



# LATROBE CITY COUNCIL

## MINUTES FOR THE ORDINARY COUNCIL MEETING HELD VIA AUDIO-VISUAL LINK AT 6PM ON 07 SEPTEMBER 2020

CM553

**PRESENT:**

<b>Councillors:</b>	Cr Dan Clancey, Mayor	East Ward
	Cr Alan McFarlane, Deputy Mayor	Central Ward
	Cr Graeme Middlemiss	Central Ward
	Cr Darren Howe	East Ward
	Cr Dale Harriman	East Ward
	Cr Kellie O'Callaghan	East Ward
	Cr Darrell White OAM	South Ward
	Cr Brad Law	West Ward
	Cr Sharon Gibson	West Ward
<b>Officers:</b>	Steven Piasente	Chief Executive Officer
	Suzanne Miller	General Manager Community Health & Wellbeing
	Gail Gatt	General Manager Regional City Growth & Investment
	Greg Drumm	General Manager Organisational Performance
	Larry Sengstock	General Manager Assets & Presentation
	Kieran Stewart	Governance Officer

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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 *COVID-19 Omnibus (Emergency Measures) Act 2020*, a Councillor may attend this Ordinary Council Meeting remotely by electronic means of communication; and

Pursuant to section 395 *COVID-19 Omnibus (Emergency Measures) Act 2020* this Ordinary 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**

The Mayor read the opening prayer.

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

The Mayor read the acknowledgement of the traditional owners of the land.

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

The Mayor from 8.29pm

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

Councillor White declared an indirect interest under Section 78B of the *Local Government Act 1989* in respect to Council Meeting Item 16.2 2020/21 Community Grant and Sponsorship Program - Proposed Resolution 3.

Councillor Harriman declared an indirect interest under Section 78B of the *Local Government Act 1989* in respect to Council Meeting Item 16.2 2020/21 Community Grant and Sponsorship Program - Proposed Resolution 2.

Mayor Clancey declared an indirect interest under Section 78A of the *Local Government Act 1989* in respect to Council Meeting Item 16.2 2020/21 Community Grant and Sponsorship Program - Proposed Resolution 4.

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

#### **MOTION**

**Moved:** Cr Gibson

**Seconded:** Cr O'Callaghan

**That Council confirm the minutes of the Ordinary Council Meeting held on 3 August 2020.**

**CARRIED UNANIMOUSLY**

**6. ACKNOWLEDGEMENTS**

Nil

**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.

Therefore this Meeting was closed to physical participation by members of the public. To meet legislated obligations and in the spirit of open, accessible and transparent governance, the Council Meeting was livestreamed.

**Public Questions on Notice**

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

There were no questions lodged.

**Public Speakers**

Members of the public who registered before 12noon were invited to speak to an item on the agenda.

Sharon Wootton attended the meeting via audio-visual link to speak to agenda item 14.2 Development of land with two (2) additional dwellings on a lot and a three (3) lot subdivision at 14 High Street, Moe.

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

Date of Council Meeting	Item	Notes
<b>Regional City Growth and Investment</b>		
23 October 2017	<p>Development Proposal - Expression of Interest</p> <p><i>Previously declared confidential under Section 89(2) (d) (e) of the Local Government Act 1989, as it deals with contractual matters; AND proposed developments.</i></p>	<p>Councillor Briefing reports presented 26 March 2018 and 24 July 2018.</p> <p>Report will be scheduled once an update is available.</p> <p><b>30 April 2020</b></p> <p>Council report to be presented at a future meeting that outlines a proposal wasn't forthcoming. We will continue to market the Airport in line with our investment prospectus in line with the investment roadmap.</p>
5 February 2018	Signage on Overhead Bridges on Freeway	<p><b>8 March 2018</b></p> <p>A report to Council will be prepared for a future Council meeting once a response is received from Vic Roads.</p> <p>Response from Vic Roads indicated their position is electronic signage on bridges is not permitted at this time.</p> <p>Further investigations being undