meet the specified criteria, the following will apply:
- 63.7.1. If the subject matter relates to a current submission process (e.g. through the Act or the *Planning and Environment Act 1987*), the petition will be considered as a submission/objection to that process;
- 63.7.2. Any other matter it will be considered as general correspondence and not presented to Council;
- and the head signatory or other nominated person notified accordingly.
- 63.8. A petition that meets the criteria will be listed for tabling at the next available Council meeting with the following information:
- 63.8.1. The terms of the petition;
- 63.8.2. The number of signatures.
- 63.9. No discussion or debate will be entered into when a petition is being tabled, however, if the petition relates to an operational matter, Council must refer the petition to the Chief Executive Officer for consideration. If this occurs, a further report to Council is not required.
- 63.10. Follow up of Petition
- 63.10.1. Once tabled, the petition is forwarded to the appropriate Divisional General Manager for action. A report is then presented to a subsequent Council meeting, which will include officers' recommended response for Councils consideration.
- 63.10.2. Officers may contact the head petitioner or other nominated person as appropriate to clarify any of the issues raised in the petition.
- 63.10.3. The head petitioner will be advised in writing of the outcome of the request contained in the petition within a reasonable timeframe.
- 63.10.4. It is the responsibility of the head signatory to advise other signatories of the outcome.

**64. Written Submissions**

- 64.1 Council will invite submissions in accordance with its policies and governing legislation in force from time to time. Written submissions can form part of an officer report being presented to Council, however there are no other opportunities for written submissions or correspondence to be listed as an agenda item.
- 64.2 These Rules do not override the provisions of the Act, or change the opportunities or obligations in relation to people wishing to lodge submissions/objections to planning applications or proposed planning scheme amendments.
- 64.3 Where the submission does relate to a statutory submission process under the Act or the *Planning and Environment Act 1987*, Council will ensure that those procedures are followed, including any notifications required to those who have made a submission as specified in the applicable statutory processes.

**65. Speaking at a Council Meeting**

- 65.1. For a member of the public to be able to speak at a Council meeting, the following requirements must be met:
- 65.1.1. The request to speak must be relevant to an item that is on the agenda for that meeting, and that does not relate to a matter for which the meeting would normally be closed (section 66 of the Act);
- 65.1.2. Requests must be received no later than midday on the day of the meeting via contacting the Governance Officer by telephone or via the form available on Council's website;
- 65.1.3. The person requesting to speak must provide their name, address, contact number, who they represent (and must also provide written approval to do so) and the item they wish to speak on;
- 65.1.4. Where a person wishes for another person to speak on their behalf, they must provide written approval to do so (either in their written submission for any submission being heard under section 223 of the *Local Government Act 1989* or under separate advice to Council prior to the meeting);
- 65.1.5. The Chair has the discretion to limit the full time of any one person to speak to a maximum of three minutes, regardless of how many persons (or organisations) they are speaking on behalf of;
- 65.1.6. The person requesting to speak acknowledges that consent is automatically given to being recorded (if the meeting is to be livestreamed) and for the recording to be made available to the public;
- 65.1.7. Organisations are required to select one spokesperson to address Council on their behalf. If an organisation wishes to select more than one spokesperson, it may do so if its request is granted by the Chair prior to the commencement of the meeting;
- 65.1.8. Speaking at Council meeting opportunities is not to be used to present petitions, letters or ask questions (these can be done through alternative mechanisms available as outlined in these Rules);

- 65.1.9. During a declared State of Emergency public participation at Council meetings may be undertaken via tele or video conferencing as determined by Council.
- 65.2. The following procedural matters apply for managing speakers:
- 65.2.1. The order of speakers will be as follows:
- 65.2.1.1. Aligns with the order of reports on the agenda;
- 65.2.1.2. Then in order of receipt of the request to speak or as otherwise instructed by the Chair.
- 65.2.2. There is no requirement for standing orders of the meeting to be suspended or resumed to allow members of the public to speak to an item on the agenda.
- 65.3. The following requirements for addressing a Council meeting apply:
- 65.3.1. When addressing the meeting, persons are asked to address the meeting facing the Chair at the microphone provided;
- 65.3.2. Speakers are requested to keep their address brief and to the main issues of concern;
- 65.3.3. The time limit allowed for each speaker is three minutes. Only one extension of not more than three minutes can be granted regardless of how many items are being addressed.
- 65.3.4. Councillors may ask questions of the speaker to clarify a point, however, no debate or commentary is to be provided at this time.
- 65.4. The following protocol applies when addressing a Council meeting:
- 65.4.1. Any person addressing the Chair must refer to the Chair as:
- Madam Mayor; or
  - Mr Mayor; or
  - Madam Chair; or
  - Mr Chair
- as the case may be.
- 65.4.2. All Councillors, other than the Mayor, must be addressed as Councillor (*name*).
- 65.4.3. All members of staff in attendance must be addressed as Mr or Ms (*name*) as appropriate or by their official title.

## **66. Public Question Time**

- 66.1. Public question time is a section of the agenda of a Council meeting during which Council may answer questions submitted by members of the public. It is not designed to take the place of contacting a Councillor or Councillors directly to discuss an issue, or to replace contacting Council's Customer Services for



- assistance. Rather, it is designed to allow for clarification of issues of public interest.
- 66.2. For a question to be considered at a Council meeting, the following requirements must be met:
- 66.2.1. The person submitting the question must include their name, address and contact number;
  - 66.2.2. A question must not exceed 50 words in length;
  - 66.2.3. A question must focus on an issue within Councils powers to act;
  - 66.2.4. A question must not name, allude to, or focus on an individual
  - 66.2.5. No more than two questions (including questions asked in parts) are able to be submitted per person for any one Council meeting.
- 66.3. Questions that meet one of the following criteria will not be answered at a Council meeting:
- 66.3.1. Repetitive or has already been answered (either previously by officers in writing or at a Council meeting);
  - 66.3.2. Relates to a matter for which the meeting would normally be closed (section 66 of the Act);
  - 66.3.3. Is prejudicial to the Council or any other person if answered;
  - 66.3.4. Relates to the personal views or actions of an individual Councillor or Officer;
  - 66.3.5. Relates to a matter that is the subject of negotiation, litigation or commercial interest/advantage;
  - 66.3.6. Is defamatory, indecent, abusive, irrelevant, trivial or objectionable in language or nature;
  - 66.3.7. Is considered trivial or vexatious or it is more appropriate to direct to officers of the Council during normal business hours.
- 66.4. Submitting your question
- 66.4.1. Questions for consideration at a Council meeting can be submitted:
    - 66.4.1.1. electronically to [egovernance@latrobe.vic.gov.au](mailto:egovernance@latrobe.vic.gov.au);
    - 66.4.1.2. via an online form available on Council's website; or
    - 66.4.1.3. via a form available in Councils' customer service centres (attached to these Governance Rules at Appendix Two).
  - 66.4.2. Questions must be received by no later than midday 1 business day before the Council meeting. Any questions received after this deadline that meets the criteria will be held until the next scheduled Council meeting for response.
- 66.5. Response at a Council Meeting
- 66.5.1. The Chair will ask the Chief Executive Officer to conduct the public question time session.

- 66.5.2. The Chief Executive Officer will ascertain if the person asking the question is present in the gallery, and if so, will read the question or summarise its contents, and read the response to the question. The Chief Executive Officer can nominate another Senior Staff member to read the response to the question, if they deem it suitable.
- 66.5.3. If the person asking the question is not present in the gallery, the question and the response is not required to be read out. However the details will be included in the minutes of the meeting and a copy distributed to the person to their nominated address.
- 66.5.4. During a declared State of Emergency public participation at Council meetings may be undertaken via tele or video conferencing as determined by Council.
- 66.5.5. Council has the discretion to seek clarification to the question if deemed necessary. Otherwise the person asking the question is not permitted to enter into debate or discussion during this session.

## **67. Privacy**

- 67.1. To comply with the Victorian *Privacy and Data Protection Act 2014*, personal information provided as part of any provision detailed in these Rules will only be used for the primary purpose for which it was provided – (e.g. to consider the petition, question or submission), except where the Rules specifically state otherwise.
- 67.2. Processes will comply with Council's *Citizen Confidentiality and Privacy Policy* where applicable.
- 67.3. As part of Council's operations, any document incorporated into a Council agenda must be made publically available, including any petitions which are tabled.
- 67.4. The agenda and minutes are printed and available for the general public, and appear on Council's website. Attachments such as full submissions and petitions will be made available to Councillors; however will only be available for viewing at Council Headquarters via appointment for members of the public. A summary of the submissions, including name (unless specifically requested in writing to remain anonymous), will be made available in the agenda and minutes.
- 67.5. The following details as outlined in the table below will be published in the minutes.

<b>Section</b>	<b>What personal information is published in the minutes and can be published in agenda papers</b>	<b>Further information accessible through other means</b>
Acknowledgements	Name of the person who is being acknowledged and the reason for acknowledgement.	Not applicable
Petitions	Name of the person who has presented the petition (with the number of signatures and the terms of the petition)	Full copies of petitions may be viewed only by contacting Council. A copy is provided to Councillors for their decision making processes.
Written Submissions	Name of the person, (with a summary of the submission).	Full copies of submissions can be viewed in accordance with the provisions applicable under legislation. If nothing is prescribed, then a copy of a submission may be viewed by contacting Council.
Speaking at a Council meeting	Name of the person who has spoken (with the details of which item on the agenda).	Not applicable. Other information that is collected is only collected in order to contact the person if there are any actions to be followed up by officers.

Section	What personal information is published in the minutes and can be published in agenda papers	Further information accessible through other means
Public Question Time	Name of the person, (with the question and the response provided).	Not applicable. Other information that is collected is only collected in order to contact the person if there are any actions to be followed up by officers (for example, if the person is not in attendance, to provide a copy of the response).

## Part D: Other Matters

### Division 1 – Committees

#### 68. Delegated Committees

- 68.1. If Council establishes a Delegated Committee, these Rules will apply to the Delegated Committee Meetings with any necessary modifications.
- 68.2. For the purpose of Sub-Rule 68.1:
- 68.2.1. a Council Meeting is to be read as a reference to a Delegated Committee Meeting;
  - 68.2.2. a Councillor is to be read as a reference to a Member of the Delegated Committee; and
  - 68.2.3. a reference to the Mayor is to be read as a reference to the Chair of the Delegated Committee.
- 68.3. If Council establishes a Delegated Committee, Council may resolve that a provision of these Governance Rules do not apply to that Committee.

#### 69. Community Asset Committees

- 69.1. The Governance Rules may apply to any Community Asset Committee established by Council.
- 69.2. Council may resolve, in establishing a Community Asset Committee, which chapters of the Governance Rules.
- 69.3. A Community Asset Committee must act in accordance with its adopted Terms of Reference, Instrument of Delegation and any other governing document adopted by Council.

## **Division 2 – Election Period Policy**

### **70. Council's Election Period Policy**

- 70.1. Council will have in place an Election Period Policy that:
- 70.1.1. Governs decision making during a local government election period, including what may be considered at a Council meeting;
  - 70.1.2. Prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
  - 70.1.3. Sets out the conditions for any community engagement required to be undertaken during an election period, including consultations and Civic events;
  - 70.1.4. Sets out the requirements for any Council publications during a local government election period – including the website, social media, newsletters and advertising – to ensure Council does not publish materials that relate to issues that are the subject of election campaigns;
  - 70.1.5. Defines roles and responsibilities in relation to who is the spokesperson for Council during an election period;
  - 70.1.6. Sets out the requirements for a Councillor or member of Council staff who is a candidate in an election including a Federal, State or Council election.
- 70.2. At least once in each Council term and, not later than 12 months prior to the commencement of an election period, Council will review its Election Period Policy.
- 70.3. The Election Period Policy forms part of these Governance Rules.
- 70.4. Any outstanding Delegate's Reports may still be reported to a meeting of Council during this period.

## **Division 3 – Conflict of Interest**

### **71. Obligations with regard to Conflict of Interest**

- 71.1. Councillors, Members of Delegated Committees and Council staff are required to:
- 71.1.1. Avoid all situations which may give rise to conflicts of interest;
  - 71.1.2. Identify any conflicts of interest; and
  - 71.1.3. Disclose or declare all conflicts of interest.

**72. Councillors and Members of Delegated Committees**

- 72.1. May not participate in discussion or decision-making on a matter in which they have a conflict of interest.
- 72.2. All disclosures of conflicts of interest will be recorded in the minutes of a Council or Delegated Committee meeting.

**73. Procedure at a Council or Delegated Committee Meeting**

- 73.1. A Councillor or Member of a Delegated Committee who has a conflict of interest and is attending the Council or Delegated Committee meeting must make a full disclosure of that interest:
- 73.1.1. by either:
- (a) advising the meeting of the details required under Sub-Rules 73.1.2 and 73.1.3 at the time in the agenda for disclosures of conflicts of interest; or
  - (b) advising the Chief Executive Officer in writing of the details required under Sub-Rules 73.1.2 and 73.1.3 before the meeting; and
- 73.1.2. classifying the type of interest that has been given rise to the conflict as either:
- (a) a general interest; or
  - (b) a material interest; and
- 73.1.3. describing the nature of the interest; and
- 73.1.4. if the Councillor or Member advised the Chief Executive Officer of the details under Sub-Rule 73.1.1(b), at the meeting during the time in the agenda for disclosures of conflicts of interest, the Councillor or Member must make a disclosure of the class of interest only and confirm that a written notice has been given to the Chief Executive Officer under these Rules.
- 73.2. Immediately prior to the consideration of the item in which they have a conflict of interest, a Councillor or Member of a Delegated Committee must indicate to the meeting the existence of the conflict of interest and leave the meeting.
- 73.3. A Councillor or Member of a Delegated Committee who discloses a conflict of interest and leaves a meeting must not communicate with any participants in the Meeting while the decision is being made.
- 73.4. The Chief Executive Officer must:
- 73.4.1. keep written disclosures given to him or her under this Rule in a secure place for 3 years after the date the Councillor or Member of a

Delegated Committee who made the disclosure ceases to be a Councillor or Member of a Committee; and

- 73.4.2. destroy the written disclosure when the 3 year period referred to in Sub-Rule 73.4.1 has expired.
- 73.5. The requirements of this Rule also apply to a Councillor or other Member of a Community Asset Committee who has a conflict of interest and is attending the Community Asset Committee meeting.

**74. Procedure at other meetings organised, hosted or supported by Council**

- 74.1. A Councillor who has a conflict of interest must not participate in discussion of matters that will come before Council for a decision, or if a decision will be made by a member of staff acting under delegation.
- 74.2. At the time indicated on the agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest and the matter in which the conflict of interest arises.
- 74.3. If there is no agenda, a Councillor with a conflict of interest will indicate the existence of the conflict of interest as soon the matter arises.
- 74.4. At the time for discussion of that item, the Councillor will leave the discussion and not communicate with any members of the meeting for the duration of the discussion.
- 74.5. The existence of a conflict of interest will be recorded in the minutes of the meeting.
- 74.6. If there are no minutes kept of the meeting, the Councillor may provide to the Chief Executive Officer a written notice recording that the disclosure was made and accurately summarising the explanation given under Sub-Rule 74.2, to be retained pursuant to Sub-Rule 73.4.
- 74.7. The meeting minutes or written notice to the Chief Executive Officer will also record the duration of the discussion and whether the Councillor left the meeting.

**75. Council Staff**

- 75.1. Must act in accordance with the Employee Code of Conduct.
- 75.2. Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- 75.3. May be permitted to provide advice to a decision maker if a conflict of interest exists, subject to the procedure and disclosure provisions at Rule 76 and the Employee Code of Conduct.

**76. Procedure for disclosures of conflicts of interest by Council Staff**

- 76.1. Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the Chief Executive Officer.
- 76.2. A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:
- 76.2.1. The number and qualifications of other people providing advice regarding the same matter is equal or greater; or
  - 76.2.2. The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
  - 76.2.3. The staff member's General Manager determines that the conflict of interest has not influenced the advice provided; and
  - 76.2.4. The existence of the conflict of interest is documented in all advice provided by that staff member, and in the case of verbal advice, is documented by the decision maker.

**Division 4 – Joint Council Meetings****77. Procedure for Joint Council Meetings**

- 77.1. Council may resolve to participate in a Joint Council meeting to consider:
- 77.1.1. Collaborative projects;
  - 77.1.2. Collaborative procurement;
  - 77.1.3. Emergency Response.
- 77.2. If Council has resolved to participate in a Joint Council meeting, the Chief Executive Officer (or Delegate) will agree on governance rules with the participating Councils.
- 77.3. Where Latrobe City Council is the lead Council on a matter to be brought for consideration at a Joint Council meeting, the Mayor will be nominated to Chair the Joint Council meeting
- 77.4. A majority of Councillors will be appointed to represent Council at a Joint Council meeting.
- 77.5. Consistent information will be provided to Councillors prior to any Joint Meeting and every endeavour will be made by the Chief Executive Officer to facilitate a joint briefing.
- 77.6. A joint briefing arranged in accordance with Sub-Rule 77.5 may be held electronically.



**Appendix One: Petition Template**

**Petition to the Latrobe City Council**

**Insert subject heading: e.g. Support for New Development**

We, the undersigned (insert *residents, property owners, concerned citizens, club members etc.*) wish to inform the Latrobe City Council of (briefly *explain your concern.*)

We ask that the Latrobe City Council (explain the action you would like the Council to take).

	<b>Name (Print)</b>	<b>Address (minimum of residential locality must be specified)</b>	<b>Signature</b>
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Appendix Two: Public Question Time

Council Meeting Public Question Time Form

Council invites questions from members of the community at its scheduled Council Meetings. Questions must be received by midday on the day of the Council Meeting. Any questions received after this deadline that meets the criteria specified in the Latrobe City Council Governance Rules will be held until the next scheduled Council Meeting for response. Please refer to the Latrobe City Council Governance Rules for further information (an extract is attached over the page).

Name: \_\_\_\_\_
Address: \_\_\_\_\_
Contact Phone Number: \_\_\_\_\_

Question Topic: .....

Question: .....
.....
.....
.....
.....
.....

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

The personal information requested on this form is being collected by Council for the purpose of processing your request to ask a question at a Latrobe City Council Council Meeting in accordance with the Governance Rules. The personal information will be used solely by Council for that primary purpose or directly related purposes. If you choose not to provide this information, then we will be unable to process your request. The applicant understands that the personal information provided is for the reasons outlined above and that he or she may apply to Council for access to and/or amendment of the information. Requests for access and/or correction should be made to the Privacy Officer at Latrobe City Council on 1300 367 700.

Customer Service Use Only: Note, once this form has been received at reception, the Governance team must be immediately contacted and advised.
Date and Time Question Received: .....
Contacted Governance:  Yes  No



## Council Meeting Public Question Time Form



Latrobe City Council Governance Rules Extract (please refer to the full Rules for further information on public question time).

Public question time is a section of the agenda of a Council Meeting during which Council may answer questions submitted by members of the public.

It is not designed to take the place of contacting a Councillor or Councillors directly to discuss an issue, or to replace contacting Council's Customer Services for assistance. Rather, it is designed to allow for clarification of issues of public interest.

**69.1 Requirements for a valid question**

For a question to be considered at a Council meeting, the following requirements must be met:

- 69.1.1 The person submitting the question must include their name, address and contact number;
- 69.1.2 A question must not exceed 50 words in length;
- 69.1.3 A question must focus on an issue within Council's powers to act;
- 69.1.4 A question must not name, allude to, or focus on an individual
- 69.1.5 No more than two questions (including questions asked in parts) are able to be submitted per person for any one Council meeting.

**69.2 Questions that meet one of the following criteria will not be answered at a Council Meeting:**

- 69.2.1 Repetitive or has already been answered (either previously by officers in writing or at a Council meeting);
- 69.2.2 Relates to a matter for which the meeting would normally be closed (section 66 of the Act);
- 69.2.3 Is prejudicial to the Council or any other person if answered;
- 69.2.4 Relates to the personal views or actions of an individual Councillor or Officer;
- 69.2.5 Relates to a matter that is the subject of negotiation, litigation or commercial interest/advantage;
- 69.2.6 Is defamatory, indecent, abusive, irrelevant, trivial or objectionable in language or nature;
- 69.2.7 Is considered trivial or vexatious or it is more appropriate to direct to officers of the Council during normal business hours.

Governance Use Only:

Question compliant with Rules:  Yes  No Date of Meeting question to be submitted to: .....

Notes:





Latrobe City Council  
Local Law No. 1

Meeting Conduct Local Law 2021

DRAFT

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Latrobe City Council Local Law No. 1 Meeting Conduct Local Law 2021

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## Part A: Introduction

### 1. Title

This is the Latrobe City Council Meeting Conduct Local Law which will be known as the "Meeting Conduct Local Law".

### 2. Objectives of this Local Law

The objectives of this Local Law are to:

- 2.1. regulate the use of the Council's Common Seal; and
- 2.2. determine a set of offences and associated penalties relating to conduct at Council and Delegated Committee Meetings.

### 3. Authorising Provision

This Local Law is made under section 14 of the *Local Government Act 2020* and section 111 of the *Local Government Act 1989*.

### 4. Scope of the Local Law

This Local Law shall apply to and have operation throughout the whole of the Municipal District of Latrobe City Council.

### 5. Period of Operation of the Local Law

This Local Law:

- 5.1. commences on the day following the day on which notice of the making of this Local Law is published in the Victoria Government Gazette, and operates throughout the municipal district; and
- 5.2. ends on the 10th anniversary of the day on which it commenced operation.

### 6. Revocation of Local Law No. 1 - 2020

On the commencement of this Local Law, the Meeting Conduct Local Law No.1 2020 is revoked.

### 7. Definitions and Notes

In this Local Law:

Act	means the <i>Local Government Act 2020</i> or <i>Local Government Act 1989</i> as referenced
Chamber	means any room where the Council holds a Meeting
Chair	means the Chairperson of a Meeting and includes an acting, temporary and substitute Chairperson
Chief Executive Officer	means the Chief Executive Officer of Council

Common Seal	means the Common Seal of Council
Council	means Latrobe City Council
Meeting	means a properly constituted meeting of the Council or a Delegated Committee
Delegated Committee	means a Delegated Committee established by Council under section 63 of the <i>Local Government Act 2020</i>
Disorderly conduct	means any disorderly conduct of a member of the gallery or a Councillor and includes: <ul style="list-style-type: none"><li>• interjecting when another person is speaking, except, in the case of where a Councillor is raising a Point of Order;</li><li>• making comments that are defamatory, malicious, abusive or offensive;</li><li>• refusing to leave the Meeting when requested, ordered or directed to do so by the Chair in accordance with the <i>Local Government Act 2020</i> and the Governance Rules; and</li><li>• engaging in any other conduct which prevents the orderly conduct of the meeting.</li></ul>
Governance Rules	means the Governance Rules of Latrobe City Council as in force from time to time pursuant to section 60 of the <i>Local Government Act 2020</i>
Penalty units	mean penalty units as prescribed in the <i>Sentencing Act 1992</i>

## Part B: Council's Common Seal

**Summary:** The Common Seal is a formal legal means of evidencing the Council's "signature" on documents when required. The provisions in this Part are designed to protect the integrity of the Common Seal and describe when it may be affixed to a document.

### 8. Council's Common Seal

- 8.1. The Chief Executive Officer must ensure the security of Council's Common Seal at all times.
- 8.2. The use of the Common Seal shall be in accordance with a specific decision of the Council.
- 8.3. The affixing of Council's Common Seal to any document must be attested to by the signature of the Chief Executive Officer or any other member of Council staff duly authorised by Council.
- 8.4. A person must not use the Common Seal or any device resembling the Common Seal without authority of Council under subclause 8.2.

**Penalty:** 10 penalty units



## Part C: Meeting Conduct

**Summary:** To maintain order at Meetings and ensure efficient and effective conduct of Council business, Council requires recourse to enforcement mechanisms. This Part creates offences as one enforcement mechanism, and complements standards of conduct for Meetings set out in the Governance Rules.

### 9. Offences

It is an offence in relation to the conduct of Meetings for:

- 9.1** a Councillor to not withdraw an expression considered by the Chair to be offensive or disorderly, and apologise when called on twice by the Chair to do so.  
**Penalty:** 2 penalty units
- 9.2** any person, not being a Councillor, who is guilty of any improper or disorderly conduct, to not leave the Chamber when requested by the Chair to do so.  
**Penalty:** 5 penalty units
- 9.3** a Councillor not to leave the Chamber on the Chair's order or suspension by Council.  
**Penalty:** 5 penalty units
- 9.4** any person to fail to comply with a lawful direction of the Chair in relation to the conduct of the Meeting and the maintenance of order.  
**Penalty:** 2 penalty units
- 9.5** any person to inscribe a name or signature purporting to be the name or signature of another person upon a petition or joint letter which is presented to Council or has the intention of being presented to Council.  
**Penalty:** 10 penalty units
- 9.6** any person to record or broadcast any part of a Meeting without the prior approval of Council or the Chair, except for a member of staff authorised by the Chief Executive Officer. Such consent may at any time during the course of the Meeting be revoked by Council or the Chair.  
**Penalty:** 5 penalty units.

#### Explanatory Note

The penalty units shown are the maximum penalty which a Court can impose. It is always open to a Court to impose no penalty or a lesser penalty.

**If an offence has been committed, the person who committed the offence can be prosecuted in a Court.**

**Certification**

This Local Law was made by resolution of Latrobe City Council on .

Date of public notice of the making of this Local Law in Latrobe Valley Express: .

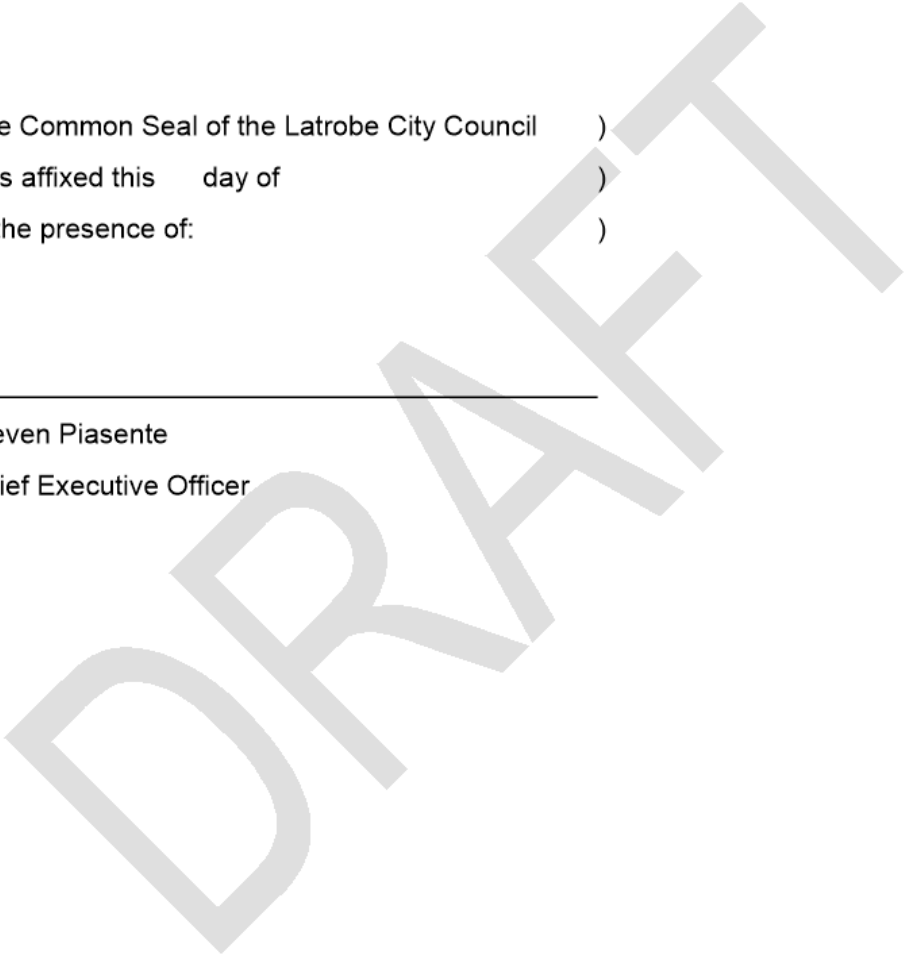
Date of notice of the making of this Local Law in the Victoria Government Gazette: .

Date of sending this Local Law to the Minister: .

Date the Local Law came into force: .

The Common Seal of the Latrobe City Council )  
 was affixed this day of )  
 in the presence of: )

\_\_\_\_\_  
 Steven Piasente  
 Chief Executive Officer



**Agenda Item: 10.2**

**Agenda Item: Acknowledging Naming of Council Reserves**

**Sponsor: Chief Executive Office**

**Council Plan Objective: Grow the civic pride of our municipality and solidify Latrobe City's image as a key regional city.**

**Status: For Decision**

**Proposed Resolution:**

**That Council:**

- 1. Refers signage upgrades to acknowledge the naming of Council Reserves through to the Public Open Space Strategy Review to be conducted in the 2021/22 financial year; and**
- 2. Notes the intent to engage the local Historical Societies to undertake historical research on named Council Reserves.**

**Executive Summary:**

On 7 September 2020, Council resolved:

*That Council receives a report in relation to options to identify how information about an individual after whom a reserve in Latrobe City has been named can be recognised and recorded.*

A review of the 2013 Public Open Space Strategy has identified a total of 461 Reserves, 42 of which are known to be named in honour of the significant contributions made by citizens of Latrobe City. The reasons behind the naming of the reserves are not always known.

To provide the community with a better understanding of how the current reserves are named, and acknowledge those who the reserves are named after, it is proposed to engage the local Historical Societies to undertake research to establish a complete background where it is available.

This information would then be included on upgraded signage at each reserve. The proposed signage upgrades would be included as part of the Public Open Space Strategy review due to begin in the 2021/22 financial year and occur as works for each reserve was undertaken as part of this strategy.

**Background:**

Information provided in the *Public Open Space Strategy Volume 1: Strategy and Recommendations* (strategy) from March 2013 indicates a total of 461 reserves in Latrobe City. These include sporting, community facilities, parkland, waterway/drainage, conservation/environment, and road reserve/utilities reserves. With new developments established since this report was created, the number of reserves will have increased.

Of the 461 reserves named in the strategy, 42 are known to have names that reflect a person or organisation rather than the location of the reserve. Another approximately 60 named reserves are ambiguous and require further investigation. The former process undertaken for the naming of each of these reserves is not currently known.

Currently Council does not formally name reserves of its own initiation, or as part of land developments.

Signage is in place at Council reserves providing the community with the name and permitted usage of the reserve, however no information is included regarding the history of the name where this is applicable.

In considering how to address these, Council needs to consider the most appropriate strategy moving forward that aligns with Council's existing Public Open Space Strategy, and the budget and resource implications of undertaking this work.

Officers have been in contact with the local Historical Societies who have advised that research could be undertaken on the names of the reserves within their area for a small fee.

With respect to naming of reserves in the future, officers will shortly provide a report to seek views on a revised place and road naming policy. This report will set out options in relation to reserve naming including who can put forward or determine a name, which reserves will be named, Council's legal obligations in regards to registration reserve names with Geographic Names Victoria and maintaining a register of names. The report will also provide a response to the correspondence received recently regarding the *Put Her Name On It* campaign which seeks for Council to conduct an audit of the region's street, locations and landmark to shed a light on the gender gaps in Victoria's place naming system.

Options available to Council include:

Option 1

Refer the request through to the Public Open Space Strategy Review. The strategy is scheduled to be reviewed in the 2021/22 financial year and includes a review of all signage at reserves. The signage review aims to provide a consistent approach in line with Council's new branding and a positive message about the activities that can be undertaken at each reserve.

As part of this work, officers are proposing that reserve signage be updated as upgrades are completed at each reserve. The historical information would be included on the new signage rather than the creation of any separate historical marker.

It is proposed to engage with Historical Societies from Moe, Morwell and Traralgon to begin the research component of this work ahead of the review.

Once the historical information is obtained for each reserve, this information can also be included on Council's website, and registered with Geographic Names Victoria should Council choose to.

Referral through to the strategy would:

- Ensure a consistent approach to signage across Council reserves;
- Allow upgrades to be completed within existing budgets; and
- Reduce the need for additional maintenance from added infrastructure. There may be an impact on future maintenance of the existing structure however this is not expected to be significant.

No additional resourcing would be required to achieve this approach.

### Option 2

Installation of separate historical signage similar to signage recently installed at Watson Park, Churchill.

Signage costs would be approximately \$1850 per sign based on previous projects. With at least 42 reserves potentially eligible for this signage, costs of more than \$75,000 are expected. There is currently no budget provided for these works.

In this option, the historical research would still be undertaken by the local Historical Societies as Council Officers do not currently have the capacity to resource this work.

This approach would result in:

- Additional budget required for new signage;
- An inconsistent approach to signage at Council's reserves; and
- Increased maintenance costs in the future due to additional infrastructure.

Proceeding with this approach separate to the *Public Open Space Strategy* review is not recommended.

### Option 3

Accept that the scope of works to be undertaken is significant and maintain the current arrangements currently in place.

Officers recommend that Council proceeds with Option 1 for the most strategic and cost effective approach to address this Notice of Motion.

**Issues:**

*Strategy Implications*

The introduction of signage acknowledging the contributions of citizens within Latrobe City is aligned with Council Plan Objective Three: *Improve the liveability and connectedness of Latrobe City.*

*Health Implications*

No direct health implications have been identified as part of this report.

*Communication*

Officers intend to engage with the local Historical Societies to undertake the required research.

Once approved, the history of each names reserved will be added to Council's website.

*Financial Implications*

Referring this request through to the Public Open Space Strategy review will incur minimal impact to existing budgets. Works will be undertaken within the existing provided budgets as reserve upgrades are scheduled.

The research component can be supported by existing budgets.

*Risk Analysis*

No significant risks can be identified by referring this request to the *Public Open Space Strategy Review*.

It is acknowledged that a review of the research should be undertaken prior to signage being erected to ensure it is appropriate and accurate.

*Legal and Compliance*

No legal or compliance matters have been identified in relation to this matter.

*Community Implications*

Recognising the historical contribution of past citizens in Latrobe City may provide an improved connection for current residents to their community and outline significant contributions to visitors to the area.

*Environmental Implications*

No environmental impacts have been identified in relation to this report.

*Consultation*

No community consultation is currently required. Any consultation identified as necessary would be undertaken as reserve upgrade works were completed.

It is proposed that engagement with the relevant families occur once the history of each reserve has been obtained prior to signage being erected.

*Other*

No other implications identified as a result of this matter.

**Declaration of Interests:**

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

**Supporting Documents:**

Nil

**Attachments**

Nil

**Agenda Item: 10.3**

**Agenda Item: MAV WorkCare Self Insurance Scheme**

**Sponsor: General Manager, Organisational Performance**

**Council Plan Objective: Ensure Council operates openly, transparently and responsibly.**

**Status: For Information**

**Proposed Resolution:**

**That Council notes this Report.**

**Executive Summary:**

The Municipal Association of Victoria (MAV) WorkCare Self-Insurance scheme (the Scheme) commenced 1 November 2017.

In May 2015, Council elected not to participate in the Scheme (then scheduled to commence in 2016) but required a further Report prior to the completion of the first renewal period of the Scheme for a comparative assessment and review of the Scheme and Council's standing insurance arrangements.

After a delay in the commencement of the Scheme, prior to the end of the first renewal period Council was notified that WorkSafe was unlikely to renew the Scheme's licence. The Scheme ceased from 1 July 2021.

MAV currently has no proposal for an alternative Scheme and at this point a future Scheme would seem unlikely.

As the Scheme is no longer available, the further Report of a comparison between the Scheme and Council's insurance arrangements is no longer required.

**Background:**

The Scheme was originally proposed to commence in July 2016. Due to an initial delay, the Scheme commenced on 1 November 2017 under a WorkSafe Victoria Licence (required for any insurance of this type).

The Scheme was initially proposed for all councils across Victoria to share both the risks and benefits associated with Workcover insurance at a lower cost than was otherwise available.



In May 2015 Council resolved not to participate in the first licence period but required officers to provide a further Report before the expiry of the first renewal period showing a comparative assessment and review of the Scheme and Council's standing insurance arrangements so as to allow Council to participate if it was worthwhile to do so.

Prior to the end of the first renewal period of the Scheme, WorkSafe had indicated that it was unlikely to renew the licence for the Scheme. In 2020 after discussions with MAV, WorkSafe formally advised that it would not renew the licence for the Scheme. This decision was made as WorkSafe was concerned that the level of participation by councils was insufficient to ensure the Scheme could be run sustainably.

After a further period of MAV and councils considering available options, in accordance with the expiry of its licence the Scheme ceased from 1 July 2021.

As the Scheme is no longer in existence the further comparative Report originally required will no longer be provided.

**Declaration of Interests:**

Officers preparing this Report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

**Supporting Documents:**

Nil

**Attachments**

Nil

# **CORRESPONDENCE**

**11. CORRESPONDENCE**

Nil reports

# **PRESENTATION OF PETITIONS**

**12. PRESENTATION OF PETITIONS**

Nil reports

# **CHIEF EXECUTIVE OFFICE**

### **13. CHIEF EXECUTIVE OFFICE**

**Agenda Item: 13.1**

**Agenda Item: Authorisation of Council Officers under the Planning & Environment Act 1987**

**Sponsor: Chief Executive Office**

**Council Plan Objective: Ensure Council operates openly, transparently and responsibly.**

**Status: For Decision**

#### **Proposed Resolution:**

**That Council in the exercise of the powers conferred by section 147(4) of the *Planning and Environment Act 1987* resolves that:**

- 1. Sally Edmunds be appointed and authorised as set out in the instrument;**
- 2. The instrument comes into force either immediately the common seal of Council is affixed to the instrument and remains in force until Council determines to vary or revoke it; and**
- 3. The instrument be sealed.**

#### **Executive Summary:**

This report seeks to authorise Sally Edmunds, Senior Statutory Planner under section 147(4) of the *Planning and Environment Act 1987* and section 313 of the *Local Government Act 2020*.

Council utilises Instruments of Appointment and Authorisation to identify specific officer's incumbent in roles and, in turn, appoint the officers to be authorised officers for the administration and enforcement of legislation under applicable Acts.

By authorising Sally Edmunds, Senior Statutory Planner the officer will be able to perform their duties with respect to the planning powers and functions of the Council.

**Background:**

This report seeks to authorise Sally Edmunds under section 147(4) of the *Planning and Environment Act 1987* and section 313 of the *Local Government Act 2020*.

Council utilises Instruments of Appointment and Authorisation to identify specific officers incumbent in roles and, in turn, appoint the officers to be authorised officers for the administration and enforcement of legislation under applicable Acts.

Only a handful of Acts and Regulations require specific roles within an organisation to be identified to undertake a specific function. There are often clauses within Acts or Regulations that state an “authorised officer” can undertake a specific function. This is why Council needs to identify the authorised officer by role and officer name.

Section 147(4) of the *Planning and Environment Act 1987* provides for the following:

*Any reference in this Act to an Authorised officer of a responsible authority or of the Department is a reference to an officer or employee of the authority or employee of the Department whom the authority or the Secretary to the Department (as the case requires) authorises in writing generally or in a particular case to carry out the duty or function or to exercise the power in connection with which the expression is used.*

Section 313 of the *Local Government Act 2020* provides for the following:

- (1) *The Secretary, a Council or a person authorised by the Council either generally or in a particular case may institute proceedings in the corporate name of the Council for—*
  - (a) *the recovery of any municipal rates, service charges, special purpose charges, fees or other money due to the Council under any Act, regulation or local law; or*
  - (b) *the enforcement of any provision of any Act, regulation or local law for which the Council is responsible; or*
  - (c) *the recovery of any penalty or surcharge in relation to any offence under any Act, regulation or local law the enforcement of which is the responsibility of the Council; or*
  - (d) *any other purpose specified by the Council.*
- (2) *A Chief Executive Officer or person authorised by the Council either generally or in a particular case may represent the Council in all respects as though the Chief Executive Officer or person authorised by the Council was the party concerned in any proceedings in which the Council is a party or has an interest.*
- (3) *Proceedings for a summary offence under this Act may be commenced within the period of 3 years after the commission of the alleged offence.*



Section 147(4) of the *Planning and Environment Act 1987* and section 313 of the *Local Government Act 2020* specifically require that the appointment of an authorised officer must come from Council.

**Issues:**

*Strategy Implications*

Instruments of Appointment and Authorisation facilitate the statutory operations of Council and ensure that Council fulfils its obligations including Council Plan objective:

*'to ensure Council operates openly, transparently and responsibly'*.

*Communication*

Not Applicable.

*Financial Implications*

There are no financial or resource implications. However, if Council decides not to authorise the nominated officer, it will impede their ability to fully execute their duties.

*Risk Analysis*

If an officer is not authorised by Council, the officer will be unable to adequately perform their duties. Further implications to this are as follows:

- Delays in processing decisions on planning applications.
- Development and subdivision projects within the Latrobe City Council having time delays.
- Risk that developers will become frustrated with delays and appeal to the Victorian Civil and Administrative Tribunal.
- Planning officers that do not have the appropriate authorisation and delegation are unable to determine planning applications.

Appointments of authorised officers is also a risk management practice in that it clearly identifies which officer can act on a particular authorisation.

*Legal & Compliance*

Section 147(4) of the *Planning and Environment Act 1987* and section 313 of the *Local Government Act 2020* specifically require that the appointment of an authorised officer must come from Council.

By authorising the nominated officer, they will be able to perform and fulfil their role as described in their position description.

*Community Implications*

No community impact.

*Environmental Implications*

No environmental impact.

*Consultation*

There is no engagement required as part of this process.

**Supporting Documents:**

Nil.

**Declaration of Interests:**

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

**Attachments**

1.  S11A Instrument of Authorisation - Sally Edmonds

# **13.1**

## **Authorisation of Council Officers under the Planning & Environment Act 1987**

- 1 S11A Instrument of Authorisation - Sally Edmonds..... 96**

Maddocks Delegations and Authorisations

*S11A. Instrument of Appointment and Authorisation (Planning and  
Environment Act 1987)*



**Latrobe City Council**

**Instrument of Appointment and Authorisation**  
***(Planning and Environment Act 1987 only)***

**Sally Edmonds**

**Senior Statutory Planner**

**August 2021**

**Instrument of Appointment and Authorisation  
(*Planning and Environment Act 1987*)**

In this instrument "officer" means -

**Sally Edmonds**

**By this instrument of appointment and authorisation Latrobe City Council -**

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 313 of the *Local Government Act 2020* authorises the officer either generally or in a particular case to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked;
- (c) is automatically revoked upon the officer referred to in this instrument ceasing employment with the Council.

This instrument is authorised by a resolution of the Council on the third of May 2021.

The Common Seal of **LATROBE CITY COUNCIL**  
was affixed in accordance with Local Law No. 1  
this    day of                    2021 in the presence of:

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*Steven Piasente – Chief Executive Officer*

**Agenda Item: 13.2**

**Agenda Item: Presentation of the Audit and Risk Committee Minutes  
- 04 March 2021**

**Sponsor: Chief Executive Office**

**Council Plan Objective: Ensure Council operates openly, transparently and responsibly.**

**Status: For Information**

**Proposed Resolution:**

**That Council receives and notes the attached Audit and Risk Committee Minutes for the 03 June 2021 meeting.**

**Executive Summary:**

The Audit and Risk Committee (Committee) is a statutory committee of the Council. The Committee held its last meeting on 03 June 2021. It is a requirement of the *Audit and Risk Committee Charter* that the minutes are then subsequently tabled at an upcoming Council meeting. A number of motions were made at the meeting (as summarised in this report and set out in full in the attached minutes).

**Background:**

At the meeting held on 03 June 2021, the Committee resolved the following:

<b>Item</b>	<b>Motion</b>
<b>Confirmation of Minutes</b>	That the minutes of the Audit and Risk Committee meeting held on 04 March 2021 be confirmed and ratified as true and correct.
<b>Council actions in response to the Gender Equality Act</b>	That the Audit and Risk Committee note the report.
<b>Status of Actions Arising Report</b>	That the Audit and Risk Committee receives and notes the Status of Actions Arising Report.

<b>Item</b>	<b>Motion</b>
<b>Actions Arising Items 594 &amp; 595</b>	That the Audit and Risk Committee note the report.
<b>Internal Audit Status Report</b>	That the Audit and Risk Committee receives and notes the Internal Audit Plan Status report.
<b>Internal Audit Program 2021/22</b>	That the Audit and Risk Committee approves the Internal Audit Program for 2021/22.
<b>Review of Internal Auditors Performance</b>	That the Audit and Risk Committee endorses the use of the proposed questions to conduct the annual review via 'survey monkey' to review the internal audit services of HLB Mann Judd.
<b>Assurance Map</b>	That the Audit and Risk Committee receives and notes the Assurance Map.
<b>Review of Workforce Development and Succession Planning</b>	That the Audit and Risk Committee receives and notes the findings and management responses contained in the Review of Workforce Development and Succession Planning report.
<b>Review of Council's Response to COVID-19 Pandemic (BCP effectiveness and lesson learnt)</b>	That the Audit and Risk Committee receives and notes the findings and management responses contained in the Review of Council's Response to COVID-19 Pandemic (BCP effectiveness and lesson learnt) report.
<b>Presentation of Internal Audit Scopes/Plans for Endorsement</b>	That the Audit and Risk Committee endorses the following scopes/plans as presented: <ul style="list-style-type: none"> <li>• Review of Cyber Security</li> <li>• Review of Waste and Landfill Operations</li> </ul>
<b>Quarterly Risk Management Report</b>	That the Audit and Risk Committee notes and receives the Quarterly Risk Management Report.
<b>Strategic Risk Register Review and Update</b>	That the Audit and Risk Committee receives and notes the updated Strategic Risk Register.

Item	Motion
<b>Update of Risk Management Framework</b>	That the Audit and Risk Committee endorse the revised Risk Management Policy, operational policy and Risk Management Plan 2021-23.
<b>Demonstration of CAMMS SYCLE risk module</b>	That the Audit and Risk Committee note the demonstration and update on progress towards implementation of CAMMS SYCLE risk module.
<b>Audit Compliance Report</b>	That the Audit and Risk Committee receive and notes this report.
<b>VAGO, Ombudsman and IBAC Reports</b>	That the Audit and Risk Committee: <ul style="list-style-type: none"> <li>a) receives and notes this report into VAGO, Victorian Ombudsman, IBAC, Inspectorate and other reports; and</li> <li>b) notes detailed response to a number of reports are provided separately within this agenda</li> </ul>
<b>Response to ICAC: Dealing with Corruption, Fraud and the ICAC: the role of public sector Audit &amp; Risk Committees</b>	That the Audit and Risk Committee notes the report.
<b>Response to IBAC publications on fraud and corruption</b>	That the Audit and Risk Committee notes the report.
<b>Draft updated Electronic Surveillance policy and standard operational procedure</b>	That the Audit and Risk Committee notes the report.
<b>Update on fraud and corruption control and monitoring</b>	That the Audit and Risk Committee notes the report.
<b>Quarter 2 2020/21 People and Workcover Reports</b>	That the Audit and Risk Committee note the Quarterly People and WorkCover Reports for Q2 of the 2020/21 financial year.



<b>Item</b>	<b>Motion</b>
<b>Quarter 3 2020/21 Performance Report Summary</b>	That the Audit and Risk Committee note the Quarterly Performance Summary Reports for Q3 2020-21.
<b>Quarterly Finance Report - March 2021</b>	That the Audit and Risk Committee receives and notes the Quarterly Finance Report for the period ended 31 March 2021, prepared in accordance with the requirements of the Local Government Act 2020.
<b>Investment Report</b>	That the Audit and Risk Committee receive and note the report.
<b>Policy Register Report</b>	That the Audit and Risk Committee receive and note this report.

The full minutes are attached to this report.

**Issues:**

*Strategy Implications*

The Audit and Risk Committee provides advice to ensure that Council operates openly, transparently and responsibly.

*Communication*

The provision and circulation of the minutes to Council provides reassurance and awareness as a communication loop back to Council as part of good governance practices.

*Financial Implications*

The Audit and Risk Committee is managed through existing budget provisions. Recommendations and actions arising from the meeting are considered by management within the constraints of budget requirements.

*Risk Analysis*

The Audit and Risk Committee provides advice into the management of risk in the organisation.

*Legal and Compliance*

A number of reports tabled at each meeting of the Audit and Risk Committee relate to legal or compliance related matters. In addition, a report is tabled for the committee to consider any reports that have been published by the Victorian Ombudsman,

Victorian Auditor-Generals Office, Inspectorate or the Independent Broad-based Anti-corruption Commission to ensure that practices within Council are compliant with current expectations of the public sector.

*Community Implications*

There are no known community implications.

*Environmental Implications*

There are no known environmental implications.

*Consultation*

There is no engagement required as part of this process.

*Other*

There are no other known issues identified.

**Declaration of Interests:**

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

**Supporting Documents:**

Nil

**Attachments**

1   June 2021 Minutes

## **13.2**

### **Presentation of the Audit and Risk Committee Minutes - 04 March 2021**

<b>1</b>	<b>June 2021 Minutes.....</b>	<b>104</b>
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**Audit and Risk Committee Meeting  
Minutes - 3 June 2021**

*I hereby designate that all matters in this agenda and any discussion about or arising from any such matters will remain confidential until:*

- *Council passes a resolution that the information is not confidential; or,*
- *a report on the matter has been released in a subsequent meeting agenda, minute's paper or is approved in writing by the Chief Executive Officer.*

*Steven Piasente, Chief Executive Officer*

*03 June 2021*

**Via Video Conferencing**

Meeting commenced at 10.00 AM

**Attendance**

**Members:**

- Bev Excell (Chair), Joanne Booth, Terry Richards, Cr Melissa Ferguson, Cr Graeme Middlemiss

**In Attendance:**

- Steve Piasente (CEO)
- Kendrea Pope (Executive Manager Office of the CEO)
- Greg Drumm (General Manager Organisational Performance)
- Jody Riordan (Acting General Manager Assets and Presentation)
- Gail Gatt (General Manager Regional City Growth and Investment)
- Suzanne Miller (General Manager Community Health and Wellbeing)
- Matthew Rogers (Manager Financial Performance)
- Kapil Kukreja (HLB Mann Judd)
- Hanna Steevens (Manager Governance)
- Nathan Frith (Compliance Officer)
- Louise Van Der Velden (Senior Compliance Officer)

**IN CAMERA MEETING**

THE COMMITTEE DID NOT HAVE AN IN CAMERA MEETING.



## Audit and Risk Committee Meeting Minutes - 3 June 2021

### 1. OPENING AND WELCOME

The Chairperson opened the meeting, acknowledged the traditional owners of the land and welcomed all present.

### 2. APOLOGIES

Mark Holloway from HLB Mann Judd provided an apology in advance of the meeting.

### 3. DECLARATIONS OF INTEREST

Terry Richards advised he had been appointed to the Audit Committee for Freemason's Victoria. This may arise as a conflict in the future. Terry Richards also noted that given he declaration last meeting relating to his family member working for HLB Mann Judd, he would not be involved in the discussion on the performance assessment of HLB Mann Judd. Today's item was about process.

### 4. PROBITY QUESTIONS

The Audit and Risk Committee Chair asked if the CEO was aware of any legislative non-compliance issues, any fraud incidents that have occurred or if there were any strategic risks been triggered since the last Audit and Risk Committee meeting.

The CEO advised of a planning liability matter in Budgeree that had arisen and the Council has advised its insurers who recommended legal advice was obtained. He advised the insurers recommendation had been followed.

The CEO also advised of staff changes with the resignation of Larry Sengstock. He then welcomed Kendrea Pope and Jody Riordan.

The Audit and Risk Committee Chair asked the Councillors:

- a. If there was any matter arising from the Council meetings that needed to be brought to the attention of the Committee
- b. If there was any feedback or direction required from Council relating to the Audit Committee members.

The Councillors responded no.

The Audit and Risk Committee Chair then asked the auditor representatives if they were satisfied that their work had not been impeded.

The auditor representatives responded it had not been.

### 5. CONFIRMATION OF MINUTES

#### RECOMMENDATION

That the minutes of the Audit and Risk Committee meeting held on 04 March 2021



## Audit and Risk Committee Meeting Minutes - 3 June 2021

be confirmed and ratified as true and correct.

**OUTCOME/ACTIONS ARISING:**

1. Nil.

### 6. ITEMS REFERRED BY THE COMMITTEE TO THIS MEETING FOR CONSIDERATION

#### 6.1 Council actions in response to the Gender Equality Act.

**RECOMMENDATION**

That the Audit and Risk Committee note the report.

**OUTCOME/ACTIONS ARISING:**

1. Governance Manager to include Gender Equality Act Implementation Update as a work plan item for June 2022.

### 7. STATUS OF ACTIONS ARISING

#### 7.1 Status of Actions Arising

**RECOMMENDATION**

That the Audit and Risk Committee receives and notes the Status of Actions Arising Report.

**OUTCOME/ACTIONS ARISING:**

1. The Committee agreed with the recommendation to close items 463, 465, 487 and 507.

#### 7.2 Actions Arising Items 594 & 595

**RECOMMENDATION**

That the Audit and Risk Committee note the report.

**OUTCOME/ACTIONS ARISING:**

1. Nil.



## Audit and Risk Committee Meeting Minutes - 3 June 2021

### 8. EXTERNAL AUDIT

There are no External Audit reports tabled for this meeting.

### 9. INTERNAL AUDIT

#### 9.1 Internal Audit Status Report

##### RECOMMENDATION

That the Audit and Risk Committee receives and notes the Internal Audit Plan Status report.

##### OUTCOME/ACTIONS ARISING:

1. Governance Manager and Manager Finance to discuss with HLB Mann Judd about postponing cash handling audit if required.

#### 9.2 Internal Audit Program 2021/22

##### RECOMMENDATION

That the Audit and Risk Committee approves the Internal Audit Program for 2021/22.

##### OUTCOME/ACTIONS ARISING:

1. HLB Mann Judd to note in Review of Waste and Landfill Operations scope that contractual arrangements are pending change and put that lens over the audit and seek agreement from GMAP.
2. Manager Governance to circulate amended scope to Committee out of session.
3. HLB Mann Judd to update eight year audit coverage table given the BCP audit was postponed and replaced with the COVID response review.

#### 9.3 Review of Internal Auditors Performance

##### RECOMMENDATION

That the Audit and Risk Committee endorses the use of the proposed questions to conduct the annual review via 'survey monkey' to review the internal audit services of HLB Mann Judd.

##### OUTCOME/ACTIONS ARISING:

1. Governance Manager to send survey to Committee and Executive and exclude Terry Richards due to the declared conflict.



## Audit and Risk Committee Meeting Minutes - 3 June 2021

### 9.4 Assurance Map

#### RECOMMENDATION

That the Audit and Risk Committee receives and notes the Assurance Map.

#### OUTCOME/ACTIONS ARISING:

1. Governance Manager to circulate an electronic copy of the Assurance Map to Committee and Executive.

Note: The committee complemented HLB Mann Judd and those who assisted in producing the Map.

### 9.5 Review of Workforce Development and Succession Planning

#### RECOMMENDATION

That the Audit and Risk Committee receives and notes the findings and management responses contained in the Review of Workforce Development and Succession Planning report.

#### OUTCOME/ACTIONS ARISING:

1. Nil.

### 9.6 Review of Council's Response to COVID-19 Pandemic (BCP effectiveness and lesson learnt)

#### RECOMMENDATION

That the Audit and Risk Committee receives and notes the findings and management responses contained in the Review of Council's Response to COVID-19 Pandemic (BCP effectiveness and lesson learnt) report.

#### OUTCOME/ACTIONS ARISING:

1. Nil.

### 9.7 Presentation of Internal Audit Scopes/Plans for Endorsement

#### RECOMMENDATION

That the Audit and Risk Committee endorses the following scopes/plans as presented:





## Audit and Risk Committee Meeting Minutes - 3 June 2021

<ul style="list-style-type: none"> <li>• Review of Cyber Security</li> <li>• Review of Waste and Landfill Operations</li> </ul>
<p><b>OUTCOME/ACTIONS ARISING:</b></p> <ol style="list-style-type: none"> <li>1. Manager Governance to work with HLB Mann Judd and GMAP as to suitable timing for Review of Waste and Landfill Operations.</li> </ol>

### 10. RISK

#### 10.1 Quarterly Risk Management Report

<p><b>RECOMMENDATION</b></p> <p>That the Audit and Risk Committee notes and receives the Quarterly Risk Management Report.</p>
<p><b>OUTCOME/ACTIONS ARISING:</b></p> <ol style="list-style-type: none"> <li>1. Nil.</li> </ol>
<p>Note: Feedback on quarterly risk management report format was very good.</p>

#### 10.2 Strategic Risk Register Review and Update

<p><b>RECOMMENDATION</b></p> <p>That the Audit and Risk Committee receives and notes the updated Strategic Risk Register.</p>
<p><b>OUTCOME/ACTIONS ARISING:</b></p> <ol style="list-style-type: none"> <li>1. Risk Coordinator to consider inclusion of treatments relating to rates revenue as Council's biggest revenue source (SR10), fraud and corruption training and awareness (SR12) and include workforce planning work under SR05.</li> <li>2. Beverley Excell to email Manager Governance feedback on Register for consideration of organisation.</li> </ol>
<p>Note: Feedback on revised risk register format was very good.</p>

#### 10.3 Update of Risk Management Framework

<p><b>RECOMMENDATION</b></p> <p>That the Audit and Risk Committee endorse the revised Risk Management</p>
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## Audit and Risk Committee Meeting Minutes - 3 June 2021

Policy, operational policy and Risk Management Plan 2021-23.

### OUTCOME/ACTIONS ARISING:

1. Coordinator Risk to review gap between financial losses in risk appetite table (page 7 of policy) and marry the table to the consequent table.
2. Coordinator Risk to review framework documents and ensure that the recommendations are reflected.
3. Coordinator Risk to update date of action plan (page 240 of agenda).
4. Coordinator Risk to further review risk appetite statement in consultation with Council during review of Risk Framework.

### 10.4 Demonstration of CAMMS SYCLE risk module

#### RECOMMENDATION

That the Audit and Risk Committee note the demonstration and update on progress towards implementation of CAMMS SYCLE risk module.

#### OUTCOME/ACTIONS ARISING:

1. Governance Manager and Bev Excell to include comment on management of strategic risk within the twice yearly report to council.

## 11. MONITORING

### 11.1 Audit Compliance Report

#### RECOMMENDATION

That the Audit and Risk Committee receive and notes this report.

#### OUTCOME/ACTIONS ARISING:

1. Compliance Officer to close 2014 Fraud and Corruption action and 2016 website and intranet action.
2. Compliance Officer to include month year of audit in title.
3. Compliance Officer to consider ways to communicate changes in due dates in reporting.
4. Senior Compliance Officer to review CCTV actions and update in light of completed work reported to committee.
5. GMAP to review LMI compliance review, capital works planning and asset management audit and seek to prioritise work.
6. GMOP to review OP responses to privacy audit to ensure completed fully.



## Audit and Risk Committee Meeting Minutes - 3 June 2021

### 11.2 VAGO, Ombudsman and IBAC Reports

#### RECOMMENDATION

That the Audit and Risk Committee:

- a) receives and notes this report into VAGO, Victorian Ombudsman, IBAC, Inspectorate and other reports; and
- b) notes detailed response to a number of reports are provided separately within this agenda

#### OUTCOME/ACTIONS ARISING:

1. Senior Compliance Officer to ensure updated list of all reports to return to committee are noted.
2. HLB Mann Judd to consider interstate cyber security papers to inform upcoming audit.

Note: Positive feedback on report formats in this section provided.

### 11.3 Response to ICAC: Dealing with Corruption, Fraud and the ICAC: the role of public sector Audit & Risk Committees

#### RECOMMENDATION

That the Audit and Risk Committee notes the report.

#### OUTCOME/ACTIONS ARISING:

1. Nil.

### 11.4 Response to IBAC publications on fraud and corruption

#### RECOMMENDATION

That the Audit and Risk Committee notes the report.

#### OUTCOME/ACTIONS ARISING:

1. Nil.

### 11.5 Draft updated Electronic Surveillance policy and standard operational procedure

#### RECOMMENDATION



## Audit and Risk Committee Meeting Minutes - 3 June 2021

That the Audit and Risk Committee notes the report.

### OUTCOME/ACTIONS ARISING:

1. Senior Compliance Officer to prepare a paper for September 2021 meeting regarding exclusions and limitations of policy and the associated risk.
2. Senior Compliance Officer to review clause 4.7.3 to clarify contractors cannot access it alone.

### 11.6 Update on fraud and corruption control and monitoring

#### RECOMMENDATION

That the Audit and Risk Committee notes the report.

#### OUTCOME/ACTIONS ARISING:

1. Senior Compliance Manager to provide a report at September 2021 on status and suitability of the Fraud and Corruption Framework.

## 12. PERFORMANCE REPORTING

### 12.1 Quarter 2 2020/21 People and Workcover Reports

#### RECOMMENDATION

That the Audit and Risk Committee note the Quarterly People and WorkCover Reports for Q3 of the 2020/21 financial year.

#### OUTCOME/ACTIONS ARISING:

1. Nil.

### 12.2 Quarter 3 2020/21 Performance Report Summary

#### RECOMMENDATION

That the Audit and Risk Committee note the Quarterly Performance Summary Reports for Q3 2020-21.

#### OUTCOME/ACTIONS ARISING:

1. GMOP to ensure that June Quarterly report every year to include carry forward information.



## Audit and Risk Committee Meeting Minutes - 3 June 2021

### 13. FINANCE

#### 13.1 Quarterly Finance Report - March 2021

**RECOMMENDATION**

That the Audit and Risk Committee receives and notes the Quarterly Finance Report for the period ended 31 March 2021, prepared in accordance with the requirements of the Local Government Act 2020.

**OUTCOME/ACTIONS ARISING:**

1. Nil.

#### 13.2 Investment Report

**RECOMMENDATION**

That the Audit and Risk Committee receive and note the report.

**OUTCOME/ACTIONS ARISING:**

1. Nil.

### 14. REPORTING REQUIREMENTS

#### 14.1 Policy Register Report

**RECOMMENDATION**

That the Audit and Risk Committee receive and note this report.

**OUTCOME/ACTIONS ARISING:**

1. Nil.

### 15. GENERAL BUSINESS

There were no General Business reports tabled for this meeting.

**Next Meeting Date**

The next meeting is to be held on Thursday 02 September 2021.



**Audit and Risk Committee Meeting  
Minutes - 3 June 2021**

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**Meeting Closed at 01:24pm.**

**Agenda Item: 13.3**

**Agenda Item: Updated Risk Management Policy**

**Sponsor: Chief Executive Office**

**Council Plan Objective: Ensure Council operates openly, transparently and responsibly.**

**Status: For Decision**

**Proposed Resolution:**

**That Council:**

- 1. Adopts the Risk Management Policy;**
- 2. Notes that with the adoption of this Policy, that any previous versions are revoked;**
- 3. Requests a copy of the final policy be provided to all Councillors; and**
- 4. Makes the Risk Management Policy available on Council's website and available for inspection at all Council Service Centres.**

**Executive Summary:**

- Council recognises that risk exists in all aspects of its business. Risk management is an integral part of Council's strategic management and planning process and Council is committed to managing risk in order to achieve its vision, mission and services.
- The Risk Management Policy assists to embed risk management consistently into the way we do business and conduct our operations to achieve our operational and strategic objectives.
- The current Risk Management Policy was last endorsed by Council on 01 October 2018.
- The Risk Management Policy has recently been reviewed. Proposed updates are largely around clarifying the Risk Appetite Scale and reflecting the Department of Treasury and Finance Risk Management Framework 2020.
- The reviewed Risk Management Policy is provided as Attachment A.
- The reviewed Risk Management Policy has been presented to Executive Risk Management Committee and the Audit and Risk Committee.

**Background:**

The Risk Management Policy is part of Council’s risk management framework that comprises of the Risk Management Policy, Risk Management Operational Policy, and Risk Management Plan, all of which are aligned with the international standard on risk management, adopted as AS/NZ ISO 31000:2018 *Principles and Guidelines* (ISO 31000).

**Issues:**

*Strategy Implications*

An effective Risk Management Policy supports the objective of ensuring Council operates openly, transparently, and responsibly and also serves as a clear reference to our risk tolerance level.

*Health Implications*

Nil.

*Communication*

The adopted Risk Management Policy would be communicated to staff/Councillors and made available to the public on Council’s website.

*Financial Implications*

Nil.

*Risk Analysis*

<b>Identified risk</b>	<b>Risk likelihood*</b>	<b>Controls to manage risk</b>
<p><b>Service Delivery Risk</b></p> <p>1. The consequences associated with service delivery are out of step with community expectations (Risk appetite is set too high)</p>	3	The Risk Appetite Statement is monitored and reviewed on a regular basis.
<p>2. Innovation is inhibited or prevented (Risk appetite is set too low)</p>	3	The Risk Appetite Statement is monitored and reviewed on a regular basis.



*Legal and Compliance*

The Risk Management Policy is an important part of the overall Risk Management framework and the amended Risk Appetite Statement would keep a check on the Council's Risk Tolerance and transfer of risk.

*Community Implications*

There are no known significant community implications as a result of amending the Policy.

*Environmental Implications*

Nil.

*Consultation*

The policy was reviewed in consultation with the Audit and Risk Committee and the Executive Risk Management Committee.

**Declaration of Interests:**

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

**Supporting Documents:**

Nil.

**Attachments**

1 [↓](#).  Risk Management Policy 2021-2023

# 13.3

## Updated Risk Management Policy

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## Risk Management Policy

Version 9

Approval Date: 2nd August 2021



## Risk Management

### Document Control

Responsible GM	Kendrea Pope	
Division	Office of the CEO	
Last Updated (who & when)	Coordinator Risk	2019
DOCUMENT HISTORY		
Authority	Date	Description of change
CEO	30 June 2016	Policy rewrite
CEO	1 October 2018	Policy review and update to reflect revised Standard AS/NZS 31000:2018 Risk Management Inclusion of risk response table and appetite statement Inclusion of high-level overview of risk assessment process
CEO	13 August 2019	Inclusion of updated Risk Appetite Statement
CEO	July 2021	Policy review and update to reflect revised Department of Treasury and Finance Risk Management Framework 2020 and LGA 2020
References	Refer to page 4 of this policy	
Next Review Date	30 September 2023	
Published on website	(Yes)	
Document Reference	No	

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## Risk Management

### RISK MANAGEMENT POLICY

#### Background

Latrobe City Council recognises that risk exists in all aspects of its business. Risk management is an integral part of Council's strategic management and planning process and Council is committed to managing risk in order to achieve its vision, mission and services.

#### Objective

To embed risk management into the way we do business and the conduct of all of our operations to achieve our operational and strategic objectives.

#### Scope

This policy applies to the exercise, performance and discharge of all duties, functions and powers of Latrobe City Council.

#### Policy Principles

- Risk management contributes to value creation and protection;
- Risk management is critical to the effective delivery of services and in achieving Council's operational and strategic objectives;
- Council is committed to managing risk in accordance with the process set out in AS/NZS ISO 31000:2018); Risk management guidelines (the Standard);
- Council will integrate risk management into the organisation, and consider risk in all decision making and business planning;
- Every employee, Councillor and other workplace participants are accountable and responsible for managing risk.
- Senior management ensure that risk management is integrated into all organisational activities and demonstrate leadership and commitment.

#### Policy Statement

Latrobe City Council is committed to effectively identifying and managing its organisational risk and will:

- maintain a risk management methodology that is consistent with the Standard; and contributes to sound risk identification and management practices and increases community confidence in Council's overall performance;
- ensure that the consistent and systematic application of risk management results in maximising community outcomes, managing uncertainty, minimising the impact of adverse events and effectively leveraging the benefit of opportunities;
- consistently reinforce risk identification and management as an integral factor to achieving strategic and operational objectives, build and maintain a positive risk culture, protect staff and business assets and safeguard financial sustainability into the future;

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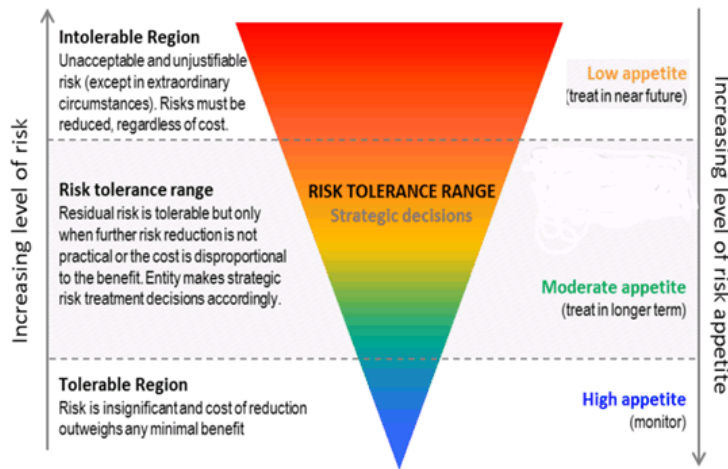
## Risk Management

- understand its risk profile and makes informed decisions on setting risk tolerance levels; and
- Maintain a structured risk management framework that guides employees through the risk management process to enable the effective identification, analysis, evaluation, treatment, reporting, monitoring and communication of risk throughout the Council.

### Risk assessment process

The Risk Management operational policy sets out Council’s approach to risk management through a common framework, to support the principles of this policy. It sets out the process for risk assessment, including regular review of strategic and operational risk registers as well as an annual review incorporated into the business planning process, and details how risks will be assessed and rated. The operational policy identifies responsibilities in relation to risk identification, assessment, control, monitoring, and reporting on risks and risk controls. Generally, strategic risks are assigned to the CEO or relevant general manager, while operational risks are assigned to the relevant manager/s. The Executive Risk Management Committee oversees risk management across the organisation.

### Risk Appetite Measurement Scale



### Risk appetite

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## Risk Management

Risk Appetite is the amount and type of risk that Latrobe City is prepared to pursue, retain or take. It is expressed in the form of a statement which covers a number of critical risk categories as described ahead.

While Council's risk level is represented below by categories, it is implied that Council is willing to accept a higher risk appetite in order to achieve the Council's objectives outlined in the Council Plan and to implement innovations.

The important categories pertaining to critical function of the council are;

### ✦ Financial

LCC is the custodian of the rate-payers money hence it is important to base the choice of investment projects on a low financial risk appetite.

- ✦ There is low appetite for decisions that have a significant negative impact on Council's long term financial sustainability. Latrobe City's Investment Policy stipulates the current appetite for investment risk, which is in line with Local Government legislative requirements.

### ✦ Legal and Compliance

Legal and compliance refers to the requirement of council to abide by all laws and legislation directly associated with Local Government.

- ✦ There is low appetite for non-compliance with legal, professional and regulatory requirements.
- ✦ Latrobe City has low appetite for major breaches, activities that may result in successful litigation against Latrobe City or the non-reporting of breaches to appropriate authorities once they are recognised.

### ✦ Human Resources

Council has a responsibility of ensuring the safety and well-being of staff and the local community when utilising community assets.

- ✦ There is low appetite for compromising staff safety and welfare. Where injuries (or near misses) do occur, they must be reported as soon as practically possible so that appropriate welfare considerations can be implemented or investigations commenced to reduce the opportunity for reoccurrence.
- ✦ We have a low appetite for risks arising from inadequately trained staff or failed internal processes. In all cases, direct supervision and oversight of activities and outcomes must be in place.
- ✦ There is a low appetite for issues and incidents that may affect public safety. Routine inspections of public areas are designed to identify potential hazards, with mitigation works prioritised against the potential risk. Where Latrobe City Council is notified of potential hazards, these are similarly prioritised and scheduled against any potential risk to public safety.

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## Risk Management

### Operational & Service Delivery

The Operational & Service Delivery category refers to council's understanding of its services in terms of mix, profile, efficiency and effectiveness and the risks arising out of process and performance failures.

- ✚ We have a low appetite for system failures or information and data security breaches.
- ✚ We have a moderate appetite in terms of the operational risk associated with the implementation of change and key strategic plans.
- ✚ We have low appetite for substantial internal fraud, collusion, theft and associated reputational risk.
- ✚ We have a low appetite for operational risks arising from failure to meet customer commitments and/or suitability of advice.
- ✚ We have a low appetite for third party partner (contractors) failure.
- ✚ There is high appetite for improvements to service delivery. Latrobe City has low appetite for service disruptions greater than one day to core services that provide for public health and safety.
- ✚ There is high appetite for improved efficiency of Council operations.

### Environmental

Under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), the local government is a key player in protecting Australia's environment and the policies and the projects undertaken should not breach the legislation stipulated in the act. Also, as the guardian for the community, council has a responsibility to protect its natural environment.

- ✚ There is high appetite for decisions that promote ecologically sustainable development.
- ✚ Latrobe City has low appetite for the creation of new contaminated sites or activities that may lead to new sites. Existing sites are well managed and consequently Latrobe City has a low appetite for any ineffective site management. Appropriate management plans, in conjunction with regulatory authorities (e.g. EPA / DER / DoH) must be maintained.
- ✚ Due to the impact and potential of bushfire within the municipality Latrobe City has a low appetite for any inadequacies in natural hazard risk management activities.

### Reputational

The reputational category refers to the importance of nurturing a good image for Council as a public services custodian. It has a responsibility to manage expectations of local community and rate payers and maintain transparency in financial management.

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## Risk Management

- ✦ Latrobe City also has low appetite for theft, fraud or any misconduct-based activities by Councillors, employees or external parties.
- ✦ Latrobe City has a low appetite for reputational risks that may result in complaints from the community, specifically around expectations regarding the maintenance or provision of facilities.
- ✦ Latrobe City has low appetite for the provision of inaccurate advice by qualified employees as well as a low appetite for inaccurate advice by unqualified employees.

### Risk Appetite Rating

Unacceptable	Low Appetite	<ul style="list-style-type: none"> <li>• Outage of critical service for 1 day or more or non-critical service for more than 2 weeks</li> <li>• Operating budget variation</li> <li>• Death(s) or serious injuries</li> <li>• Most serious, irreversible environment impairment of ecosystem functions</li> <li>• Serious public or media outcry</li> <li>• Official public investigation</li> <li>• Significant prosecution and fines.</li> <li>• Very serious litigation including class action</li> <li>• Critical Business and Strategic objectives unable to be achieved</li> </ul>
	Moderate	<ul style="list-style-type: none"> <li>• Specific approved budget variation within the overall operating budget</li> <li>• Outage of non-critical service for 1-7 days</li> <li>• Minor non-compliance with regulation to medium non-compliance and moderate litigation</li> <li>• Minor to moderate impact on Business and Strategic objectives</li> <li>• First Aid treatment required but no days lost to serious injuries</li> </ul>
Acceptable	High	<ul style="list-style-type: none"> <li>• Outage of non-critical services for less than one day</li> <li>• No injuries</li> <li>• Minor effect on biological or physical environment</li> <li>• Public complaint retained in-house or dealt with via normal procedures</li> <li>• Minor legal issues</li> <li>• Risk consequences are dealt with by routine operations</li> </ul>

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## Risk Management

### Evaluation and Review

This policy will be reviewed on request of Council or in the event of significant change in the Executive Team, significant changes to legislation applicable to the subject matter of the policy or, at a minimum biennially by the Audit & Risk Committee.

### Related Documents

- *Risk Management Plan*
- *Risk Management Operational Policy*
- *Fraud and Corruption Control Policy*
- *Business Continuity Plan*
- *OHS Policy*

### Reference Resources

- *AS/NZS ISO 31000:2018 Risk management - Guidelines.*
- *Local Government Act 2020*
- *Occupational Health and Safety Act 2004*
- *Victorian Government Risk Management Framework 2020*

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**Agenda Item: 13.4**

**Agenda Item: Council Policy Review - Electronic Surveillance Policy**

**Sponsor: Chief Executive Office**

**Council Plan Objective: Ensure Council operates openly, transparently and responsibly.**

**Status: For Decision**

**Proposed Resolution:**

**That Council:**

- 1. Adopts the Electronic Surveillance Policy 2021; and**
- 2. Notes that with the adoption of this Policy, that any previous versions are revoked;**
- 3. Makes the Electronic Surveillance Policy 2021 available on Council's website and available for inspection at all Council Service Centres.**

**Executive Summary:**

- Council uses electronic surveillance (including closed-circuit television (CCTV), body worn cameras and vehicle tracking), for public safety purposes and for protecting council staff and assets. Surveillance systems in public places can impact on the privacy of individuals, so it is important that council has robust practices in place for the management of CCTV surveillance systems.
- The Electronic Surveillance Policy (the Policy) was endorsed in April 2019.
- Though not due for review until 2023, a review and update of the Policy has been undertaken in order to address outstanding recommendations of HLB Mann Judd's 2020 audit.
- The updated policy addresses a number of opportunities identified to further improve management of our CCTV systems, to ensure compliance with legislative requirements and our policy, and achieve better practice.
- Various changes were made to policy and processes to increase clarity around roles and responsibilities, record access, extraction and disclosure, and improve monitoring and reporting on access and use.

- The key change to the policy is the approach to third party systems, removing exemption for systems pre-dating the original policy, and allowing 3<sup>rd</sup> parties to operate their own systems within council buildings in compliance with the legislation.

**Background:**

The *Electronic Surveillance Policy* (the Policy) was originally adopted by Council in February 2011. An extensive review in April 2019 identified that the original Policy was no longer compliant with current legislative provisions or best practice requirements. Significant changes were made at that time in order to achieve compliance, address issues raised in the VAGO report, and improve transparency for the community on usage.

Though not due for review until 2023, a review and update of the policy has been undertaken in order to address outstanding recommendations of HLB Mann Judd's 2020 audit.

Key updates to policy and processes include:

- Update or development of associated documentation, including CCTV request form, user authorisation request form, disclosure approval form, system evaluation and audit checklists, access/extraction/disclosure register, and user training module. Implementation of these forms and processes will assist with monitoring and reporting on system use.
- Update of CCTV location register, to identify/confirm all systems, signage, and authorised users.
- More detail included in operational policy around temporary systems
- Removal of exemption from policy of systems that pre-date the policy.
- Change to/articulation of our approach to existing exempt, unapproved and new third-party system requests (ie permitted by written agreement between council and tenant/license holder if they comply with privacy legislation, with periodic audit/review, and removal of system if non-compliant)
- Appointment of Governance as having overall responsibility for CCTV management
- Renewed focus on ensuring compliance with MOU with Police for public systems, including consultation, communication, review and reporting requirements
- Ensuring there is adequate oversight including making training requirements clear and providing for reporting to the Executive Team and Council.

**Issues:**

*Strategy Implications*

The Policy will support the delivery of the following key objectives contained with the *Council Plan 2017-2021*:

- *Provide a connected, engaged and safe community environment, which is improving the well-being of all Latrobe City citizens.*
- *Ensure Council operates openly, transparently and responsibly.*

*Health Implications*

In addition, this Policy supports the Municipal Public Health and Wellbeing Plan 2017-2021 (Plan) with the delivery of the Safe in the Community objective

*Communication*

The Policy is a Council level Policy, and once adopted will be available on Council's website. The review has involved council's system users, including those that manage systems in buildings used by community groups.

*Financial Implications*

Public Safety Surveillance equipment is normally funded through grant monies, while the majority of new corporate systems are part of major projects such as new facilities or significant upgrades, and are part of the project budget. There is a budget for maintenance, repair and replacement of existing systems, but not the purchase or upgrade of corporate surveillance equipment. Costs are difficult to determine on an annual basis due to the ad-hoc nature of repairs and requests. Therefore, it is recommended that budget is determined on a case by case basis and prioritised within existing budget processes accordingly.

Should Council prefer to manage third party systems themselves or support users to install and operate CCTV systems that would involve significant costs which are not budgeted for.

*Risk Analysis*

<b>Identified risk</b>	<b>Risk likelihood*</b>	<b>Controls to manage risk</b>
<p><b>Reputational Risk</b></p> <p>Council's management and operation of electronic surveillance is not in line with community expectations, sparked by noncompliance or individual incident</p>	Possible	Adoption of updated policy and SOP, including user approval and training, and reporting and monitoring of access and use.
<p><b>Legal/Regulatory Risk</b></p> <p>Council is not compliant with relevant legislation, including Privacy and Data Protection Act 2014 and IPPs, and Charter for Human Rights (such as inappropriate collection, access or disclosure of CCTV footage)</p>	Possible	<p>Adoption of updated policy and SOP, including user approval and training, and reporting and monitoring of access and use.</p> <p>Upgrade of equipment and or software where required, to enable monitoring of access.</p>

*Legal and Compliance*

Council is required to comply with the following legislative requirements in relation to Electronic Surveillance:

- *Charter of Human Rights and Responsibilities Act 2006*
- *Evidence Act 2008*

- *Freedom of Information Act 1982*
- *Privacy and Data Protection Act 2014*
- *Summary Offences Act 1966*
- *Surveillance Devices Act 1999*

The review undertaken has considered any changes to relevant legislation and guidance available on achieving compliance with these legislative requirements.

#### *Community Implications*

The 2019 review included an assessment against the *Charter of Human Rights and Responsibilities Act 2006* and identified that the Policy does limit the rights of the community, particularly the rights of ‘protection of privacy’, and ‘freedom of movement’. However, limiting these rights has been balanced against the interests of the broader community to feel safe in their community.

Controls and measures have been identified to minimise the impact of these limitations which includes privacy impact assessment, security risk assessment and human rights impact assessment as part of the Electronic Surveillance Request Form required prior to approval of system, as well as limitations as to where surveillance equipment can be placed, signage requirements, and data security/access control.

#### *Environmental Implications*

There are no known negative environmental implications as long as the surveillance equipment that is used is fit for purpose. Electronic Surveillance can have a positive impact as it can assist with the protection of Council assets – both built and natural.

#### *Consultation*

Benchmarking and advice have been obtained from other Councils, as well as use of the VAGO and HLB Mann Judd audit reports to ensure understanding of the requirements.

In addition, consultation has occurred internally, as well as with the Audit and Risk Committee.

There is no legislative requirement for community consultation on this Policy. As this Policy is to ensure Council’s compliance, it is recommended that engagement will be limited to directly informing applicable groups (in addition to publishing the Policy on the website) if the Policy is adopted.

#### **Declaration of Interests:**

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

**Supporting Documents:**

Nil

**Attachments**

1   DRAFT Electronic Surveillance Policy 2021



## **13.4**

### **Council Policy Review - Electronic Surveillance Policy**

- 1 DRAFT Electronic Surveillance Policy 2021..... 134**



# Electronic Surveillance Policy

Version 3

Approval Date: 02 August 2021

Review Date: August 2025



## Electronic Surveillance Policy

### DOCUMENT CONTROL

Responsible GM	Steven Piasente	
Division	Office of the Chief Executive	
Last Updated (who & when)	Senior Compliance Officer	2021
DOCUMENT HISTORY		
Authority	Date	Description of change
Council	07 Feb 2011	Adoption of Policy
Council	01 April 2019	Review and adoption of Policy
Council	02 August 2021	Review and adoption of Policy, including update of requirements for Prior Approved Clubs and third-party systems, responsibilities, and associated forms and processes.
References	Refer to Section 8 and 9 of this policy	
Next Review Date	August 2025	
Published on website	Yes	
Document Reference No	1868007	

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## Electronic Surveillance Policy

### 1. Background

- 1.1. Latrobe City Council originally developed an electronic surveillance policy in 2011 as a strategy to minimise and address the incidence of unlawful activity on Council owned or controlled property.
- 1.2. The policy has been developed as a strategy in the interests of contributing to public safety and/or the protection of Council assets.

### 2. Objectives

- 2.1. To provide the appropriate framework for the implementation, installation, data management and operation of electronic surveillance equipment by Latrobe City Council (Council).
- 2.2. To ensure that Council's use of electronic surveillance is compliant with relevant legislation and with community expectations.

### 3. Scope

- 3.1. This policy applies to all Council owned or operated camera systems, however does not include the following:
  - promotional/marketing footage captured for Council or at a Council event (however, the *Citizen Confidentiality and Privacy Policy* still applies);
  - cameras used on private land where the data captured is not accessed or controlled by Council; and
  - Users of Council sites utilising their own CCTV system. However, any owners/users of such systems must comply with the IPPs and relevant legislation (Refer section 4.3.4.).

This policy applies to all Council employees, contractors and volunteers.

### 4. Principles of Management

#### 4.1. Types of Surveillance Systems

- 4.1.1. Council's surveillance systems will fall into two main types of surveillance systems:
  - Public Safety CCTV systems; and
  - Corporate CCTV Systems (including permanent and temporary cameras, body worn cameras, and vehicle tracking devices)

#### 4.2. Allowable purposes

- 4.2.1. Consideration may be given to the permanent or temporary placement of surveillance systems for the following allowable purposes:

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## Electronic Surveillance Policy

- to improve the actual and perceived levels of public safety by discouraging unlawful activity (including petty theft and crimes against person), and antisocial behaviour in and around council property, facilities and public places;
- assist a Law Enforcement Agency or Council's authorised officers with the detection and prosecution of offences;
- prevent fraud and theft;
- monitor areas where staff interact with the public to enhance safety;
- protect council assets, or assets managed by Council;
- enable assessing and providing evidence of any incident or other event that occurs at or in the immediate vicinity of Council facilities;
- deter and reduce graffiti and other forms of vandalism;
- enable real-time review of material entering council waste management facilities; and
- to aid in the safe operation of equipment or work area.

4.2.2. Temporary CCTV cameras may be deployed in or on Council premises or public areas for a limited time where:

- the use of a permanent camera may not be practicable, eg due to cost;
- an area is subject to a spike or commencement of vandalism, petty theft, rubbish dumping, criminal activity or other activity detrimental to the interests of the Council;
- where other security measures have proved ineffective in stopping or controlling such abovementioned acts;
- to determine whether there is an ongoing need or benefit for a CCTV system at that site; or
- areas under short term control of Council such as events and functions.

4.2.3. Each deployment of temporary CCTV cameras will require CEO approval.

4.2.4. Vehicle tracking devices may be used on Council controlled motor vehicles to monitor location, activity, and wellbeing of Council staff. This includes GPS location and vehicle status.

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## Electronic Surveillance Policy

### 4.3. Approval of Surveillance Devices

- 4.3.1. The Chief Executive Officer is authorised to approve, disapprove or cancel the use/implementation of surveillance systems/devices.
- 4.3.2. The following framework applies when considering what will be approved:
- proposed surveillance is for a legitimate Council objective or function and consistent with applicable laws;
  - the intended purpose is consistent with this policy;
  - alternatives to surveillance have been considered;
  - for public safety CCTV Systems, consultation has occurred with affected communities and key stakeholders and Law Enforcement Agencies, including but not limited to, Victoria Police;
  - for corporate CCTV Systems, consultation has occurred with affected stakeholders (e.g. staff, patrons, clubs at recreation reserves etc.);
  - the impacts on privacy and whether the proposed surveillance is a fair response to the issue or risk being addressed;
  - how the surveillance information and data will be kept secure and protected from inappropriate use or disclosure;
  - costs (for the establishment, operational and replacement costs i.e. whole of life-cycle costs for an average ten year cycle) and benefits; and
  - how the effectiveness of the surveillance activity will be measured.
- 4.3.3. The following will not be approved:
- the use or placement of dummy cameras;
  - the use of drones for surveillance activities;
  - the placement of surveillance devices within toilets, washrooms, change rooms or the like; or
  - any device that does not meet the requirements of this policy.
- 4.3.4 Users of Council sites utilising their own CCTV system must comply with the IPPs and relevant legislation, as per a written agreement with Council. This includes maintaining an access/extraction/disclosure register, signage, and completing appropriate training prior to use. Management of these systems may be subject to periodic review by council officers, and if they do not comply, council may remove users' system.

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## Electronic Surveillance Policy

### 4.4. Signage

- 4.4.1. Where electronic surveillance is occurring, appropriate signage will be displayed to indicate that the area is being observed or recorded.
- 4.4.2. Signage will be placed so as to comply with relevant Australian Standards in force from time to time and will comply with the following requirements:
- Signs will be placed at each main point of access to the surveillance coverage area where the members of the public are permitted to have access.
  - Signs will be prepared so as to be easily understood by members of the public, including people who are from non-English speaking backgrounds. Signs will include a mix of worded text and symbols.
  - Signs will be clearly visible, distinctive and located in areas with good lighting, placed within normal eye range and large enough so that any text can be read easily. Footpath marking with the camera symbol only may also be used in public areas.
  - Signs will identify the organisation/owner of the system undertaking surveillance.
  - Signs will include details of who to contact for any queries about the system. If Council, the 1300 367 700 number will be utilised.
  - Signs will be checked regularly for damage and theft, and replaced where required.
- 4.4.3. Individuals requesting further information including purpose, access and disclosure of footage, will be directed to this policy, available on the internet.
- 4.4.4. Where electronic surveillance is no longer occurring, all signage and equipment will be removed as soon as practicable.
- 4.4.5. The location or placement of any non-fixed Surveillance Devices will not be required to be signed.

### 4.5. Data Security

- 4.5.1. Data collected, in accordance with the intention of this Policy, is not collected for the purpose of public access to the data.
- 4.5.2. Unless otherwise required by a Law Enforcement Agency or by law, surveillance camera footage is temporary and will be destroyed when the relevant administrative use has concluded.
- 4.5.3. For Corporate CCTV systems, the surveillance data on digital media will be retained for 31 days unless otherwise downloaded for legal reasons or as required by a Law Enforcement Agency.

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## Electronic Surveillance Policy

- 4.5.4. Data collected by any surveillance system for the purposes of enforcement shall be stored securely in a centralised location. Any evidence obtained and retained shall be in accordance with the *Evidence Act 2008*.
- 4.5.5. Council will ensure that its record keeping practices comply with the Public Records Office Standards for the management of public records, Public Records Office Specifications and the Public Records Act 1973.
- 4.5.6. Where footage has been provided to a Law Enforcement Agency it will be the Law Enforcement Agency's responsibility to retain the records/footage in accordance with the disposal authority that covers the Law Enforcement Agency's functional responsibilities.
- 4.5.7. Where footage has been provided to a third party that is not a Law Enforcement Agency, Council will specify the terms on which the footage has been provided including how and for how long the footage is to be held (which will be no less onerous than the terms on which Council itself holds the footage).
- 4.6. Agreements with Victoria Police**
- 4.6.1. A written agreement will be in place for any public safety system with Victoria Police prior to implementing the system.
- 4.6.2. The agreement will cover:
- obligations and responsibilities of Council and Victoria Police;
  - ownership of the surveillance system and the data it generates; and
  - oversight and review mechanisms, including how Council will be assured that Victoria Police is using and managing the information provided appropriately.
- 4.7. Access to Data**
- 4.7.1. Access to and disclosure of captured data from a surveillance system shall be in accordance with the *Privacy and Data Protection Act 2014*.
- 4.7.2. Access will generally be in the form of retrospective review; however there will be occasional periods of passive monitoring.
- 4.7.3. Access to the data collected shall be restricted to the following:
- Chief Executive Officer;
  - Protected Disclosure Coordinator;
  - Privacy Officer;
  - Freedom of Information Officer;
  - A member of Council staff authorised by the Manager Governance;

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## Electronic Surveillance Policy

- A Contractor only in the absence of a member of Council staff being qualified or available to access the data and only to the extent specified and authorised by the Manager Governance; and
  - Any external person conducting an internal investigation or audit, as approved by the Manager Governance, involving suspected unlawful activity or claim against Council.
- 4.7.4. Access must not be through a generic or shared user login.
- 4.7.5. Equipment used to capture and store surveillance data will be stored in a way that to the extent practicable prevents the risk of unauthorised access, tampering or data theft.
- 4.7.6. An access, extraction and disclosure register shall be maintained, with each access registered as to why data was accessed and by whom. The register will be regularly reviewed by authorised user and Governance, as per responsibilities under clause 5.
- 4.7.7. Any disclosure of data shall require approval of the CEO.
- 4.7.8. Any request for access to data by a third party, other than a Law Enforcement Agency, is to be made through Council's Freedom of Information process or as otherwise approved by CEO.
- 4.7.9. Captured data that relates solely to an enforcement or insurance matter may be disclosed to Council's legal/insurance representatives
- 4.8. Standard Operating Procedure**
- 4.8.1. A standard operating procedure will be in place that is consistent with the requirements of this Policy, provided to system users and reviewed at least every two years.
- 4.8.2. IT will provide site and system specific training and information to authorised users, and will maintain :
- detailed design drawings;
  - product specifications;
  - warranty information; and
  - record and data management requirements.
- 4.9. Inappropriate Use and Complaint Handling**
- 4.9.1. Council officers who work with surveillance systems are to comply with the requirements of this Policy.

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## Electronic Surveillance Policy

- 4.9.2. Where a Council staff member is in breach of this Policy, there will be an internal review and appropriate action will be taken in accordance with the Staff Code of Conduct.
- 4.9.3. Any public complaints or requests in relation to any aspect of a surveillance system relating to Council must be made in writing to:

Chief Executive Officer

Latrobe City Council

PO Box 264

Morwell VIC 3840

Or by email attention to the Chief Executive Officer at:

[Latrobe@latrobe.vic.gov.au](mailto:Latrobe@latrobe.vic.gov.au)

Unless prohibited by law, Council will be informed by the Chief Executive Officer of any complaints received.

- 4.9.4. Any member of the public that is dissatisfied with the outcome of their complaint to Council also has the right to complain to the Victorian Ombudsman using the following contact details:

Victorian Ombudsman

Level 9, 459 Collins Street (North Tower) Melbourne Victoria 3000

Email: [ombudvic@ombudsman.vic.gov.au](mailto:ombudvic@ombudsman.vic.gov.au) Phone: (03) 9613 6222

A complaint in relation to a breach of the Information Privacy Principles should be made to the Office of the Victorian Information Commissioner (OVIC) using the following contact details:

OVIC

PO Box 24274, Melbourne VIC 3001

Email: [enquiries@ovic.vic.gov.au](mailto:enquiries@ovic.vic.gov.au)

Phone: 1300 006 842 (1300 00 OVIC)

## 5. Accountability and Responsibility

Accountability and responsibility for this policy is outlined below.

- |         |  |
|---------|--|
| Council | <ul style="list-style-type: none"> <li>• Responsibility to ensure this Policy is consistent with Latrobe City Council Strategic Direction and other Latrobe City Council Policy.</li> <li>• Responsibility for the decision to approve this Policy by Council Resolution.</li> </ul> |
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## Electronic Surveillance Policy

- |                                 |  |
|---------------------------------|--|
| Chief Executive Officer         | <ul style="list-style-type: none"> <li>• Approve the use of Electronic Surveillance Devices.</li> <li>• Approve the outsourcing of Electronic Surveillance Devices</li> </ul>  |
| Governance                      | <ul style="list-style-type: none"> <li>• Responsibility to ensure this policy is reviewed in accordance with the requirements as set.</li> <li>• Recommends the inclusion of an audit on Electronic Surveillance in the ongoing <i>Internal Audit Plan</i>.</li> <li>• Develop and maintain the standard operating procedure</li> <li>• Ensure training and support is provided to staff prior to access being authorised.</li> <li>• Manage CCTV registers</li> <li>• Prepare and provide reporting, evaluation and audit of systems and system management</li> <li>• Manager Governance authorises access to data, including members of staff, contractors and internal investigators/auditors.</li> </ul> |
| Information Technology Services | <ul style="list-style-type: none"> <li>• Evaluate all requests for surveillance equipment compliance in accordance with the <i>IT Security Framework</i>.</li> <li>• Manage security and maintenance of systems and data</li> <li>• Provide a central register of surveillance data extracted in accordance with this Policy and with the <i>Records Management Policy</i>.</li> <li>• Provide and maintain system access and training for authorised users.</li> </ul>  |
| Authorised Users                | <ul style="list-style-type: none"> <li>• Adherence to this policy and the Standard Operating Procedure.</li> <li>• Monitoring of systems in accordance with the Standard Operating Procedure.</li> <li>• Use of Access, Extraction and Disclosure register</li> <li>• Contribute to regular review and reporting, and periodic evaluation, of Electronic Surveillance systems within their remit</li> <li>• Regular inspection of cameras and signage for damage or theft</li> </ul>   |

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## Electronic Surveillance Policy

- Employees, Contractors and Volunteers
- Comply with this policy, and any procedures developed.

### 6. Evaluation and Review

#### 6.1. Evaluation

- 6.1.1. Ongoing evaluation and regular reporting of the surveillance system against the objectives and purpose of the system, and against documented performance standards, will occur for applicable systems 12 months after installation, then every 2 years.
- 6.1.2. Public Safety CCTV Systems will be evaluated in accordance with the written agreement in place with Victoria Police.
- 6.1.3. Corporate CCTV Systems will undergo regular audits with appropriate action plans to be formulated to address any deficiencies. Audit may include independent audit, as well as self audit undertaken every 2 years as set out in the Standard Operating Procedure.

#### 6.2. General Reporting

- 6.2.1. Public Safety CCTV Systems will be reported on in accordance with the written agreement in place with Victoria Police.
- 6.2.2. The following reporting is required for all Corporate CCTV Systems:
- A report will be tabled twice yearly to Council detailing:
    - all new camera approvals;
    - upgrades or site changes to existing cameras; and
    - removed cameras.
  - A confidential management report for the Executive Management Team will be compiled on a quarterly basis to assist in the identification of any suspicious or inappropriate use of equipment. This report may contain:
    - the number of incidents requiring review of surveillance data;
    - how many times footage has been downloaded or copied and the reasons for this action (obtained from Access, Extraction and Disclosure Register and system activity logs where available);
    - the number of requests for footage;
    - the number of complaints;

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## Electronic Surveillance Policy

- how many times footage has been released, to whom, for what reason, and who authorised the release; and
- a summary of maintenance issues.

### 6.3. Review Cycle

- 6.3.1. It is recognised that, from time to time, circumstances may change leading to the need for minor administrative alterations to this Policy. Where an update does not materially alter this policy, such a change may be made administratively. Examples include updating to the latest style/template for policies, a change to the name of a Council department or applicable responsible position, a change to the name of a Federal or State Government department, and a minor update to legislation which does not have a material impact.
- 6.3.2. Any change or update which materially alters this policy must be by resolution of Council.
- 6.3.3. This policy will be reviewed and updated at least once every four years, unless one of the following occurs first:
- Significant changes to legislation applicable to this policy
  - Upon request of the Council.

### 7. Definitions

In this policy -

Authorised User	Officers and other individuals authorised by the Manager Governance to have access data/footage from a Surveillance Device
Body Worn Cameras	A wearable audio, video or photographic surveillance device.
Corporate CCTV System	Where one or more Surveillance Devices are used to monitor facilities that include Public Places such as Council offices, pools, libraries, performing arts centres and waste management facilities and includes Body Worn Cameras and vehicle tracking devices. These are managed by Council directly.
Complaint	An expression of dissatisfaction with a specific action or service of a public body, including the failure by a public body to comply with its public service charter or mission.

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## Electronic Surveillance Policy

Complaint handling process	The way individual complaints are dealt with by a public body including the policy, procedures, practices and technology.
Council	Latrobe City Council
Disclosure	Access to and disclosure of surveillance data to third parties.
IPP	Information Privacy Principles from the <i>Privacy and Data Protection Act 2014</i> (Vic)
Law Enforcement Agency	Means any agency (including a regulatory agency) that is charged under applicable law with the enforcement of legislation of the State of Victoria or the Commonwealth of Australia.
Passive monitoring	Where surveillance monitors are intermittently viewed by operators
Public place	<p>In accordance with the <i>Summary Offences Act 1966</i>, a public place includes:</p> <ul style="list-style-type: none"> <li>• any public highway, road, street, bridge, footway, footpath, court, alley, passage or thoroughfare even if it is on private property</li> <li>• any park, garden reserve or other place of public recreation or resort</li> <li>• any railway station, platform or carriage</li> <li>• any public vehicle available for hire</li> <li>• any government school</li> <li>• any market.</li> </ul> <p>For the purposes of this policy, this definition also includes places owned, managed or controlled by Latrobe City Council to which the public are permitted to have access, such as council offices and other buildings and locations, including sport, leisure and recreation facilities.</p>
Public Safety CCTV System	Where one or more Surveillance Devices are used to discourage and detect antisocial and criminal behaviour in Public Places. Victoria Police will have direct access to monitor and review footage from these systems.

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## Electronic Surveillance Policy

Retrospective review	Where surveillance data is reviewed after an incident.
Surveillance Device	In accordance with the <i>Surveillance Devices Act 1999</i> , surveillance devices include the following: <ul style="list-style-type: none"> <li>• Data Surveillance Devices</li> <li>• Listening Devices</li> <li>• Optical Surveillance Devices (visually records or observes an activity)</li> <li>• Tracking Devices</li> <li>• Body Worn Cameras</li> </ul>
Trail (or temporary) Cameras	Individual cameras that are portable and operate video and still photography utilised for surveillance.

### 8. Related Documents

This Policy must be read in conjunction with the following Council Policies:

- *Citizen Confidentiality and Privacy Policy*
- *IT Security Framework*
- *Records Management Policy*

The following procedural internal working documents are also applicable:

- *Standard Operating Procedure: Electronic Surveillance*
- *Body Worn Video Camera Procedure*

### 9. Reference Resources

- *Security and Privacy of Surveillance Technologies in Public Places – Victorian Auditor-General's Office - September 2018*
- *Closed Circuit Television in Public Places – Guidelines - Victorian Ombudsman – November 2012*
- *Guidelines to surveillance and privacy in the Victorian public sector – Commissioner for Privacy and Data Protection – May 2017*
- *Guide to developing CCTV for Public Safety in Victoria – Department of Justice and Regulation – June 2018*
- *Surveillance Devices Act 1999*
- *Summary Offences Act 1966*
- *Evidence Act 2008*
- *Privacy and Data Protection Act 2014*

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## Electronic Surveillance Policy

- *Charter of Human Rights and Responsibilities Act 2006*
- *Freedom of Information Act 1982*

### 10. Appendices

- *Nil*

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# **REGIONAL CITY GROWTH AND INVESTMENT**

## **14. REGIONAL CITY GROWTH AND INVESTMENT**

**Agenda Item: 14.1**

**Agenda Item: Options for the Parking Overlay cash in lieu contributions for Traralgon CBD**

**Sponsor: General Manager, Regional City Growth and Investment**

**Council Plan Objective: Ensure Council operates openly, transparently and responsibly.**

**Status: For Decision**

### **Proposed Resolution:**

#### **That Council:**

- 1. Offer a deferral of payment of the financial contribution for waiving of car park spaces, throughout the next 12 months with the following criteria:**
  - That there is a relevant planning permit in place with the condition to collect the financial contribution;**
  - That a formal request be made detailing why the deferral of payment is required;**
  - That this only applies to the development of an existing vacant premise where they do not benefit from a parking credit or an extension of an existing building where they do not benefit from a parking credit;**
  - That the deferral of the financial contribution is for 2 years; and**
  - That a Section 173 Agreement must be entered into outlining the deferral and indicating when the financial contribution will be made.**
- 2. Request a budget bid be made for the 22/23 financial year to undertake a Review of the Car Parking Framework Plan for Traralgon; and**
- 3. Write to the Traralgon Chamber of Commerce and Industry Inc advising them of Council's decision.**

**Executive Summary:**

- A letter was received on 4 June 2021 from the Traralgon Chamber of Commerce requesting Council consider the suspension of the Parking Overlay financial contributions.
- The Parking Overlay was introduced into the Latrobe Planning Scheme on 7 April 2016, implementing the recommendations of the Morwell to Traralgon Parking Framework Plan (2014). This review was undertaken to help inform the preparation of the Traralgon Activity Centre Plan.
- Schedule 1 to Clause 45.09 Parking Overlay (Traralgon CBD) requires a financial contribution for the waiver of car parking spaces of \$9,332 per space. This payment will be indexed as at 1 July 2021 and will increase. This payment is a one-off payment required for a planning permit.
- The Traralgon Chamber of Commerce has raised concerns that the financial contribution in the Parking Overlay is becoming an impediment to the development of vacant shops, especially within a COVID environment.
- There are three options that Council could pursue in relation to the request, these are:
  1. Deferral of payment of the financial contribution for any permit issued which requires a cash in lieu contribution;
  2. Review the Parking Overlay, Framework Plan and prepare a Planning Scheme Amendment to implement any recommendations; and
  3. Waiver of the cash in lieu contribution.
- The preferred option is to pursue a combination of options 1 and 2. These options will offer benefits to existing planning permit holders, proposed new businesses and has the least financial impact on Council.

**Background:**

A request was received from the Traralgon Chamber of Commerce and Industry on 4 June 2021 asking Council to consider suspending the Parking Overlay cash in lieu contributions due to the impact on business from the COVID pandemic (Attachment 1).

Parking Overlay

Planning Scheme Amendment C94 was finalised and incorporated into the Latrobe Planning Scheme on 7 April 2016. This Amendment introduced Schedules 1 and 2 to Clause 45.09 Parking to the Traralgon and Morwell Activity Centres. It was also assisted in the preparation of the Traralgon Activity Centre Plan.

The purpose of the Amendment was to:

- Implement the recommendations of the Morwell to Traralgon Car Parking Framework Plan (2014)
- Introduce Schedules 1 and 2 to the Parking Overlays which provides a reduced parking rate (column b rates) for specified uses (office).
- Cash in lieu contributions for the waiver of parking spaces for Traralgon CBD only (Schedule 1). Cash in lieu contributions were not deemed appropriate for Morwell due to availability of parking and high vacancy rates.

The Morwell to Traralgon Car Parking Framework (2014) suggested that due to concerns over all – day parking availability in the future, Council would require the need for further spaces to be developed. A Parking Overlay with a financial contribution requirement for the waiver of spaces was seen as an appropriate tool to help deliver the future need. The Framework Plan suggested the Traralgon CBD and development would be able to support this financial contribution.

The Morwell to Traralgon Car Parking Framework (2014) identified three projects in which cash in lieu contributions, when collected, could be used to assist in funding car parking projects for Traralgon.

If a parking space is waived through a planning permit in which the Parking Overlay applies, a condition must be placed on the planning permit requiring a cash in lieu contribution.

#### Current Planning Permits and Cash in Lieu Contributions

Table 1 provides a snapshot of the planning permits issued with the condition requiring the cash in lieu contribution since the Amendment.

Table 1 – Planning Permits with cash in lieu contributions

<b>Permit No.</b>	<b>Description</b>	<b>Address</b>	<b>Comments</b>	<b>Contribution Paid</b>
2018/124 Applicant: Jeremy Fleming Jewellers	Development of land with extensions and alterations to an existing retail premise and a waiver of car parking requirements in the Commercial 1 Zone and affected by the Parking Overlay - Schedule 1 (Jeremy Fleming Jewellers)	99 – 101 Franklin Street, Traralgon	Contribution for six spaces required	No, as the permit holder has not commenced the development.

Permit No.	Description	Address	Comments	Contribution Paid
2019/27  Applicant: Latrobe City Council	Reduction of car parking requirements and alteration of access onto a Road Zone - Category 1 (RDZ1)  (Latrobe City Council)	34-38 Kay Street Traralgon	Contribution for 74 spaces required	Yes \$604,026  This amount was redirected to assist in funding the building of the Gippsland Regional Aquatic Centre. This was done via a Council Resolution on 3 December 2018.

There have only been two permits issued with the cash in lieu contribution since the overlay introduction. This could be for a few reasons:

- Existing business are retaining their parking credit;
- The amount of spaces required for uses have been reduced with the overlay; and
- Council Planning officers have had seeing a number of enquiries about developing vacant shopfronts, however most of these enquiries are not eventuating into planning permits. Anecdotally, the cash in lieu contribution might be a barrier for these types of developments.

The financial contribution doesn't distinguish between a large and small business, it is based on the use of the land, the amount of space required in the scheme for the use of the land, the amount of space that can be provided on site or which the development has credit for etc. This is seen in planning permit 2018/194 which is the development of a small business. This is also seen in the example provided in the letter from the Traralgon Chamber of Commerce and Industry Inc with the proposed small Asian grocery store. The financial contribution is the same for any type of business.

### Vacancy Rates

The Latrobe City Council Retail Strategy Background Research and Analysis (2020) concluded that there was 4,960sqm of vacant floorspace within the Traralgon CBD. This equated to about 6% of the total available floor space.

A retail centre with less than 7% of vacant floorspace is considered to be a high functioning CBD. It is noted though this data was collected pre COVID in 2019.

The economic development team have been undertaking vacancy mapping within the Traralgon CBD. The most recent data finds that there were:

- 50 vacant premises in October / November 2020; and
- 42 Vacant premises in March 2021.

The total number of premises in the CBD is 570.

There has been a decrease in the number of vacant premises since November 2020. Unfortunately, the Retail Strategy uses floorspace calculations to determine vacancy rates, therefore we cannot compare the data.

### Options

In response to the request received, there are three options that could be pursued, these are:

1. Deferral of payment of the financial contribution for any permit issued which requires a cash in lieu contribution;
2. Review the Parking Overlay the recommendations; or
3. Waiver of the cash in lieu contribution.

#### *Option 1 – Deferral of Payment*

If a planning permit requires the waiver of car parking spaces in the Traralgon CBD where the Parking Overlay applies, a condition must be placed on the planning permit requiring the cash in lieu contribution.

In saying this, under the Clause 45.09 Parking Overlay Schedule 1, section 5.0, point 3, it says:

*The financial contribution must be made before the use commences, unless a permit condition allows payment by instalments pursuant to a Section 173 Agreement.*

Therefore, we could enter into a Section 173 Agreement which delays the payment for a nominal period. This provides an opportunity for businesses to establish before the payment is required.

It should be noted though, the Parking Overlay financial contribution is indexed 1 July each year (or as close as we can get to this date), so the amount owed will increase if payment is delayed. The contribution started at \$8000 when introduced in 2016 and is currently at \$9,332 and will be indexed again shortly and will increase.

This option is likely to an increase administrative burden on Council due to the requirement to ensure applicants comply with the Section 173 Agreement and that funds are collected. This is something that with previous section 173 agreements for parking has not been managed well. Therefore, additional processes will need to be put in place to ensure that this does not continue to happen.

This has been offered in the past to applicants and therefore, the criteria below has been based on previous experience.

It is proposed that the following should apply to the deferral of payment option:

- That the deferral of payment option is operational for a 12-month period;
- That there is a relevant planning permit in place with the condition to collect the financial contribution;
- That a formal request be made detailing why the deferral of payment is required;
- That the deferral of the financial contribution is for 2 years;
- That this only applies to the development of an existing vacant premise where they do not benefit from a parking credit or an extension of an existing building where they do not benefit from a parking credit; and
- That a Section 173 Agreement must be entered into outlining the deferral and indicating when the financial contribution will be made.

This options still allows for the contribution to be collected and put towards the delivery of parking infrastructure in the Traralgon CBD as provided for by the Morwell and Traralgon Parking Framework Plan.

*Option 2 – Review of Parking Overlay, Parking Framework Plan and Planning Scheme Amendment*

The Morwell and Traralgon Parking Framework Plan was completed in 2014 and could be reviewed. The Morwell Activity Centre Plan which is currently being prepared is reviewing the Morwell data and will provide recommendations on the Parking Overlay moving forward.

The announcement from Regional Development Victoria which provides nominally up to 500 spaces for Traralgon could have some bearing on the projects which were identified to be delivered in the Morwell to Traralgon Parking Framework Plan and may go to some way to alleviating parking concerns in the Traralgon CBD.

As there are some concerns around the financial contribution affecting planning permit applications being lodged and a potential increase in vacancy rates in the Traralgon CBD, it may be a prudent time to undertake the review.

If the Framework Plan was to be reviewed, suitably qualified consultants would be required to undertake this review. It is estimated up to \$60,000 would be required to deliver the project if new traffic data was required.

This review could form the strategic basis for a Planning Scheme Amendment.

There are no funds existing in the Strategic Planning 21/22 budget that could be used to fund this project. Therefore, funds would need to be considered for a future budgeting process.

Once the work is complete, a Planning Scheme Amendment process would need to commence to implement any recommendations from the review. It is unknown

whether the review would provide support for the removal of the contribution, but it could be considered. Other options will need to be considered as well such as a user pays system, which in turn could allow private investment in the market in relation to car parking.

*Option 3 – Waiver*

Council could consider waiving the financial contribution paid at either the full amount or a percentage of the full amount.

If the full or partial amount is waived, this will mean Council will be required to make sure these funds are transferred into the Car Parking Fund account. This requires additional funds than what has been allocated in the current 21/22 budget. This is particularly important as the contribution is not the full cost of development of car parking spaces.

It is proposed that the following should apply to a waiver option:

- That the waiver is operational for a 12-month period;
- That there is a relevant planning permit in place with the condition to collect the financial contribution;
- That this only applies to the development of an existing vacant premise where they do not benefit from a parking credit or an extension of an existing building where they do not benefit from a parking credit.
- That an application is made requesting a waiver from Council and outline how they meet the above criteria and include the following:
  - details of how they meet the above criteria; and
  - an occupancy permit for the development.
- Following the approval of the waiver Council would transfer the designated amount into the Parking Contribution account.

It is proposed that the waiver option would be reviewed, and a report provided to Council following the completion of the 12-month period. Further recommendations should be made as to whether a full review of the Parking Overlay (as identified in option 2) should be undertaken.

Council will need to ensure that any financial contributions that are waived are transferred into the account for the Parking financial contribution. Legislatively, the funds are required to be collected and to be shown in the account. This will be important if Council is audited on its parking financial contribution scheme.

As an example, there is one planning permit that exists in which the financial contribution has not been paid, as the development has not commenced. For stages 1 and 2 of the development a total of six spaces has been permitted to be waived. At



the current contribution rate of \$9,332\* (\*this will be updated shortly) per space at total of \$55,992\* if the full financial contribution was to be waived.

If this is something that is to be offered, it is expected that further applications might be made, the financial contribution will depend on the amount of car parking spaces required to be waived.

**Issues:**

*Strategy Implications*

Objective 3 – Improve the liveability and connectedness of Latrobe City

Objective 6 – Ensures Council operates openly, transparently and responsibly

*Health Implications*

There are no proposed health implications associated with this report.

*Communication*

Correspondence was received from the Traralgon Chamber of Commerce requesting Council review the current parking overlay financial contributions. Further communication will need to be undertaken and could include information being placed on our website, social media posts and communication with current planning permit applicants and permit holders.

*Financial Implications*

The financial implications for each of the options are detailed below.

*Option 1 – Deferral of Payment*

There are minor financial implications for pursuing this option. The option will place more administrative burden on the Regional City Planning Team but can be covered by the BAU budget and existing resources.

This option still allows for the collection of the financial contribution, but at a timeframe in the future. This will then have no impact on the delivery of the projects under the Morwell to Traralgon Parking Framework Plan.

*Option 2 – Review of Parking Overlay, Parking Framework Plan and Planning Scheme Amendment*

The Parking Framework Plan will require the allocation of funds to be considered and made during the 22/23 budget process. It is expected that the review of the Parking Framework Plan will cost approximately \$60,000.

The progression of the Planning Scheme Amendment can be allocated into the future Strategic Planning BAU budget. There will be costs associated with the progression to a planning panel (if required) and a lodgement fee for DELWP which is approximately \$500 (but is increased annually).

*Option 3 – Waiver*

This is expected to have the most impact financially due to the funds being waived.

Based on permits issued to date, at a full waiver of the financial contribution by Council it will cost at least \$55,992\*. However, this may increase if further planning permits granted and conditions of the waiver can be met within the next 12 months.

This will also have long term implications for the delivery of the projects required under the Parking Framework Plan as there will be a funding shortfall for these projects and Council will be required to contribute more funds to these projects.

*Risk Analysis*

<b>Identified risk</b>	<b>Risk likelihood*</b>	<b>Controls to manage risk</b>
<p><b>Financial Risk</b></p> <p>That funding won't be available to deliver projects identified under the Morwell to Traralgon Parking Framework Plan if option 3 is pursued.</p>	5 – Almost Certain	<p>Council will need to be responsible for any funding shortfall in the development of these facilities if option 3 is pursued.</p> <p>or</p> <p>Resolve to progress with option 1 or a combination of option 1 and 2.</p>
<p><b>Reputational Risk</b></p> <p>Community perception about Council not supporting the development of business within a COVID environment.</p>	3 - Possible	Resolve to progress with one of the options 1, 2 or 3.
<p><b>Legal/Regulatory Risk</b></p> <p>Enforcement of the Section 173 Agreements and the potential for the funding not be received (Option 1).</p>	4 - Likely	<p>This risk is only relevant if option 1 is pursued. A section 173 Agreement is kept which is to be proactively checked.</p> <p>Procedures to be put in place to ensure that funds are collected as specified.</p>

\* Inherent likelihood ratings: 1 (Rare); 2 (Unlikely); 3 (Possible); 4 (Likely); 5 (Almost Certain)

*Legal and Compliance*

There are no legal and compliance issues in relation to this report.

*Community Implications*

It is proposed that any of the options proposed will have a positive impact on the community.

*Environmental Implications*

There are no proposed environmental implications with this report.

*Consultation*

No further consultation will be required for this report.

*Other*

There are no other implications as part of this report.

**Declaration of Interests:**

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

**Supporting Documents:**

Morwell to Traralgon Parking Framework Plan (2014)

**Attachments**

1   Letter from Traralgon Chamber and Commerce Inc

## **14.1**

### **Options for the Parking Overlay cash in lieu contributions for Traralgon CBD**

- 1 Letter from Traralgon Chamber and Commerce Inc..... 161**



04/06/2021

Attention - CR Darren Howe, CR Dale Harriman, Cr Tracie Lund.

Good Morning,

**RE: Suspend the Parking Overlay for Traralgon**

In 2016, Latrobe City Council (LCC) introduced a Parking Overlay in the Traralgon and Morwell CBD's. Cash in lieu requirements are forced to help LCC collect funds to improve the parking infrastructure of the town CBDS. Traralgon currently has this levy applied.

The LCC website states - *There is no cash-in-lieu requirement for Morwell as it is not considered appropriate at this time, as the activity centre is already experiencing high vacancy rates and competing retail facilities at Mid Valley and surrounding main towns. Close monitoring of the competitiveness of Morwell's CBD is required and it is expected that a cash-in-lieu contribution in Morwell can be revisited at an appropriate time in the future.*

**Please find this as a formal request that Latrobe City Council suspends the Cash in-lieu Contribution for the town of Traralgon, as it currently is for Morwell.**

The Traralgon business community who operate in the CBD, have been impacted by the COVID Pandemic causing a higher than usual vacancy rate. There are currently 20 empty premises in the Traralgon CBD and it is vital for the town and greater Latrobe City that these premises are occupied. Empty spaces devalue our towns livability by unkept shop fronts, creates dead spots as well as creating business anxiety through lack of confidence in our towns ability to support business. This levy is not assisting in having these vacancies filled.

This issue has been brought to my attention by a business who wished to open in Traralgon but was "scared away" by the cost to set-up. They hoped to open an Asian Small Goods Store at 2 Seymour Street. The business has an existing outlet in Sale and was looking to expand to a wider client base in Traralgon. After they were in agreeance with their lease terms, through the planning permit stage, they hit a roadblock with council requesting close to \$56,000 up front contribution to be paid towards the Parking Overlay. This was a premise that has been vacant for over 2 years.

Whilst the Chamber respects the need for Council to explore and plan for greater parking facilities, we believe that now is not the time to be adding additional costs to businesses who wish to invest in our town and or the greater Latrobe City.

I also make mention that the State Government announced the creation of over 800 parking spaces for the Latrobe City with many of these being planned for Traralgon. This is a great opportunity to update our parking spaces and not at the cost of new business. Its an opportunity to improve our parking and encourage new business.

We again request that the Parking Overlay be suspended in Traralgon with Council having the right to reinstate at a time when things are on the improve. Any genuine support to the business community would be welcomed during these times.

Many thanks,

**Luke Henderson - President**

**Agenda Item: 14.2**

**Agenda Item: Policy Position on Social and Affordable Housing Applications**

**Sponsor: General Manager, Regional City Growth and Investment**

**Council Plan Objective: Provide a connected, engaged and safe community environment, which is improving the well-being of all Latrobe City citizens.**

**Status: For Decision**

**Proposed Resolution:**

**That Council:**

- 1. Adopts the Interim Latrobe City Social & Affordable Housing Policy at Attachment 1; and**
- 2. Makes this Policy available on Council's website.**

**Executive Summary:**

- At the 3 May 2021 Ordinary Council Meeting it was resolved to progress a social and affordable housing strategy in 3 stages, with funding allocated to appoint a consultant to assist with the project.
- SGS Economics was the successful tenderer and was appointed to assist with the development of Council's Social & Affordable Housing Strategy.
- Stage 1 of the staged strategy consists of identification of surplus Council land that can be utilised for social and affordable housing projects as part of the Big Housing Build. Recommendations in relation to stage 1 will be presented to Council at future Council Meeting.
- Stage 2 comprises of the creation of an assessment criteria for social housing applications that require Council approval and associated formation of a policy position on social and affordable housing planning permit applications received prior to the adoption and implementation of the strategy.
- This policy position sits external to the Latrobe Planning Scheme.

- In line with the Council resolution, an Interim Social and Affordable Housing Policy has been drafted to inform a Council policy position until such time that a Latrobe City Social & Affordable Housing Strategy is adopted and implemented.
- The intention of this policy position is to ensure that all applications that come through Council for social and affordable housing are appropriately located and designed, to give the best opportunities to very low to medium income earners in our community, helping them along the housing continuum. This policy position prevents premature, uninformed decision-making.
- Stage 3, the completion of a Social & Affordable Housing Strategy is proposed to be presented to the 6 December 2021 Ordinary Council Meeting. Background research, data collection and assessment and key stakeholder consultation is currently underway for this component of the project.

**Background:**

At the 3 May 2021 Council Meeting it was resolved:

*That Council:*

1. *Commence the staged development of a Latrobe City Social and Affordable Housing Strategy; and*
2. *Allocate \$100,000 from the Accumulated Unallocated Cash Reserve to fund the commencement of the strategy.*

This \$100,000 budget has been utilised to engage SGS Economics to assist Council in the development of the staged Social & Affordable Housing Strategy.

Background

Stage 1 consists of the identification of surplus Council land that has the potential to be used for Social and Affordable Housing. This work is ongoing and is proposed to be presented at a future Council Meeting.

Stage 2 of the staged development of the Social & Affordable Housing Strategy comprises of the creation of an assessment criteria for social housing applications that require Council approval or that can be used to advocate to other social housing development on state government land in our municipality. This also includes the formation of a policy position that is external to the Planning Scheme.

In line with the Council resolution, an Interim Social & Affordable Housing Policy has been drafted that contains the application assessment criteria (see Attachment 1). Adoption of this policy by Council will cement it as a policy position until such time that a Latrobe City Social & Affordable Housing Strategy is adopted. This policy could also be used as an advocacy tool to encourage the development of a set criteria for

State government owned land and all other social and affordable housing developments for which Council is not the responsible authority.

Risks associated with applying policy

Under the current Planning Scheme, Council remains the responsible authority for social and affordable housing applications that comprise up to 9 dwellings. Applications for 10 or more dwellings to which Clause 53.20 applies sit with the Minister for Energy, Environment and Climate Change.

This policy position would see Council using a policy that is external to the Planning Scheme to assist in making a planning decision. However, this would be an interim measure until such time that a Latrobe City Social & Affordable Housing Policy is adopted (anticipated to be December 2021) and recommendations implemented.

It is recognised that few applications received that are subject to this policy position would likely progress to a merits hearing at the Victorian Civil and Administrative Tribunal (VCAT) prior to a strategy being in place. It generally takes 3-6 months to be provided with a hearing date after lodging an appeal. It then generally takes a further 6 to 12 weeks to receive the final decision of VCAT.

Benefits of adopting an interim policy

Placing social and affordable housing in locations that are within reasonable distances of employment, education, services and public transport reduces travel time and costs to households, which also releases time for work and education and increases the labour supply.

Research by the University of New South Wales has suggested that by simply locating affordable housing in close proximity to employment areas, tenants would be able to save on travel-to-work times and an average \$2,500 per person per annum. Furthermore, incomes would be expected to grow by as much as \$12,000 for unskilled workers and up to \$41,000 per year for skilled workers as a result of better job-matching.

Given this data, there is clear justification for an interim policy directing locations of social and affordable housing developments prior to the adoption and implementation of a Latrobe City Social and Affordable Housing Policy.

Policy Position

The draft Interim Social and Affordable Housing Policy directs the following:

Applications lodged for social and/or affordable housing under Clause 53.20 of the Latrobe Planning Scheme:

1. Will be supported by the responsible authority where they are within the preferred social and affordable housing areas as shown on Figures 1, 2, 3 and 4 (covering Traralgon, Moe-Newborough, Morwell and Churchill).

These preferred social and affordable housing areas have been defined by application of the following two criteria:



- a. Locations within 400 metres walking distance of a bus stop that is serviced, at minimum, every hour or within 800 metres walking distance of a train station.
  - b. Locations within 200 metres walking distance of a Neighbourhood or Local Activity Centre, or within 800 metres to a Central Activity District.
2. Will be supported outside of the preferred social and affordable housing areas but within the extent of urban area shown on Figures 1 to 4 where it is demonstrated to the Responsible Authority that:
- a. accessibility by walking or public transport will be satisfactory either now or in the future by reference to known or proposed plans for infrastructure and service expansion and delivery, and/or
  - b. the proposal will have a significant impact on addressing identified local housing stress and acute housing needs.
3. Will not be supported outside of the preferred social and affordable housing areas and the urban areas shown on Figures 1 to 4.

Please refer to Attachment 1, pages 5-8 for copies of the 'Figures 1-4' mentioned.

The ultimate intention is to revoke or amend this policy once changes to the Planning Scheme have been made in line with the Latrobe City Social & Affordable Housing Policy.

**Issues:**

*Strategy Implications*

*Strategy 9 – Implement a town planning regime which facilitates appropriate urban growth, industry diversification, liveability and connectivity of Latrobe City*

Though the policy position will sit external to the Planning Scheme, it will serve as an interim measure to ensure that social and affordable housing for which Council is the assessing authority will be appropriately located.

*Strategy 14 – Provide services, infrastructure and advocacy to support the health, wellbeing and safety of our community.*

The policy position seeks to ensure that social and affordable housing projects are being located in the best areas, providing access to vital services and facilities for tenants.

*Health Implications*

The development of an interim policy will result in the best outcomes for users of social and affordable housing, ensuring they have adequate access to healthcare, services, employment and public transport options. Locating disadvantaged people in locations that have access to services, employment and transportation supports the physical and mental health of tenants.

*Communication*

This interim policy has been developed in consultation with Council's Project Assurance Group and Council's Social & Affordable Housing Consultants SGS Economics who have extensive experience in the social and affordable housing space and have held discussions with Homes Victoria and Registered Housing Associations. The criteria recommended for the interim policy is consistent with other strategies that have been through community consultation processes.

Engagement and consultation will be undertaken with the community, key stakeholders, agencies and authorities during the development of the Latrobe City Social and Affordable Housing Strategy, where long-term assessment criteria will be set. This consultation will be ensured by a Project Assurance Group (PAG) that has been created to ensure the effective delivery of the Social and Affordable Housing Strategy project.

*Financial Implications*

A peer review of this interim policy was conducted by SGS Economics, which formed a component of a \$18,937 (inc. GST) invoice that also covered working on the assessment of potentially surplus Council sites (stage 1). This cost has been covered by the funding allocated at the 3 May 2021 Ordinary Council Meeting.

Other costs or financial impacts that may be imposed on Council will depend on the options for use of Council land selected for Stage 1 and if VCAT appeals are received in relation to the interim policy adopted as part of Stage 2.

*Risk Analysis*

<b>Identified risk</b>	<b>Risk likelihood*</b>	<b>Controls to manage risk</b>
<p><b>Reputational and Strategic Risk</b></p> <p>Decisions made in relation to location of social and affordable housing applications without a suitable planning strategy in place.</p>	5 – almost certain	Adopt a policy position that provides an interim assessment criteria to assist in the appropriate locating of social and affordable housing. This interim policy can be superseded or amended once a Latrobe City Social & Affordable Housing Strategy is adopted and implemented.
<p><b>Reputational and Legal/Regulatory Risk</b></p> <p>The policy position does</p>	5 – almost certain	It is acknowledged that this policy position will not be given weight before the Victorian Civil and

Identified risk	Risk likelihood*	Controls to manage risk
<p>not form part of the Planning Scheme and will not be given sufficient weight if challenged at the Victorian Civil and Administrative Tribunal.</p>		<p>Administrative Tribunal if an application for review of a planning permit application decision was lodged. However, with timeframes for Council decisions, hearings and decisions from the Tribunal, it is somewhat unlikely that an application would appear before a Tribunal prior to the anticipated December 2021 delivery date for the Latrobe City Social and Affordable Housing Strategy.</p>
<p><b>Service Delivery Risk</b></p> <p>The Latrobe City Social &amp; Affordable Housing Strategy may be delayed beyond the expected end of 2021 financial year deadline.</p>	<p>3 – possible</p>	<p>It is possible that the release of the State's 10-Year Social and Affordable Housing Strategy towards the end of 2021 may have impacts on the strategy being drafted by Council. It is also noted that an ambitious project plan has been developed to match with the level of priority given to this project by Council. The project deadlines are to be managed as tightly as possible and regular communication with the consultants is to occur.</p>
<p><b>Financial Risk</b></p> <p>Relying on policy external to the Planning Scheme may result in an increase in planning permit application appeals before the Victorian Civil</p>	<p>3 - possible</p>	<p>As mentioned previously, timeframes for Council decisions, hearings and a decision from the Tribunal, it is unlikely that an application would appear before a Tribunal prior to the anticipated December</p>

Identified risk	Risk likelihood*	Controls to manage risk
and Administrative Tribunal. This will impact Council's resources (officer time and financial implications).		2021 delivery date for the Latrobe City Social and Affordable Housing Strategy. Timeframes are to be managed as tightly as possible.

\* Inherent likelihood ratings: 1 (Rare); 2 (Unlikely); 3 (Possible); 4 (Likely); 5 (Almost Certain)

### *Legal and Compliance*

It is acknowledged that the policy position is a position of Council and sits external to the Planning Scheme. Decisions on planning permit applications made in line with this policy position may be challenged before the Victorian Civil and Administrative Tribunal (VCAT). It is noted that VCAT will give limited weight to Council's policy position in their decision making.

### *Community Implications*

The adoption of this policy position ensures that social and affordable housing applications for which Council is the Responsible Authority are appropriately located, to the benefit of tenants, and the wider community.

### *Environmental Implications*

No environmental implications are anticipated as a result of the adoption of this policy position.

### *Consultation*

The development of the interim policy has occurred in consultation with Council's Social & Affordable Housing Consultants SGS Economics who have extensive experience in the social and affordable housing space and have held discussions with Homes Victoria and Registered Housing Associations. The assessment criteria within the draft interim policy is consistent with other strategies/policies that have been through community consultation processes.

Engagement and consultation will be undertaken with the community, key stakeholders, agencies and authorities during the development of the Latrobe City Social and Affordable Housing Strategy, where long-term assessment criteria will be set.

### **Declaration of Interests:**

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

**Supporting Documents:**

Council Meeting Minutes 03 May 2021 (CM562), Agenda Item 14.2, Development of a Social and Affordable Housing Strategy.

**Attachments**

1   Interim Social & Affordable Housing Policy

## **14.2**

### **Policy Position on Social and Affordable Housing Applications**

- 1 Interim Social & Affordable Housing Policy ..... 171**



**Interim Social & Affordable Housing Policy**



**Interim Social & Affordable Housing Policy**

Version 1

Approval Date: xx/xx/xxxx

Review Date: xx/xx/xxxx

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## Interim Social & Affordable Housing Policy

### DOCUMENT CONTROL

Responsible GM	Gail Gatt	
Division	Regional City Growth and Investment	
Last Updated (who & when)	Coordinator Strategic Planning	2021
<b>DOCUMENT HISTORY</b>		
Authority	Date	Description of change
Council	xx/xx/xxxx	Adoption of Policy
Council		
References	Refer to Section 8 and 9 of this policy	
Next Review Date	Two years from approved date	
Published on website	Yes	
Document Reference No		

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## Interim Social & Affordable Housing Policy

### 1. Background

Following the release of significant funding for social and affordable housing under Victoria's Big Housing Build, there is a need for a Latrobe City Social and Affordable Housing Strategy to give appropriate direction regarding preferred locations for social and affordable housing to guide the assessment of planning permit applications. This policy is relevant to social and affordable housing applications that are received by Council prior to the adoption and implementation of the Latrobe City Social & Affordable Housing Strategy.

### 2. Objectives

To provide a suitable assessment criteria for social and affordable housing planning permit applications made under Clause 53.20 of the Planning Scheme where Council is the identified Responsible Authority, and which are received prior to the adoption of the Latrobe City Social & Affordable Housing Strategy and subsequent Planning Scheme Amendment(s).

### 3. Scope

This policy applies to all planning permit applications made to Council for social and affordable housing which are submitted pursuant to Clause 53.20 of the Latrobe Planning Scheme.

### 4. Principles of Management

#### 4.1. Application Assessment Criteria

Applications lodged for social and/or affordable housing under Clause 53.20 of the Latrobe Planning Scheme:

1. Will be supported by the responsible authority where they are within the preferred social and affordable housing areas as shown on Figures 1, 2, 3 and 4 (covering Traralgon, Moe-Newborough, Morwell and Churchill).

These preferred social and affordable housing areas have been defined by application of the following two criteria:

- a. Locations within 400 metres walking distance of a bus stop that is serviced, at minimum, every hour or within 800 metres walking distance of a train station.
  - b. Locations within 200 metres walking distance of a Neighbourhood or Local Activity Centre, or within 800 metres to a Central Activity District.
2. Will be supported outside of the preferred social and affordable housing areas but within the extent of urban area shown on Figures 1 to 4 where it is demonstrated to the Responsible Authority that:

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## Interim Social & Affordable Housing Policy

- a. accessibility by walking or public transport will be satisfactory either now or in the future by reference to known or proposed plans for infrastructure and service expansion and delivery, and/or
  - b. the proposal will have a significant impact on addressing identified local housing stress and acute housing needs.
3. Will not be supported outside of the preferred social and affordable housing areas and the urban areas shown on Figures 1 to 4.

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## Interim Social & Affordable Housing Policy

Figure 1: Preferred locations for social and affordable housing – Traralgon



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## Interim Social & Affordable Housing Policy

Figure 2: Preferred locations for social and affordable housing – Moe-Newborough



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## Interim Social & Affordable Housing Policy

Figure 3: Preferred locations for social and affordable housing – Morwell



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## Interim Social & Affordable Housing Policy

Figure 4: Preferred locations for social and affordable housing – Churchill



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## Interim Social & Affordable Housing Policy

### 5. Accountability and Responsibility

Accountability and responsibility for this policy is outlined below.

#### 5.1. Council

- Responsibility to ensure this Policy is consistent with Latrobe City Council Strategic Direction and other Latrobe City Council Policy
- Responsibility for the decision to approve this Policy by Council Resolution

#### 5.2. Chief Executive Officer

- Overall responsibility for compliance with this policy

#### 5.3. General Manager

- Responsibility for compliance with this policy

#### 5.4. Manager

- Develop procedures in compliance with this policy
- Enforce responsibilities to achieve compliance with procedures
- Provide appropriate resources for the execution of the procedures

#### 5.5. Employees, Contractors and Volunteers

- Participate where required in the development of procedures in compliance with this policy.
- Comply with procedures developed to achieve compliance with this policy.

### 6. Evaluation and Review

This policy will be reviewed on request of Council, once a Latrobe City Social and Affordable Housing Strategy has been adopted and associated planning scheme amendment completed, in the event of significant change in the Executive team, significant changes to legislation applicable to the subject matter of the policy or, in any other case, every two years.

### 7. Definitions

- Affordable Housing – housing, including social housing, that is appropriate for the housing needs of very low, low and moderate income households.
- Central Activity District – provides services and functions such as commercial, retail, personal services, education, government and tourism. Boundaries of central activity districts are identified on town structure plans in the Planning Scheme.
- Local Activity Centre – provides limited convenience retailing, including general store/supermarket (small), takeaway food/café, and personal

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## Interim Social & Affordable Housing Policy

services. Typically containing up to 10 shopfronts. Retail floor space is typically less than 1,500m<sup>2</sup>. Local centres may co-locate to provide community and/or education facilities, and may provide limited commercial services.

- Neighbourhood Activity Centre – provides access to day-to-day and weekly convenience shopping facilities for the surrounding community. Neighbourhood activity centres can vary in size and typically include at least one supermarket. Retail floor space ranges from approximately 2,500m<sup>2</sup> to 10,000m<sup>2</sup>. Limited role in providing local community, civic and health services to the surrounding communities.
- Social Housing – housing that is owned by the Director of Housing (public housing) as well as housing that is owned or managed by registered housing agencies (community housing) that is provided to eligible households, with rents subsidised to ensure that households pay an affordable rent.

### 8. Related Documents

- Nil

### 9. Reference Resources

- Latrobe Planning Scheme
- *Planning and Environment Act 1987*

### 10. Appendices

- Nil

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**Agenda Item: 14.3**

**Agenda Item: LCC Submission - State Electoral Boundary  
Redivision - 2020-2021**

**Sponsor: General Manager, Regional City Growth and  
Investment**

**Council Plan Objective: Grow the civic pride of our municipality and solidify  
Latrobe City's image as a key regional city.**

**Status: For Decision**

**Proposed Resolution:**

**That Council endorses the Latrobe City Council submission to the State  
Electoral Boundary Redivision 2020-2021.**

**Executive Summary:**

- A State Electoral Boundary Redivision (or Review) is the review and adjustment of Victoria's State electoral boundaries. Victoria's state electoral boundaries (districts) are regularly redrawn to make sure that they are approximately equal – the number of voters across each of the state's 88 lower house seats cannot vary by more than 10 per cent from the state average across each district.
- The Victorian Electoral Boundaries Commission (EBC) determines the boundaries and the names for the electorates. The EBC is independent of the Government, and is comprised of the Chief Judge of the County Court, the Electoral Commissioner and the Surveyor-General.
- The current State redivision will finish in October 2021. Any changes to the State electoral boundaries will apply at the next Victorian State election in November 2022.
- The EBC commenced the current State Electoral Boundary Redivision process in December 2020, and on 30 June 2021 released the proposed new electoral boundaries for community consideration and feedback.
- Latrobe City Council provided a submission to stage 1 of consultation that closed on 1 March 2021. The Mayor also gave evidence at a related public hearing.

- In its submission, Latrobe City Council urged the Electoral Boundaries Commission (EBC) to consider the inclusion of Moe in the Electoral District of Morwell so as to reflect the current Latrobe City boundaries and to ensure that all of Latrobe City is included in one electorate.
- The EBC recommends no changes to the Morwell District arguing that it is well within quota and expected to remain so for the long term. Also, given the number of electors in Moe, such a change would require reductions in other parts of the district, effectively dividing a different part of Morwell District or Latrobe City Council for the purpose of uniting Moe with Morwell.
- Coinciding with the release of the proposed electoral boundaries, the second and final stage of public submissions opened on 30 June 2021.
- Latrobe City Council re-lodged its earlier position regarding Moe's inclusion in the Morwell Electorate District to the EBC by the due date (30 July 2021).
- Stage 2 of public hearings will be held from 16 to 20 August 2021, with the final electoral boundaries released on 28 October 2021.

### **Background:**

#### *Redivision principles*

Section 5(1) of the EBC Act stipulates the objective of 'establishing and maintaining electoral regions (...) and electoral districts of approximately equal enrolment.' Section 9(2) provides that regions and districts are taken to be of approximately equal enrolment where the enrolment for each region and district 'does not vary by more than 10 per centum from the average enrolment of all regions or districts.'

This is the fundamental and only fixed principle in the EBC Act. The permitted plus-or-minus 10% variance gives the EBC scope to consider other factors, including communities of interest, effective district boundaries and changes in the number of electors over time, though these factors are subordinate to the approximate equality requirement.

The EBC must give due consideration to the following factors set out in section 9(1) of the EBC Act:

- a) area and physical features of terrain;
- b) means of travel, traffic arteries, and communications and any special difficulties in connection therewith;
- c) community or diversity of interests; and
- d) the likelihood of changes in the number of electors in the various localities.

#### *EBC report and recommendations for Morwell and Narracan Districts*

The EBC Report on the Proposed Victorian Electoral Boundaries recommends limited changes to the Morwell and Narracan Districts. The EBC recommends that Moe is not included in the Morwell Electoral District.

The changes and related rationale are explained in the extracts from the report below:

Morwell District 166

*Morwell District is well within quota and expected to remain so for the long term. The district captures the towns of Morwell and Traralgon as well as outlying, smaller townships north and south of the Princes Highway. Aside from Moe, which is located in Narracan, and the inclusion of a small section of Wellington Shire Council in its north-east, the district follows the Latrobe City Council boundaries. Numerous submitters suggested expanding Morwell District to include Moe, effectively uniting most or all of Latrobe City Council within one district. This was the view put forward by Latrobe City Council, which argued that Moe's communities of interest lie with Morwell and that this adjustment would provide unity, assist with funding and project delivery and provide economic and community cohesion across the council area. Other submitters made similar arguments.*

Morwell District 167

*Given the number of electors in Moe, such a change would require reductions in other parts of the district, effectively dividing a different part of Morwell District or Latrobe City Council for the purpose of uniting Moe with Morwell. The EBC recognises the strong connections between Moe and the rest of Morwell, but determines that much of the southern area covered by Morwell District, up to and including the town of Churchill, would need to be transferred to another district to accommodate this change. Community ties in the area were tested in the previous redivision where, on balance, the EBC considered that moving Moe into Morwell was undesirable given its links west into Narracan. In short, the EBC considers that the small townships connected to Morwell would have more to lose by being transferred to a surrounding district than Moe might gain by being included in Morwell District. And, although such a transfer of territory to Morwell District would assist in addressing the excessive number of electors in Narracan, it would potentially limit options for dealing with elector numbers in the outer south-eastern growth corridor. The EBC therefore proposes no changes to Morwell District.*

Narracan District 173

*The proposed changes to the north of Bass involve the transfer of 5,128 electors from Narracan District. This solves Narracan's higher-than permitted deviation from the quota and was generally supported in submissions. Numerous submitters proposed adjusting the boundaries in the west of Narracan District to transfer electors to surrounding districts, but submitters differed on what district they should be moved to. Aside from a minor boundary adjustment designed to provide a clearer boundary in Bunyip State Park, the EBC does not consider further changes to*

*Narracan to be necessary and, at 2.49% above quota, the district is well within the accepted tolerance.*

The full report is available [here](#).

**Issues:**

*Strategy Implications*

This report primarily relates to Council Plan Objective 7: *Grow the civic pride of our municipality and solidify Latrobe City's image as a key regional city.*

*Health Implications*

There are no health implications from this report.

*Communication*

A communication plan could be developed to identify that Council have made a submission, the outcome, the reasons why this was the case, and what Council may request in future reviews.

*Financial Implications*

No financial implications on the Council Budget from this report.

*Risk Analysis*

<b>Identified risk</b>	<b>Risk likelihood*</b>	<b>Controls to manage risk</b>
<b>Reputational Risk</b> Community backlash associated with Council not lodging its submission and stating its position	2	Formulation of a carefully considered position based on new available information from the EBC

\* Inherent likelihood ratings: 1 (Rare); 2 (Unlikely); 3 (Possible); 4 (Likely); 5 (Almost Certain)

*Legal and Compliance*

No legal or compliance implications foreseen from this report.

*Community Implications*

No significant community implications anticipated from this report, however under the current boundary arrangements some community members do not feel adequately represented.

*Environmental Implications*

No environmental implications associated with this report.

*Consultation*

No formal public consultation required, however community members have contacted Latrobe City Council identifying their support for a change to the boundaries to include Moe within the Electoral District of Morwell.

*Other*

Nil

**Declaration of Interests:**

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

**Supporting Documents:**

Nil

**Attachments**

1   LCC Submission - State Electoral Boundary Redivision 2020-21

## **14.3**

### **LCC Submission - State Electoral Boundary Redivision - 2020-2021**

- 1 LCC Submission - State Electoral Boundary Redivision  
2020-21 ..... 187**



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**AUSDOC** DX2 17733 Morwell

Our Ref:  
SG: HB

28 July 2021

The Electoral Boundaries Commission  
Level 11, 530 Collins Street  
MELBOURNE VIC 3000

Via email: [submissions@ebc.vic.gov.au](mailto:submissions@ebc.vic.gov.au)

To whom it may concern,

**LATROBE CITY SUBMISSION – STATE ELECTORAL BOUNDARY REDIVISION  
2020-21 (STAGE 2 CONSULTATION)**

Latrobe City Council welcomes the State Electoral Boundary Revision 2020-21 currently being undertaken by the Electoral Boundaries Commission (EBC), and the opportunity to provide Council's submission for stage 2 of consultation following the release of the proposed electoral boundaries on 30 June 2021.

Latrobe City Council provided a submission to stage 1 of consultation that closed on 1 March 2021. The Mayor of Latrobe City Council Cr Sharon Gibson also attended as a witness to provide evidence at a related public hearing held on 30 March 2021.

In its submission, Latrobe City Council urged the EBC to consider the inclusion of Moe in the Electoral District of Morwell so as to reflect the current Latrobe City boundaries and to ensure that all of Latrobe City is included in one electorate.

In its Proposed Electoral Boundaries Report, the EBC recommends no changes to the Morwell District suggesting that it is well within quota and given the number of electors in Moe, such a change would require reductions in other parts of the district, effectively dividing a different part of Morwell District or Latrobe City Council for the purpose of uniting Moe with Morwell.

Latrobe City Council maintains its original position and urges the EBC to consider the inclusion of Moe in the Electoral District of Morwell so as to reflect the current Latrobe City boundaries. Importantly the community of interest for all of Moe should be located in Latrobe City and all of Latrobe City be included in one electorate for economic and social cohesion outcomes.

Council would like to reiterate that it is important in considering any electoral boundary change that the representation of all Latrobe City towns remain as closely as possible aligned with the municipal boundary.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'S. Gibson'.

CR SHARON GIBSON  
**Mayor**



**Agenda Item: 14.4**

**Agenda Item:** LCC Submission - 2021 Proposed Variation of the Code of Practice for Timber Production

**Sponsor:** General Manager, Regional City Growth and Investment

**Council Plan Objective:** Support job creation and industry diversification to enable economic growth in Latrobe City.

**Status:** For Decision

**Proposed Resolution:**

**That Council endorses the Latrobe City Council submission for the 2021 Proposed Variation of the Code of Practice for Timber Production.**

**Executive Summary:**

- The *Code of Practice for Timber Production 2014* (the Code) is the primary regulatory instrument for timber harvesting operations in publicly owned State forests, private native forests and plantations in Victoria. It is intended to deliver environmental protection and sustainable forest management outcomes, as well as providing certainty for forestry industry.
- Department of Environment, Land, Water and Planning (DELWP) has commenced a public consultation on the *2021 Proposed Variation of the Code of Practice for Timber Production*.
- *The Draft Forest Management Zoning Accountability Framework*, that has been released for consultation alongside with the Code, provides standards and procedures to instruct managing authorities, harvesting entities and operators in interpreting the requirements of the Code.
- The proposed 2021 Code amendments focus on clarifying roles and responsibilities, clarifying obligations, and correcting administrative errors.
- A comprehensive scientific review of the Code is a commitment under the Regional Forest Agreements (RFAs), and will be completed by the end of 2023.

- In its submission, Latrobe City Council calls on the Victorian Government to ensure that the changes to the Code;
  - deliver sustainable outcomes for both the environment and the economy; and
  - protect wood supply and job security in the timber industry.
- Furthermore, Latrobe City Council calls on the Victorian Government to consult and engage the timber industry in this process.

**Background:**

*Changes under the 2021 review include:*

- formalising protections for Large Brown Tree Frog and large trees;
- amending the definition of the precautionary principle, aligning it with the definition used in the NSW forestry regulatory framework and improving clarity in its application;
- correcting errors. The creation of Special Management Zones and Special Protection Zones is DELWP's responsibility, not VicForests;
- clarifying the purpose of the Code. The Code regulates the planning and conduct of timber harvesting operations;
- DELWP's forest and land management fixed zoning objectives will move. They will go into a new draft Forest Management Zoning Accountability Framework;
- clarifying the policy intent of ambiguous wording and layout in some provisions;
- improving the layout of tables;
- refining and adding definitions;
- amending incorrect referencing.

**Issues:**

*Strategy Implications*

This report aligns with the Latrobe City Council Plan Objective 1: *Support job creation and industry diversification to enable economic growth in Latrobe City.*

*Health Implications*

There are no direct health implications from this report.

*Communication*

Further communication with the Latrobe City community and key stakeholders may be required as the Code review progresses.

*Financial Implications*

There are no known implications to Council Budget.

*Risk Analysis*

<b>Identified risk</b>	<b>Risk likelihood*</b>	<b>Controls to manage risk</b>
<p><b>Reputational Risk</b></p> <p>Potential reputational risks are associated with misaligned representation of the community views and conflicting community views</p>	2	The Latrobe City Council submission aligned with the sector/ community views and the positions put forward by industry peak bodies (e.g. Timber Towns Victoria)

\* Inherent likelihood ratings: 1 (Rare); 2 (Unlikely); 3 (Possible); 4 (Likely); 5 (Almost Certain)

*Legal and Compliance*

No foreseen legal nor compliance implications from this report.

*Community Implications*

No direct community implications from this report. The Code review and its outcomes will impact on timber industry workers and contractors.

*Environmental Implications*

Any potential environmental implications are considered as part of the Code review. The Latrobe City Council has asked for a balanced approach that considers both the environmental and the economic interests.

*Consultation*

No external consultation undertaken for this report.

*Other*

Nil



**Declaration of Interests:**

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

**Supporting Documents:**

Nil

**Attachments**

1   LCC Submission - Timber Code Review

## **14.4**

### **LCC Submission - 2021 Proposed Variation of the Code of Practice for Timber Production**

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Our Ref:  
SG: HB

28 July 2021

To whom it may concern,

## **LATROBE CITY COUNCIL SUBMISSION - 2021 PROPOSED VARIATION OF THE CODE OF PRACTICE FOR TIMBER PRODUCTION**

Latrobe City Council welcomes the release of the draft amendments to the *Code of Practice for Timber Production 2014* by the Victorian Government, along with its incorporated document the *Management Standards and Procedures for timber harvesting operations in Victoria's State forests (MSPs)*.

Latrobe City Council believes that there is an urgent need to have this Code fully and comprehensively in place to provide certainty for the forestry industry, its supply chains and timber communities in Latrobe City and beyond.

Council is disappointed that the Victorian Government has delayed the comprehensive review of the Code until 2023. This delay is expected to continue to impact on the timber supply, and the viability of several Gippsland timber businesses with flow on effects to timber workers, contractors and ultimately consumers.

Latrobe City Council has had a long interest in the Latrobe City's timber industry and its contribution to the local economy. Council's commitment is driven by the desire to secure jobs and to leverage further investment in the timber industry.

The total output of 100 jobs in this sector is estimated at about \$100 million, over 200 jobs and over \$26 million in terms of value-add to the broader Latrobe economy.

Our region is home to Australia's largest pulp and paper mill (Australian Paper's Maryvale Mill) and Australian Sustainable Hardwoods (ASH) hardwood sawmill at Heyfield (Shire of Wellington) as the major processors. In addition, at least ten smaller hardwood sawmills operate throughout the region; these businesses provide much needed employment for local community members.


While a draft Code has been released for consultation, Council believes that the proposed changes do not go far enough, fast enough. In the meantime, the supply of Victorian native timber will continue to be impacted through the sawmills and timber manufacturers, as well as their workers and contractors.

Council is further concerned that if the Code is not rectified, timber workers, contractors and their crews are likely to be stood down and wood supply to sawmills may diminish further or cease completely.

Council supports close engagement with the Victorian timber industry in relation to their recommendations for any amendments to the Code that help secure the future of this sustainable industry.

Latrobe City Council is asking the Victorian Government to make balanced changes to the Code that will ensure sustainable outcomes for both the environment and the economy. These changes must protect wood supply and provide real job security for timber workers, contractors, their crews, those working in our timber supply chains, and ultimately our timber communities.

Yours sincerely



CR SHARON GIBSON  
**Mayor**

**Agenda Item: 14.5**

**Agenda Item: Regional Jobs and Infrastructure Fund - Grant Applications**

**Sponsor: General Manager, Regional City Growth and Investment**

**Council Plan Objective: Provide a connected, engaged and safe community environment, which is improving the well-being of all Latrobe City citizens.**

**Status: For Decision**

**Proposed Resolution:**

**That Council:**

- 1. authorises the Chief Executive Officer to prepare and submit funding applications for;
  - a) the Regional Infrastructure Fund Round 2, for \$3 million for the *Latrobe Regional Airport Development Plan Implementation – Stage 1*; and**
  - b) the Investment Fast Track Fund for \$400,000 for the *Centre for Australian Automotive Futures (CAAF) - Business Case*; and****
- 2. refers the contribution required from Council for the projects to a future budget process; and**
- 3. provides a report back to Council once a response from the State Government has been received.**

**Executive Summary:**

This report provides Council with information about the State Government's *Regional Jobs and Infrastructure Fund - Round 2 (RJIF)* and proposes Council submits applications for two projects in line with the RJIF merit criteria.

- The \$156 million Regional Jobs and Infrastructure Fund (RJIF) is one of the Victorian Government's key regional development packages and will be crucial in driving recovery in rural and regional Victoria after the impact of the

COVID-19 pandemic.

- It intends to create and retain jobs, leverage private sector investment, grow and diversify Victoria's significant regional economy, enable regional population growth, improve the liveability of our cities, centres and towns, and improve economic and social outcomes for over 1.5 million regional Victorians.
- The fund will focus on priority projects to meaningfully support regional communities in their immediate response and recovery efforts, address complex local challenges and lay the groundwork for future growth.
- Officers are considering applications for projects under two funding streams within the RJIF program. These streams are the Regional Infrastructure Fund (RIF) and the Investment Fast Track Fund (IFF).
- Under the RIF stream it is considered the *Latrobe Regional Airport Development Plan Implementation – Stage 1* is Council's highest priority project that best meets the criteria and therefore has the best opportunity to be considered favourably by the state government's assessment panel.
- If Council were to submit an application to the RIF program for up to \$3 million, for the *Latrobe Regional Airport Development Plan Implementation – Stage 1* project, a funding contribution from Council of \$1 for every \$2 received would be required. The funding required from Council would be up to \$1.5 Million and would need to be considered as part of a future budget process if the RIF application was successful.
- Under the IFF stream it is considered the *Centre for Australian Automotive Futures (CAAF) - Business Case* is Council's highest priority project that best meets the criteria and therefore has the best opportunity to be considered favourably by the state government's assessment panel.
- If Council were to submit an application to the IFF program, for up to \$400,000, for the *Centre for Australian Automotive Futures - Business Case* project, a funding contribution of \$1 for every \$4 received would be required. The funding required from Council would be up to \$100,000 and would need to be considered as part of a future budget process if the IFF application was successful.
- Officers are seeking endorsement to apply for funding for the above projects, through the RJIF program. If successful these projects will assist in creating jobs and support growth and investment, crucial to the transition of our regional economy.



**Background:**

Regional Infrastructure Fund

The Regional Infrastructure Fund Round Two (RIF) seeks to assist the growth of rural Victoria by providing grants for infrastructure projects that have the potential to stimulate economic and community activity, including those that seek to support recovery from COVID-19 and other major economic challenges, in regional Victoria.

Infrastructure projects seeking funding will need to demonstrate how they will achieve one or more of the following:

- improve economic performance and growth;
- create and capture value by harnessing key regional strengths such as social, environmental or economic assets, capital or specialisations;
- enhance the social and/or economic resilience and competitiveness of the location;
- support economic transition, diversification and recovery;
- align with state and regional priorities (i.e. Regional Partnership priority, or Regional, State or National or Council-endorsed plan or strategy);
- maximise the value for money to the state including leveraging investment or funding from other sources; and
- demonstrate long term feasibility and viability (e.g. via feasibility studies and/or business cases) that will sustain positive impacts.

Funding will be provided for infrastructure projects that achieve one or more of the following:

- improve the economic performance, potential and outcomes of a precinct, town or region;
- improve business, transport, retail, education, social, cultural, industry or community linkages;
- provide multi-purpose infrastructure, suitable and accessible for a wide range of business and community groups such as business hubs, co- working spaces, community, and event and visitor facilities;
- support cultural initiatives of economic significance to the region such as renewal of buildings and sites, arts and cultural centres or resource facilities.

A preliminary assessment of Council's unfunded infrastructure projects as per Attachment 1 *Latrobe City's Priority Projects for Advocacy*, has been undertaken against the merit criteria and funding cap for the RIF program.

It is considered the highest priority project that best meets the criteria and therefore has the best opportunity to be considered favourably by the state government's assessment panel is the *Latrobe Regional Airport Development Plan Implementation – Stage 1*

*Latrobe Regional Airport – Airport Development Plan Implementation – Stage 1*

Council adopted the *Latrobe Regional Airport – Airport Development Plan* at its 5 July 2021 Council meeting. This project identifies funding required for three key infrastructure projects, which will enable the opening up of new development precincts to attract investment, consistent with the recently adopted Airport Development Plan (ADP).

The projects are described below;

- Stage 1a) Delivery of improved landside infrastructure (power, water, sewer) to enable new development precincts and attract new business to the airport.
- Stage 1b) Construction of new airside infrastructure (new taxiways) to make new development precincts accessible to aircraft.
- Stage 1c) Construction of new civil works (internal roads, drainage) to enable new development precincts to be utilised.

Council would seek an allocation of up to \$3 Million from the RIF fund and match that contribution with up to \$1.5 Million from Council funds to implement the project.

Provision of infrastructure will provide for the attraction of new industry to the airport as detailed in the table below, with the potential to attract in the order of up to 150+ jobs to Latrobe Regional Airport once fully developed.

*Table 1 – Summary of Infrastructure projects at Latrobe Regional Airport*

ADP Zone	Area	Leasable area (approx.)	Works	Industry	Jobs & Investment
B1	48,000 m <sup>2</sup>	30,000 m <sup>2</sup>	<ul style="list-style-type: none"> <li>• 415 m<sup>2</sup> (approx.) new taxiway</li> <li>• Internal roads (including kerb and channels, drainage)</li> <li>• Extension of services (Power, Water, Sewer)</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance</li> <li>• Flight Training</li> <li>• Engineering</li> </ul>	<p>Up to 120 jobs when fully developed</p> <p>Capacity to accommodate up to 30 new aircraft</p>

ADP Zone	Area	Leasable area (approx.)	Works	Industry	Jobs & Investment
B2	7,900 m <sup>2</sup>	4,500 m <sup>2</sup>	<ul style="list-style-type: none"> <li>• Extension of services (Power, Water, Sewer)</li> <li>• Access Road from Airfield Road</li> <li>• Connection to taxiway</li> </ul>	<ul style="list-style-type: none"> <li>• Maintenance</li> <li>• Aircraft Sales</li> <li>• Charter</li> <li>• Assembly</li> </ul>	<p>Up to 15 ongoing jobs</p> <p>Construction value \$1.2 M</p> <p>24 new aircraft to be based at LRA</p>
B3	13,150 m <sup>2</sup>	13,150 m <sup>2</sup>	<ul style="list-style-type: none"> <li>• Extension of services (Power, Water, Sewer)</li> <li>• 1,000 m<sup>2</sup> new taxiway</li> </ul>	<ul style="list-style-type: none"> <li>• Private Hangars</li> <li>• Maintenance</li> <li>• Emergency Services</li> <li>• General Aviation</li> </ul>	<p>Up to 20 jobs when fully developed</p> <p>Capacity to accommodate up to 30 new aircraft</p>

Consideration has been given to Council's financial and resourcing capacity to undertake this project given the intensive capital works program already scheduled. It is considered delivery of the project can be delivered within the timeframes required. Successful applicants are required to commence the project shortly after executing a grant agreement.

Announcements of the grants for the RIF are expected in October 2021.

*Moe Revitalisation Project – Stage 3*

Council was previously invited by Regional Development Victoria to apply to RIF Round 1 for the *Moe Revitalisation Project – Stage 3*, however Council's application was unsuccessful. Formal specific feedback from RDV is yet to be received however informal feedback indicates further data and economic analysis would have increased the application's chances of success.

The informal feedback indicated the application required improved information such as;

- evidence of improved economic performance
- the direct community/social/environmental benefits; and

- financial viability (Department of Treasury and Finance were required to review to stringent criteria due to the amount of funding originally applied for).

This would appear to reinforce state government's current emphasis on supporting projects with clear outcomes and evidence associated with ongoing job creation and contribution to local and regional economies. This can be more difficult to show with liveability and public realm improvement projects, such as streetscape improvements and car parking which form majority of the works in *Moe Revitalisation Project, Stage 3*.

Council currently has a loan approved for \$7.5 M under the Community Infrastructure Loan Scheme, for this project, to deliver the Youth Space & Event Space. Given this project is in excess of the funding available, as is any remaining elements of Stage 3 of the project and is difficult to split into smaller components, it is considered that for Round 2 applications of the RIF the Latrobe Regional Airport Project is more suitable to put forward.

#### Investment Fast-Track Fund (IFF)

The \$10 million Investment Fast-Track Fund (IFF) looks to support regional and rural projects to strengthen their investment evidence base through funding activities that support planning and preparation, thereby accelerating projects to being investment ready.

The IFF will focus on funding activities that will mobilise strategic investment projects through acceleration of business case development and planning for medium to longer term projects in regions, and increase the pipeline of investment ready projects, with a focus on leveraging private investment, boosting employment and improving the liveability of rural and regional Victoria.

The program will consider applications for activities that will drive accelerated investment readiness for eligible projects, activity types that may be funded can be defined as:

- Statutory and environmental planning processes and approvals;
- Business cases, which must include a project plan, a mobilisation plan or implementation plan as relevant;
- Feasibility studies or master plans to investigate the technical and/or economic viability of a project, with the ability to progress to a business case within a 6-month period; (Note: these projects can be staged, for example feasibility studies that achieve their desired threshold to proceed can move directly into a business case)
- Economic development and industry investment strategies that will support longer term regional development and investment opportunities;
- Technical studies as required such as cultural heritage and servicing assessments;

- Geotechnical investigations;
- Design activities, at a minimum delivering to schematic/pre-construction level; and
- Early works packages to help de-risk a project (e.g. service relocations) adjustment strategies for regionally significant industry sectors.

A preliminary assessment of Council's unfunded infrastructure projects as per Attachment 1 *Latrobe City's Priority Projects for Advocacy*, has been undertaken against the merit criteria and funding cap for the IFF program.

The *Centre for Australian Automotive Futures (CAAF) - Business Case* is considered the highest priority project that best meets the criteria and therefore has the best opportunity to be considered favourably by the state government's assessment panel.

#### *Centre for Australian Automotive Futures (CAAF) - Business Case*

The CAAF is designed to be an innovation centre for future automotive technologies and renewable energy, whilst retaining the original concept for hosting motorsport and events. The CAAF will combine emerging technologies such as renewable energy power (electric, hydrogen), future mobility technologies such as connected and autonomous vehicles, and manufacture of materials for automotive equipment and parts, into one purpose-built venue.

The Centre will:

- encompass research, development and commercialisation activities. It will have education, training and testbed facilities on site for industry and the development community.
- provide facilities and tracks for motorsport such as Formula E and petrol powered vehicles, driver education, and automotive company and Centre partner activities.
- provide onsite accommodation, event areas and areas for commercial developments and

To date Council has undertaken pre-feasibility and feasibility analysis and is currently developing a communications and commitment strategy for the project. The *Centre for Australian Automotive Futures - Business Case* is the next stage of this project and will look to undertake detailed financial analysis, infrastructure design and detail, governance and funding requirements.

Council would seek an allocation of up to \$400,000 from the IFF fund and match that contribution with up to \$100,000 from Council funds to implement the project.

The IFF is a contestable fund with applications received throughout the 2020-21 and 2021-22 financial years, or unless the funds are exhausted prior. The program opens on Thursday 27 May 2021 and funded activities must be completed by 30 June 2022. The funding ratio for the IFF contribution is capped at: \$4:\$1 (RDV:Other).

Funding available is capped at \$500,000 per activity, however applications will be accepted for larger funding requests and will be considered on a case-by-case basis taking into account the level of strategic importance of the resultant project for rural and regional communities in driving economic growth and prosperity. Applications that have high applicant contributions would be considered more favourably.

#### Future Business Case Requirements

Increasing requirements around the provision of more robust Business Case information is becoming more common place as part of funding applications. This needs to be considered for a number of priority projects in Attachment 1.

Obtaining financial assistance from other sources (or as identified as part of the approval of the Council budget for 22/23) to engage in pre planning/business case activities will accelerate the creation of an evidence base of the merit of a project and will increase the opportunities of seeking both State and Federal support through funding applications.

It is considered that projects such *Moe Revitalisation Project – Stage 3*, the *Digital Infrastructure Project* and the *Gippsland Materials Recovery Facility* would all benefit from further detailed design and/or business case preparation.

#### **Issues:**

##### *Strategy Implications*

The content of this report relates to the following Council Plan objectives;

*Objective 3* - Improve the liveability and connectedness of Latrobe City;

*Objective 4* - Improve the amenity and accessibility of Council services;

*Objective 5* - Provide a connected, engaged and safe community environment which is improving the well-being of all Latrobe City citizens;

*Objective 7* - Grow the civic pride of our municipality and solidify Latrobe City's image as a key regional city;

##### *Communication*

Further communication with the community will be required should any funding applications be successful.

##### *Health implications*

No known health implications associated with the implementation of this report.

##### *Financial Implications*

If Council were to submit an application to the RIF program, for the *Latrobe Regional Airport Development Plan Implementation – Stage 1* project, a funding contribution of \$1 for every \$2 received would be required. The council contribution required being

\$1.5 Million would need to be considered as part of a future budget process if the RIF application was successful.

Announcements of the grants for the RIF are expected in October 2021.

If Council were to submit an application to the IFF program, for the *Centre for Australian Automotive Futures (CAAF) - Business Case* project a funding contribution of \$1 for every \$4 received would be required. The council contribution required being \$100,000 would need to be considered as part of a future budget process if the IFF application was successful.

*Risk Analysis*

Identified risk	Risk likelihood*	Controls to manage risk
Risk of the funding application not being successful	Possible	Council will continue to seek additional funding to support the identified projects from other sources as funding programs become available and will continue to plan and deliver the phased projects as previously approved.

\* Inherent likelihood ratings: 1 (Rare); 2 (Unlikely); 3 (Possible); 4 (Likely); 5 (Almost Certain)

*Legal and Compliance*

The content of this report does not have identified Legal and Compliance implications.

*Community Implications*

Community implications in relation to this report do not require consideration until after the outcome of the funding application is known.

*Environmental Implications*

The content of this report does not have identified environmental implications.

*Consultation*

Consultation on the Airport Development Plan has occurred with the Latrobe Regional Airport Community Asset Committee.

*Other*

n/a

**Declaration of Interests:**

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.

**Supporting Documents:**

Nil

**Attachments**

1. Latrobe City Priority Projects for Advocacy (Published Separately)

This attachment is designated as confidential under subsections (a) and (g) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released and private commercial information, being information provided by a business, commercial or financial undertaking that—

(i) relates to trade secrets; or

(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage. The attachment contains information about council and private entities (provided confidentially) which if disclosed may adversely impact commercial negotiations.



# **ASSETS AND PRESENTATION**

## **15. ASSETS AND PRESENTATION**

**Agenda Item: 15.1**

**Agenda Item: Close off of the Project Reference Groups for the Gippsland Regional Aquatic Centre, Morwell Recreation Reserve and the Flynn Hall.**

**Sponsor: General Manager, Assets and Presentation**

**Council Plan Objective: Ensure Council operates openly, transparently and responsibly.**

**Status: For Decision**

### **Proposed Resolution:**

#### **That Council:**

- 1. Formally dissolves the Project Reference Groups for the Gippsland Regional Aquatic Centre, Morwell Recreation Reserve and the Flynn Hall; and**
- 2. Sends a letter to each of the community members and organisational representatives for these Project Reference Groups to acknowledge and recognise their contribution to the successful outcome of the project.**

### **Executive Summary:**

#### **Introduction:**

As part of the Community and Stakeholder Engagement Plan for the Major Recreation Projects funded under the Latrobe Valley Sports and Community Initiative, Latrobe City Council set up a Project Reference Group (PRG) for each of the projects. The key purpose for each PRG was to report back to Council and provide appropriate advice, information and feedback relating to a particular project.

In addition, a PRG was set up for the redevelopment works at the Flynn Hall that was funded by the Federal government under the Drought Communities Programme extension.

**Key Issues:**

These projects have now been completed during the last twelve months and as such, the objectives for the PRGs, as defined in each Terms of Reference, have also been fulfilled.

Each of the PRGs were set up under resolution of Council. As a result, formal dissolution of each of the PRG's identified by Council resolution is recommended.

**Next Steps:**

A letter will be sent to each of the community members and organisational representatives for each of the PRGs acknowledging and recognising their contribution to the successful outcome of the project.

**Background:**

As part of the Community and Stakeholder Engagement Plan for the Major Recreation Projects funded under the Latrobe Valley Sports and Community Initiative, Latrobe City Council set up a Project Reference Group for each of the projects. The key purpose for each PRG was to report back to Council and provide appropriate advice, information and feedback relating to a particular project.

In addition, a PRG was set up for the redevelopment works at the Flynn Hall that was funded by the Federal Government under the Drought Communities Programme extension.

The Gippsland Regional Aquatic Centre, Morwell Recreation Reserve (Gippsland Regional AFL Centre of Excellence) and the Flynn Hall projects have now been completed along with the finalisation of the objectives set out for each of the PRGs. As a result, these Project Reference Groups can now be closed off via resolution of Council.

Each PRG that was set-up under Council resolution has its own Terms of Reference document to provide support and guidance to the PRG members – refer attached documents. Every member of the PRG was provided with a copy of the Terms of Reference for their PRG at the commencement of the engagement process.

PRG meetings were held throughout the consultation and construction periods. The last PRG meeting for the Gippsland Regional Aquatic Centre was held on 24 November 2020, Morwell Recreation Reserve on 12 February 2020 and the Flynn Hall redevelopment on 3 March 2021.

Under Section 5 in each of the Terms of Reference documents, item 5.1 states that

*'The PRG will cease to exist by resolution of the Council, or once the objectives at item 2.3 have been demonstrated that they have been met, whichever occurs first.'*

By dissolving each PRG officially by resolution of Council, it formally closes the engagement and consultation process, providing clear indication to the community that the objectives of the PRG have now been met. Future opportunities for community input in relation to the operation of these facilities will be available via the user groups involved with each facility and Council officers.

An official opening for the Gippsland Regional Aquatic Centre, recognising the completion of the project, was held on 23 March 2021. The official opening of the change rooms upgrade, which was the final project for completion at the Morwell Recreation Reserve, was conducted on 30 April 2021. The official opening of the Flynn Hall redevelopment project took place on 25 June 2021. PRG members were invited to their official opening in order to recognise their involvement in their particular project.

**Issues:**

*Strategy Implications*

The set-up of each PRG was to provide community engagement and input for these important projects and this process is now complete. The community engagement and input process under the Council Plan is aligned to Objective #5 – *Provide a connected, engaged and safe community environment, which is improving the well-being of all Latrobe City citizens.*

*Communication*

Once these PRGs have been officially dissolved by Council, the community members and organisational representatives for each PRG will be advised of Council's decision. A letter of thanks for their contribution to the successful outcome of the project will be sent to each of the community members and organisational representatives for each PRG.

*Financial Implications*

There are no financial implications for Latrobe City Council as a result of a decision to close off the PRG for the Gippsland Regional Aquatic Centre, Morwell Recreation Reserve (Gippsland Regional AFL Centre of Excellence) and the Flynn Hall projects.

The projects which make up the Major Recreation Projects portfolio were funded by the Victorian State Government as part of the Latrobe Valley Sports and Community Initiative. Funding of \$5M was received from the Federal Government for the Morwell Recreation Reserve which was supplemented by the funding from the Victorian Government.

The Gippsland Regional Aquatic Centre also received funding from the Community Sports Infrastructure Loan Scheme through Sport and Recreation Victoria. Repayments for this loan, which is over ten (10) years, will be supported by the provision of additional revenue to Council received from the increased community usage and the attraction of major sporting and community events to the facility in the future.

The Flynn Hall project received funds from the Federal Government through the Drought Communities Programme extension.

*Risk Analysis*

The instigation of a PRG for each of these projects has allowed Council to mitigate any potential risks by not involving community members and organisations in project planning and construction discussions.

Any potential risks from the finalisation of these three PRGs now that the projects are complete, are identified below:

<b>Identified risk</b>	<b>Risk likelihood*</b>	<b>Controls to manage risk</b>
<p><b>Reputational Risk</b></p> <p>PRG members may seek to provide further input to any future works.</p>	2 (Unlikely)	The project has been completed as per the funding guidelines therefore, under the Terms of Reference, the PRG can be dissolved.

\* Inherent likelihood ratings: 1 (Rare); 2 (Unlikely); 3 (Possible); 4 (Likely); 5 (Almost Certain)

*Legal and Compliance*

Each of the projects have been completed as per the funding guidelines therefore, under the Terms of Reference, the PRG can be dissolved.

*Community Implications*

The opportunity to be involved in one of the PRGs has provided the community and relevant organisations with a forum to have valuable input and participate in discussions about the project. Feedback received from a number of members of the PRGs has been very supportive of the Project Reference Group process and further PRGs have been set-up for projects which are currently underway to continue to foster community engagement.

*Environmental Implications*

N/A

*Consultation*

For each of the projects, consultation has been undertaken during each meeting with the community members and organisational representatives. As the projects have now been completed as per the funding guidelines, under the Terms of Reference, the PRG for each project can be dissolved by resolution of Council.

*Other*

N/A


**Declaration of Interests:**

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 2020*.


**Supporting Documents:**

Nil

**Attachments**

1 [↓](#).  Gippsland Regional Aquatic Centre Project Reference Group Terms of Reference

2 [↓](#).  Morwell Recreation Reserve Project Reference Group Terms of Reference

3 [↓](#).  Flynn Hall Project Reference Group Terms of Reference

## **15.1**

### **Close off of the Project Reference Groups for the Gippsland Regional Aquatic Centre, Morwell Recreation Reserve and the Flynn Hall.**

- 1 Gippsland Regional Aquatic Centre Project Reference  
Group Terms of Reference ..... 212**
- 2 Morwell Recreation Reserve Project Reference Group  
Terms of Reference ..... 224**
- 3 Flynn Hall Project Reference Group Terms of Reference ..... 236**

# Gippsland Regional Aquatic Centre Project Reference Group

## *Terms of Reference*



December 2017







## CONTENTS:

1. **Establishment of the Project Reference Group**
2. **Objectives**
3. **Membership**
  - Composition of the Project Reference Group
  - Length of appointment
  - Selection of members and filling of vacancies
  - Co-option of members
  - Attendance at meetings
  - Resignations
4. **Proceedings**
  - Chair
  - Meeting Schedule
  - Meeting procedures
  - Quorum
  - Voting
  - Minutes
  - Reports to Council
5. **Review of Project Reference Group and Duration of the Project Reference Group**
6. **Authority and Compliance Requirements**



## 1. Establishment of the Project Reference Group

- 1.1. The Gippsland Regional Aquatic Centre Project Reference Group (hereinafter referred to as "the PRG"), is a formally appointed Advisory Committee of Latrobe City Council (LCC) for the purposes of the *Local Government Act 1989*.
- 1.2. The membership of the PRG and these Terms of Reference will be adopted by resolution of Council at an Ordinary Council Meeting.

## 2. Objectives

- 2.1. The PRG's role is to report to the Council and provide appropriate advice, information and feedback on matters relevant to this Terms of Reference in order to facilitate decision making by the Council in relation to the discharge of its responsibilities.
- 2.2. The PRG is an advisory group only and has no delegated decision making authority.
- 2.3. The PRG is established to:
  - 2.3.1. Provide an interface between Council, the Project Control Group (PCG), the Project Assurance Group (PAG) and the wider community.
  - 2.3.2. Provide specific feedback to the Project Assurance Group about elements of the project where members of the Gippsland Regional Aquatic Centre PRG has specialist expertise.
  - 2.3.3. Provide advice to Council on issues relating to the development of the Gippsland Regional Aquatic Centre.
  - 2.3.4. Provide feedback and support for community engagement strategies with the wider community and stakeholders.
  - 2.3.5. Act as advocates for the project with the wider community.
- 2.4. The PRG will carry out the following functions in order to achieve the objectives:
  - 2.4.1. Review progress of the Gippsland Regional Aquatic Centre and provide information to Council, stakeholders and the wider community.
    - 2.4.1.1. Schedule meetings as required to receive updates on the development of the Gippsland Regional Aquatic Centre.



2.4.1.2. Contribute to the development of media and communication strategies.

2.4.1.3. Assist with the appointment of co-opted members, as deemed appropriate by the PRG, to contribute at particular stages of the project.

2.4.2. Policy and Strategy Development

2.4.2.1. Provide advice as part of a policy, strategy (or other relevant document) review or development processes as required from time to time.

2.4.3. Perform other activities related to this Terms of Reference as requested by the Council.

### 3. Membership

#### Composition of the PRG

- 3.1. The PRG will comprise of eight members plus LCC officers, being:
- 3.1.1. Three x Councillors, one of whom shall be nominated as Chair and two of whom shall be required to attend each meeting to form a quorum;
  - 3.1.2. One x Local Residents Group representative
  - 3.1.3. One x Traralgon Community Development Association
  - 3.1.4. One x Latrobe Health Assembly
  - 3.1.5. One x Community representative (to be selected via an expression of interest process)
  - 3.1.6. One x Swimming Victoria appointed local representative
  - 3.1.7. One x Sport and Recreation Victoria representative
  - 3.1.8. LCC officers
    - 3.1.8.1. One x LCC Project Owner
    - 3.1.8.2. One x Project Director
    - 3.1.8.3. One x Project Manager (including PRG secretariat)
    - 3.1.8.4. LLC officers as required (Ex Officio)

#### Length of appointment

- 3.2. While a PRG shall be in place for as long as Latrobe City Council sees fit, the appointment of members shall be for a term of three years. The term for co-opted members shall be for one year or as required specific to the task.



- 3.3. Prior to the expiration of each term, there will be a call for nominations for the next term. Current PRG members are able to re-nominate.

Selection of members and filling of vacancies

- 3.4. Latrobe City Council shall determine the original membership of the PRG based on expressions of interest received from members of the community and nominations received from organisations.
- 3.5. The PRG may fill any vacancies that occur within the determined year period of appointment, subject to the approval of the General Manager Infrastructure & Recreation and endorsement of Council. Where a vacancy is filled in this way, the appointment shall be limited to the remainder of the period of the original appointment.

Co-option of members

- 3.6. With the approval of the Chair, the PRG may invite other individuals to participate in the proceedings of the PRG on a regular or an occasional basis and including in the proceedings of any sub-committees formed.

Attendance at meetings

- 3.7. All PRG members are expected to attend each meeting.
- 3.8. A member who misses two consecutive meetings without a formal apology may at the discretion of Latrobe City Council have their term of office revoked.
- 3.9. A member who is unable to attend the majority of meetings during the year may at the discretion of Latrobe City Council have their term of office revoked.
- 3.10. All Councillors are invited to each meeting to attend as observers only.

Resignations

- 3.11. All resignations from members of the PRG are to be submitted in writing to the General Manager Infrastructure & Recreation, Latrobe City Council, PO Box 264, Morwell VIC 3840.

**4. Proceedings**

Chair

- 4.1. The nominated Councillor shall Chair the meetings.
- 4.2. If the Councillor Chair is unavailable he/she shall delegate to another nominated Councillor to chair the meeting.
- 4.3. If a Councillor is not available, the Chair may nominate a replacement from the current membership of the PRG to chair the meeting.



#### Meeting schedule

- 4.4. The PRG will determine its meeting schedule and times for each of the meetings. The duration of each PRG meeting should generally not exceed two hours.
- 4.5. Meetings of the PRG will be held monthly initially or as may be deemed necessary by Latrobe City Council or the PRG to fulfil the objectives of the PRG. Special meetings may be held on an as-needs basis.

#### Meeting procedures

- 4.6. Meetings will follow standard meeting procedures as established in any guidance material and outlined in these terms of reference for the PRG provided (see appendix one for the agenda template).
- 4.7. All PRG meetings and records are considered confidential and may be designated as confidential in accordance with Section 77 of the *Local Government Act 1989*.
- 4.8. All recommendations, proposals and advice must be directed through the Chair.

#### Quorum

- 4.9. A minimum of two appointed Councillors are required at each meeting to constitute a quorum.
- 4.10. If at any PRG meeting a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting shall be deemed adjourned.

#### Voting

- 4.11. There will be no official voting process, although all members shall have equal voting rights. Majority and minority opinions will be reflected in PRG minutes.

#### Minutes of the Meeting

- 4.12. A Latrobe City Officer or authorised agent shall take the minutes of each PRG meeting.
- 4.13. The minutes shall be in a standard format including a record of those present, apologies for absence, adoption of previous minutes and a list of adopted actions and resolutions of the PRG (see appendix two for the minutes template).
- 4.14. Where this meeting is also considered an Assembly of Councillors under the *Local Government Act 1989*, an Assembly of Councillors record must also be submitted in accordance with those requirements.





- 4.15. The minutes shall be stored in the Latrobe City Council corporate filing system (currently ECM electronic document and records management system).
- 4.16. The agenda shall be distributed at least 48 hours in advance of the meeting to all PRG members, including alternative representatives.
- 4.17. A copy of the minutes shall be distributed to all PRG members (including alternative representatives) within 10 working days of the meeting.

#### Reports to Council

- 4.18. With the approval of the Chair, a report to Council may be tabled on the PRG's progress towards the objectives included in this Terms of Reference.
- 4.19. Reports to Council should reflect a consensus of view. Where consensus cannot be reached, the report should clearly outline any differing points of view.
- 4.20. Reports to Council will be co-ordinated through the General Manager Infrastructure & Recreation.

### **5. Review of PRG and Duration of the PRG**

- 5.1. The PRG will cease to exist by resolution of the Council, or once the objectives at item 2.3 have been demonstrated that they have been met, whichever occurs first.
- 5.2. A review of the PRG will take place at least once every three years at which time the Terms of Reference will also be reviewed.
- 5.3. A review will be conducted on a self-assessment basis (unless otherwise determined by Council) with appropriate input sought from the Council, the CEO, all PRG members, management and any other stakeholders, as determined by Council.
- 5.4. The review must consider:
  - 5.4.1. The PRG's achievements;
  - 5.4.2. Whether there is a demonstrated need for the PRG to continue; and
  - 5.4.3. Any other relevant matter.



## 6. Authority and Compliance Requirements

- 6.1. The PRG is a consultative group only and has no executive powers nor does it have any delegated decision making or financial authority.
- 6.2. The PRG must comply with the Assembly of Councillor provisions provided for in the *Local Government Act 1989*.
- 6.3. Failure to comply with the provisions outlined in this Terms of Reference may result in termination of the Member's appointment.



## Appendix 1: Agenda Template



<b>[Name] Advisory Committee</b>			
Meeting Day, XX Month Year			
Time Commencing: 00:00am/pm Expected Finish Time: 00:00am/pm			
Location: (include specific meeting room and address)			
<i>NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.</i>			
AGENDA ITEMS			
No.	Item	Responsible Officer	Attachment
1.	Welcome & introduction	Chair	N/a
2.	Apologies	All	
3.	Declarations of Interest	All	
	<i>Members of the Committee are to declare any Conflicts of interest or any interests in matters listed on the agenda</i>		
4.	Confirmation of Minutes		
	<i>Confirmation of the previous minutes of the meeting.</i>		
5.	Matters arising from previous meeting	All	
	<i>Review of action progress from previous meetings</i>		
6.	Items for Consideration		
	<i>Matters being presented for discussion in accordance with the terms of reference</i>		
	•		
	•		
	•		
	•		
7.	General Business		
	•	All	
	•		
	•		





## Appendix 2: Minutes Template



[Name] Advisory Committee Minutes			
Meeting Day, XX Month Year Time Commenced: 00:00am/pm Finish Time: 00:00am/pm Location: (include specific meeting room and address)			
Meeting Chair: < Name >			
<small>NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.</small>			
No.	Item	Responsible Person	Timeframe
1.	Present		
2.	Apologies		
3.	Interest Disclosures		
	<p><i>Members of the Committee declare any Conflicts of interest or Interests in matters discussed at the meeting.</i></p> <p>The following members of the Committee declared a Conflict of Interest at the meeting and left the meeting whilst the matter was being discussed:</p> <p>&lt;Name&gt; ,Time left 00:00am/pm, Time returned 00:00am/pm</p> <p>&lt;Name&gt; ,Time left 00:00am/pm, Time returned 00:00am/pm</p> <p>&lt;Name&gt; ,Time left 00:00am/pm, Time returned 00:00am/pm</p>		



**[Name] Advisory Committee Minutes**

Meeting Day, XX Month Year  
Time Commenced: 00:00am/pm Finish Time: 00:00am/pm  
Location: (include specific meeting room and address)

Meeting Chair: < Name >

NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.

No.	Item	Responsible Person	Timeframe
4.	<b>Confirmation of Minutes</b>		
	<i>That the minutes of the meeting held on [Date] of the [Name] Advisory Committee be confirmed.</i>		
5.	<b>Matters arising from previous meeting</b>		
	<i>List the item and action agreed and assign any follow up actions and expected timeframes</i>  1. Item Heading Action(s): • • 2. Item Heading Action(s): • •		
6.	<b>Items for Consideration</b>		
	<i>List the item and action agreed as per agenda and assign any follow up actions and expected timeframes</i>  1. Item Heading Action(s): • 2. Item Heading Action(s): •		



**[Name] Advisory Committee Minutes**

Meeting Day, XX Month Year  
 Time Commenced: 00:00am/pm Finish Time: 00:00am/pm  
 Location: (include specific meeting room and address)

Meeting Chair: < Name >

NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.

No.	Item	Responsible Person	Timeframe
	3. Item Heading Action(s): •		
<b>7.</b>	<b>General Business</b>		
	<i>List the item and action agreed and assign any follow up actions and expected timeframes</i> 1. Item Heading Action(s): •  2. Item Heading Action(s): •		

**Next Meeting:** <Provide details of the next meeting date, time and location>.



# Morwell Recreation Reserve Redevelopment Project Reference Group

## *Terms of Reference*



March 2018





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1. **Establishment of the Project Reference Group**
2. **Objectives**
3. **Membership**
  - Composition of the Project Reference Group
  - Length of appointment
  - Selection of members and filling of vacancies
  - Co-option of members
  - Attendance at meetings
  - Resignations
4. **Proceedings**
  - Chair
  - Meeting Schedule
  - Meeting procedures
  - Quorum
  - Voting
  - Minutes
  - Reports to Council
5. **Review of Project Reference Group and Duration of the Project Reference Group**
6. **Authority and Compliance Requirements**





## 1. Establishment of the Project Reference Group

- 1.1. The Morwell Recreation Reserve Redevelopment Project Reference Group (hereinafter referred to as “the PRG”), is a formally appointed Advisory Committee of Latrobe City Council (LCC) for the purposes of the *Local Government Act 1989*.
- 1.2. The membership of the PRG and these Terms of Reference will be adopted by resolution of Council at an Ordinary Council Meeting.

## 2. Objectives

- 2.1. The PRG’s role is to report to the Council and provide appropriate advice, information and feedback on matters relevant to this Terms of Reference in order to facilitate decision making by the Council in relation to the discharge of its responsibilities.
- 2.2. The PRG is an advisory group only and has no delegated decision making authority.
- 2.3. The PRG is established to:
  - 2.3.1. Provide an interface between Council, the Project Control Group (PCG), the Project Assurance Group (PAG) and the wider community.
  - 2.3.2. Provide specific feedback to the Project Assurance Group about elements of the project where members of the Morwell Recreation Reserve Redevelopment PRG has specialist expertise.
  - 2.3.3. Provide advice to Council on issues relating to the development of the Morwell Recreation Reserve Redevelopment.
  - 2.3.4. Provide feedback and support for community engagement strategies with the wider community and stakeholders.
  - 2.3.5. Act as advocates for the project with the wider community.
- 2.4. The PRG will carry out the following functions in order to achieve the objectives:
  - 2.4.1. Review progress of the Morwell Recreation Reserve Redevelopment and provide information to Council, stakeholders and the wider community.
    - 2.4.1.1. Schedule meetings as required to receive updates on the development of the Morwell Recreation Reserve Redevelopment.



2.4.1.2. Contribute to the development of media and communication strategies.

2.4.1.3. Assist with the appointment of co-opted members, as deemed appropriate by the PRG, to contribute at particular stages of the project.

#### 2.4.2. Policy and Strategy Development

2.4.2.1. Provide advice as part of a policy, strategy (or other relevant document) review or development processes as required from time to time.

2.4.3. Perform other activities related to this Terms of Reference as requested by the Council.

### 3. Membership

#### Composition of the PRG

3.1. The PRG will comprise of 9 members plus LCC officers, being:

3.1.1. Up to two x Councillors, one whom shall be nominated as Chair

3.1.2. Two x Morwell Football Netball Club nominated representatives (one from football and one from netball)

3.1.3. One x AFL Victoria nominated representative

3.1.4. One x Morwell Cricket Club nominated representative

3.1.5. One x Morwell Croquet Club nominated representative

3.1.6. One x Gippsland Power Football Club nominated representative

3.1.7. One x Sport and Recreation Victoria nominated representative

3.1.8. LCC officers

3.1.8.1. One x LCC Project Owner

3.1.8.2. One x Project Director

3.1.8.3. One x Project Manager (including PRG secretariat)

3.1.8.4. LCC officers as required (Ex Officio)



#### Length of appointment

- 3.2. While a PRG shall be in place for as long as Latrobe City Council sees fit, the appointment of members shall be for a term of two years. The term for co-opted members shall be for one year or as required specific to the task.
- 3.3. Prior to the expiration of each term, there will be a call for nominations for the next term. Current PRG members are able to re-nominate.

#### Selection of members and filling of vacancies

- 3.4. Latrobe City Council shall determine the original membership of the PRG based on expressions of interest received from members of the community and nominations received from organisations.
- 3.5. The PRG may fill any vacancies that occur within the determined year period of appointment, subject to the approval of the General Manager Infrastructure & Recreation and endorsement of Council. Where a vacancy is filled in this way, the appointment shall be limited to the remainder of the period of the original appointment.

#### Co-option of members

- 3.6. With the approval of the Chair, the PRG may invite other individuals to participate in the proceedings of the PRG on a regular or an occasional basis and including in the proceedings of any sub-committees formed.

#### Attendance at meetings

- 3.7. All PRG members are expected to attend each meeting.
- 3.8. A member who misses two consecutive meetings without a formal apology may at the discretion of Latrobe City Council have their term of office revoked.
- 3.9. A member who is unable to attend the majority of meetings during the year may at the discretion of Latrobe City Council have their term of office revoked.
- 3.10. All Councillors are invited to each meeting to attend as observers only.

#### Resignations

- 3.11. All resignations from members of the PRG are to be submitted in writing to the General Manager Infrastructure & Recreation, Latrobe City Council, PO Box 264, Morwell VIC 3840.

### **4. Proceedings**

#### Chair

- 4.1. The nominated Councillor shall Chair the meetings.





- 4.2. If the Councillor Chair is unavailable he/she shall delegate to another nominated Councillor to chair the meeting.
- 4.3. If a Councillor is not available, the Chair may nominate a replacement from the current membership of the PRG to chair the meeting.

#### Meeting schedule

- 4.4. The PRG will determine its meeting schedule and times for each of the meetings. The duration of each PRG meeting should generally not exceed two hours.
- 4.5. Meetings of the PRG will be held monthly initially or as may be deemed necessary by Latrobe City Council or the PRG to fulfil the objectives of the PRG. Special meetings may be held on an as-needs basis.

#### Meeting procedures

- 4.6. Meetings will follow standard meeting procedures as established in any guidance material and outlined in these terms of reference for the PRG provided (see appendix one for the agenda template).
- 4.7. All PRG meetings and records are considered confidential and may be designated as confidential in accordance with Section 77 of the *Local Government Act 1989*.
- 4.8. All recommendations, proposals and advice must be directed through the Chair.

#### Quorum

- 4.9. A minimum of one appointed Councillor is required at each meeting to constitute a quorum.
- 4.10. If at any PRG meeting a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting shall be deemed adjourned.

#### Voting

- 4.11. There will be no official voting process, although all members shall have equal voting rights. Majority and minority opinions will be reflected in PRG minutes.

#### Minutes of the Meeting

- 4.12. A Latrobe City Officer or authorised agent shall take the minutes of each PRG meeting.
- 4.13. The minutes shall be in a standard format including a record of those present, apologies for absence, adoption of previous minutes and a list of adopted



actions and resolutions of the PRG (see appendix two for the minutes template).

- 4.14. Where this meeting is also considered an Assembly of Councillors under the *Local Government Act 1989*, an Assembly of Councillors record must also be submitted in accordance with those requirements.
- 4.15. The minutes shall be stored in the Latrobe City Council corporate filing system (currently ECM electronic document and records management system).
- 4.16. The agenda shall be distributed at least 48 hours in advance of the meeting to all PRG members, including alternative representatives.
- 4.17. A copy of the minutes shall be distributed to all PRG members (including alternative representatives) within 10 working days of the meeting.

#### Reports to Council

- 4.18. With the approval of the Chair, a report to Council may be tabled on the PRG's progress towards the objectives included in this Terms of Reference.
- 4.19. Reports to Council should reflect a consensus of view. Where consensus cannot be reached, the report should clearly outline any differing points of view.
- 4.20. Reports to Council will be co-ordinated through the General Manager Infrastructure & Recreation.

### **5. Review of PRG and Duration of the PRG**

- 5.1. The PRG will cease to exist by resolution of the Council, or once the objectives at item 2.3 have been demonstrated that they have been met, whichever occurs first.
- 5.2. A review of the PRG will take place at least once every three years at which time the Terms of Reference will also be reviewed.
- 5.3. A review will be conducted on a self-assessment basis (unless otherwise determined by Council) with appropriate input sought from the Council, the CEO, all PRG members, management and any other stakeholders, as determined by Council.
- 5.4. The review must consider:
  - 5.4.1. The PRG's achievements;
  - 5.4.2. Whether there is a demonstrated need for the PRG to continue; and
  - 5.4.3. Any other relevant matter.



## 6. Authority and Compliance Requirements

- 6.1. The PRG is a consultative group only and has no executive powers nor does it have any delegated decision making or financial authority.
- 6.2. The PRG must comply with the Assembly of Councillor provisions provided for in the *Local Government Act 1989*.
- 6.3. Failure to comply with the provisions outlined in this Terms of Reference may result in termination of the Member's appointment.



## Appendix 1: Agenda Template



<b>[Name] Advisory Committee</b>			
Meeting Day, XX Month Year			
Time Commencing: 00:00am/pm Expected Finish Time: 00:00am/pm			
Location: (include specific meeting room and address)			
<i>NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.</i>			
AGENDA ITEMS			
No.	Item	Responsible Officer	Attachment
1.	Welcome & introduction	Chair	N/a
2.	Apologies	All	
3.	Declarations of Interest	All	
	<i>Members of the Committee are to declare any Conflicts of interest or any interests in matters listed on the agenda</i>		
4.	Confirmation of Minutes		
	<i>Confirmation of the previous minutes of the meeting.</i>		
5.	Matters arising from previous meeting	All	
	<i>Review of action progress from previous meetings</i>		
6.	Items for Consideration		
	<i>Matters being presented for discussion in accordance with the terms of reference</i>		
	•		
	•		
	•		
	•		
7.	General Business		
	•	All	
	•		
	•		



## Appendix 2: Minutes Template



[Name] Advisory Committee Minutes			
Meeting Day, XX Month Year			
Time Commenced: 00:00am/pm Finish Time: 00:00am/pm			
Location: (include specific meeting room and address)			
Meeting Chair: < Name >			
<small>NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.</small>			
No.	Item	Responsible Person	Timeframe
1.	Present		
2.	Apologies		
3.	Interest Disclosures		
	<p><i>Members of the Committee declare any Conflicts of interest or Interests in matters discussed at the meeting.</i></p> <p>The following members of the Committee declared a Conflict of Interest at the meeting and left the meeting whilst the matter was being discussed:</p> <p>&lt;Name&gt; ,Time left 00:00am/pm, Time returned 00:00am/pm</p> <p>&lt;Name&gt; ,Time left 00:00am/pm, Time returned 00:00am/pm</p> <p>&lt;Name&gt; ,Time left 00:00am/pm, Time returned 00:00am/pm</p>		



**[Name] Advisory Committee Minutes**

Meeting Day, XX Month Year  
 Time Commenced: 00:00am/pm    Finish Time: 00:00am/pm  
 Location: (include specific meeting room and address)

Meeting Chair: < Name >

NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.

No.	Item	Responsible Person	Timeframe
4.	<b>Confirmation of Minutes</b>		
	<i>That the minutes of the meeting held on [Date] of the [Name] Advisory Committee be confirmed.</i>		
5.	<b>Matters arising from previous meeting</b>		
	<i>List the item and action agreed and assign any follow up actions and expected timeframes</i>  1. Item Heading Action(s): • • 2. Item Heading Action(s): • •		
6.	<b>Items for Consideration</b>		
	<i>List the item and action agreed as per agenda and assign any follow up actions and expected timeframes</i>  1. Item Heading Action(s): • • 2. Item Heading Action(s): •		







**[Name] Advisory Committee Minutes**

Meeting Day, XX Month Year  
 Time Commenced: 00:00am/pm Finish Time: 00:00am/pm  
 Location: (include specific meeting room and address)

Meeting Chair: < Name >

NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.

No.	Item	Responsible Person	Timeframe
	3. Item Heading Action(s): •		
<b>7.</b>	<b>General Business</b>		
	<i>List the item and action agreed and assign any follow up actions and expected timeframes</i> 1. Item Heading Action(s): •  2. Item Heading Action(s): •		

**Next Meeting:** <Provide details of the next meeting date, time and location>.



# Flynn Hall Project Reference Group

## *Terms of Reference*



April 2020





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1. **Establishment of the PRG**
2. **Objectives**
3. **Membership**
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  - Selection of members and filling of vacancies
  - Co-option of members
  - Attendance at meetings
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4. **Proceedings**
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  - Meeting Schedule
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  - Quorum
  - Voting
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5. **Review of PRG and Duration of the PRG**
6. **Authority and Compliance Requirements**



## **1. Establishment of the Project Reference Group**

- 1.1. The Flynn Hall Project Reference Group (hereinafter referred to as “the PRG”), is a formally appointed Community PRG of Latrobe City Council.
- 1.2. The membership of this PRG and these Terms of Reference will be adopted by resolution of Latrobe City Council at an Ordinary Council Meeting.

## **2. Objectives**

- 2.1. The PRG’s role is to facilitate communication between Council, the Project Assurance Group (PAG) and the wider community on matters relevant to this Terms of Reference in order to assist decision making by the Council in relation to the discharge of its responsibilities.
- 2.2. The PRG is to facilitate communication only and has no delegated decision making authority.
- 2.3. The PRG is established to:
  - 2.3.1. Provide an interface between Council, the Project Assurance Group (PAG) and the wide community.
  - 2.3.2. Provide specific feedback to the Project Assurance Group about elements of the project where members of the Flynn Hall PRG have specialist expertise.
  - 2.3.3. Provide assistance to Council on issues relating to the development of the Flynn Hall.
  - 2.3.4. Provide feedback and support for community engagement strategies with the wider community and stakeholders.
  - 2.3.5. Act as advocates for the project with the wider community.
- 2.4. The PRG will carry out the following in order to achieve the objectives set:
  - 2.4.1. Review progress of the Flynn Hall projects relating to the re-development of the hall.
    - 2.4.1.1. Schedule meetings as required to receive updates on the development of Flynn Hall.
    - 2.4.1.2. Contribute to the development of media and communication strategies.



2.4.1.3. Assist with the appointment of co-opted members, as deemed appropriate by the PRG, to contribute at particular stages of the project.

2.4.2. Policy and Strategy Development

2.4.2.1. Obtain and provide community feedback as part of a policy, strategy (or other relevant document) review or development processes as required from time to time.

2.4.3. Perform other activities related to this Terms of Reference as requested by the Council.

### 3. Membership

#### Composition of the PRG

3.1. The PRG shall comprise of 11 members, being:

- 3.1.1. Up to two Councillors , one whom shall be nominated as Chair
- 3.1.2. One representative of the Flynn Hall Committee of Management
- 3.1.3. One representative of the Flynn Tennis Club
- 3.1.4. One representative of the Flynn Country Women's Association
- 3.1.5. One representative of the Flynn Badminton Club
- 3.1.6. One representative of the Flynn Country Fire Authority
- 3.1.7. LCC Officers
  - 3.1.7.1.1. One LCC Project Owner
  - 3.1.7.1.2. One LCC City Assets Manager
  - 3.1.7.1.3. One LCC Project Manager
  - 3.1.7.1.4. One LCC Major Projects Administration Officer

#### Length of appointment

- 3.2. Whilst a Community PRG shall be in place for as long as Latrobe City Council sees fit, the appointment of members shall be for a term as deemed appropriate by Council.
- 3.3. Prior to the expiration of each term, there will be a call for nominations for the next term. Current Community PRG members are able to re-nominate.

#### Selection of members and filling of vacancies



- 3.4. Latrobe City Council shall determine the original membership of a PRG based on expressions of interest received from members of the community and nominations received from organisations.
- 3.5. The Community PRG may fill any vacancies that occur within the determined year period of appointment, subject to the approval of the General Manager of the relevant division and endorsement of Council. Where a vacancy is filled in this way, the appointment shall be limited to the remainder of the period of the original appointment.

#### Co-option of members

- 3.6. With the approval of the Chair, the PRG may invite other individuals to participate in the proceedings of the PRG on a regular or an occasional basis and including in the proceedings of any sub-PRGs formed.

#### Attendance at meetings

- 3.7. All Community PRG members are expected to attend each meeting.
- 3.8. A member who misses two consecutive meetings without a formal apology may at the discretion of Latrobe City Council have their term of office revoked.
- 3.9. A member who is unable to attend the majority of meetings during the year may at the discretion of Latrobe City Council have their term of office revoked.

#### Resignations

- 3.10. All resignations from members of the Community PRG are to be submitted in writing to the General Manager of the relevant division, Latrobe City Council, PO Box 264, Morwell VIC 3840.

### **4. Proceedings**

#### Chair

- 4.1. The nominated Councillor shall Chair the meetings.
- 4.2. If the Councillor delegate is unavailable he/she shall delegate to the other nominated Councillor to chair the meeting.
- 4.3. If neither Councillor is available, the meeting shall be postponed.

#### Meeting schedule

- 4.4. The PRG will determine its meeting schedule and times for each of the meetings. The duration of each PRG meeting should generally not exceed two hours.



- 4.5. Meetings of the PRG will be held monthly initially or as may be deemed necessary by Latrobe City Council or the PRG to fulfil the objectives of the PRG. Special meetings may be held on an as-needs basis.

Meeting procedures

- 4.6. Meetings will follow standard meeting procedures as established in any guidance material and outlined in these terms of reference for Advisory PRGs provided (see appendix one for the agenda template).
- 4.7. All PRG meetings and records are considered confidential and may be designated as confidential in accordance with Section 77 of the Act.
- 4.8. All recommendations, proposals and advice must be directed through the Chair.

Quorum

- 4.9. A majority of the members, including at least one Councillor constitutes a quorum.
- 4.10. If at any PRG meeting a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting shall be deemed adjourned.

Voting

- 4.11. There will be no official voting process, although all members shall have equal voting rights. Majority and minority opinions will be reflected in PRG minutes.

Minutes of the Meeting

- 4.12. A Latrobe City Officer or authorised agent shall take the minutes of each PRG meeting.
- 4.13. The minutes shall be in a standard format including a record of those present, apologies for absence, adoption of previous minutes and a list of adopted actions and resolutions of the PRG (see appendix two for the minutes template).
- 4.14. Where this meeting is also considered an Assembly of Councillors under the *Local Government Act 1989*, an Assembly of Councillors record must also be submitted in accordance with those requirements.
- 4.15. The minutes shall be stored in the Latrobe City Council corporate filing system (currently CI electronic document and records management system).
- 4.16. The agenda shall be distributed at least 48 hours in advance of the meeting to all PRG members, including alternative representatives.





- 4.17. A copy of the minutes shall be distributed to all PRG members (including alternative representatives) within 10 working days of the meeting.

Reports to Council

- 4.18. With the approval of the Chair, a report to Council may be tabled on the PRG's progress towards the objectives included in this Terms of Reference.
- 4.19. Reports to Council should reflect a consensus of view. Where consensus cannot be reached, the report should clearly outline any differing points of view.
- 4.20. Reports to Council will be co-ordinated through the General Manager of the relevant division that the PRG falls under.

**5. Review of PRG and Duration of the PRG**

- 5.1. The PRG will cease to exist by resolution of the Council, or once the objectives at item 2.3 have been demonstrated that they have been met, whichever occurs first.
- 5.2. A review of the PRG will take place at least once every three years at which time the Terms of Reference will also be reviewed.
- 5.3. A review will be conducted on a self-assessment basis (unless otherwise determined by Council) with appropriate input sought from the Council, the CEO, all PRG members, management and any other stakeholders, as determined by Council.
- 5.4. The review must consider:
- 5.4.1. The PRG's achievements
  - 5.4.2. Whether there is a demonstrated need for the PRG to continue, and
  - 5.4.3. Any other relevant matter.

**6. Authority and Compliance Requirements**

- 6.1. The PRG is a community PRG only and has no executive powers nor does it have any delegated decision making or financial authority.
- 6.2. Failure to comply with the provisions outlined in this Terms of Reference may result in termination of the Member's appointment.





## Appendix 1: Agenda Template



<b>[Name] Advisory Committee</b>			
Meeting Day, XX Month Year			
Time Commencing: 00:00am/pm Expected Finish Time: 00:00am/pm			
Location: (include specific meeting room and address)			
<i>NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.</i>			
AGENDA ITEMS			
No.	Item	Responsible Officer	Attachment
1.	Welcome & introduction	Chair	N/a
2.	Apologies	All	
3.	Declarations of Interest	All	
	<i>Members of the Committee are to declare any Conflicts of interest or any interests in matters listed on the agenda</i>		
4.	Confirmation of Minutes		
	<i>Confirmation of the previous minutes of the meeting.</i>		
5.	Matters arising from previous meeting	All	
	<i>Review of action progress from previous meetings</i>		
6.	Items for Consideration		
	<i>Matters being presented for discussion in accordance with the terms of reference</i>		
	•		
	•		
	•		
	•		
7.	General Business		
	•	All	
	•		
	•		





## Appendix 2: Minutes Template



[Name] Advisory Committee Minutes			
Meeting Day, XX Month Year			
Time Commenced: 00:00am/pm Finish Time: 00:00am/pm			
Location: (include specific meeting room and address)			
Meeting Chair: < Name >			
<small>NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.</small>			
No.	Item	Responsible Person	Timeframe
1.	Present		
2.	Apologies		
3.	Interest Disclosures		
	<p><i>Members of the Committee declare any Conflicts of interest or Interests in matters discussed at the meeting.</i></p> <p>The following members of the Committee declared a Conflict of Interest at the meeting and left the meeting whilst the matter was being discussed:</p> <p>&lt;Name&gt; ,Time left 00:00am/pm, Time returned 00:00am/pm</p> <p>&lt;Name&gt; ,Time left 00:00am/pm, Time returned 00:00am/pm</p> <p>&lt;Name&gt; ,Time left 00:00am/pm, Time returned 00:00am/pm</p>		



**[Name] Advisory Committee Minutes**

Meeting Day, XX Month Year  
Time Commenced: 00:00am/pm Finish Time: 00:00am/pm  
Location: (include specific meeting room and address)

Meeting Chair: < Name >

NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.

No.	Item	Responsible Person	Timeframe
4.	<b>Confirmation of Minutes</b>		
	<i>That the minutes of the meeting held on [Date] of the [Name] Advisory Committee be confirmed.</i>		
5.	<b>Matters arising from previous meeting</b>		
	<i>List the item and action agreed and assign any follow up actions and expected timeframes</i>  1. Item Heading Action(s): • • 2. Item Heading Action(s): • •		
6.	<b>Items for Consideration</b>		
	<i>List the item and action agreed as per agenda and assign any follow up actions and expected timeframes</i>  1. Item Heading Action(s): • 2. Item Heading Action(s): •		



**[Name] Advisory Committee Minutes**

Meeting Day, XX Month Year  
Time Commenced: 00:00am/pm Finish Time: 00:00am/pm  
Location: (include specific meeting room and address)

Meeting Chair: < Name >

*NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.*

No.	Item	Responsible Person	Timeframe
	3. Item Heading Action(s): •		
7.	<b>General Business</b> <i>List the item and action agreed and assign any follow up actions and expected timeframes</i> 1. Item Heading Action(s): •  2. Item Heading Action(s): •		
<b>Next Meeting:</b> <Provide details of the next meeting date, time and location>.			

# **COMMUNITY HEALTH AND WELLBEING**

**16. COMMUNITY HEALTH AND WELLBEING**

Nil reports

# **ORGANISATIONAL PERFORMANCE**

**17. ORGANISATIONAL PERFORMANCE**

Nil reports

# **URGENT BUSINESS**



**18. URGENT BUSINESS**

Business may be admitted to the meeting as urgent business in accordance with clause 17 of the Governance Rules, by resolution of the Council and only then if it:

- 17.1 Relates to or arises out of a matter which has arisen since distribution of the agenda; and
- 17.2 Cannot reasonably or conveniently be deferred until the next Council meeting.

**MEETING CLOSED TO  
THE PUBLIC TO  
CONSIDER  
CONFIDENTIAL  
INFORMATION**

**19. MEETING CLOSED TO THE PUBLIC TO CONSIDER CONFIDENTIAL INFORMATION**

The information in this section was declared to be confidential information under section 77 of the Local Government Act 1989 and as a result this information is also confidential information under the Local Government Act 2020.

For the avoidance of doubt, section 66 of the *Local Government Act 2020* (which came into effect on 01 May 2020) also enables the Council to close the meeting to the public to consider confidential information as this term is defined under the *Local Government Act 2020*.

**RECOMMENDATION**

**That Council closes this Ordinary Meeting of Council to the public to consider confidential information on the following grounds:**

**(a) the information to be considered has been declared to be confidential information under section 77 of the Local Government Act 1989 and as a result this information is also confidential information under the Local Government Act 2020; and**

**(b) pursuant to section 66 of the *Local Government Act 2020* on the following grounds:**

**19.1 Former Moe Library and Service Centre**

**Agenda item 19.1 *Former Moe Library and Service Centre* is designated as confidential under subsection (a) and (g) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released; and private commercial information, being information provided by a business, commercial or financial undertaking that—**

**(i) relates to trade secrets; or**

**(ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage. The report contains private commercial information about the external parties discussed in the report, some of which has been conveyed to Council in confidence. Premature release of the report could also adversely affect Council's position in negotiations, noting there are several options available**

- 19.2 Community Asset Committees - Response to Expression of Interest process for vacant Community Representative positions**  
Agenda item 19.2 *Community Asset Committees - Response to Expression of Interest process for vacant Community Representative positions* is designated as confidential under subsection (f) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. The report contains personal information
- 19.3 LCC-696 Provision of Arboriculture Maintenance Services**  
Agenda item 19.3 *LCC-696 Provision of Arboriculture Maintenance Services* is designated as confidential under subsection (g) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to private commercial information, being information provided by a business, commercial or financial undertaking that—
- (i) relates to trade secrets; or
  - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage. Releasing this information publicly and/or prematurely may prejudice the undertaking of this process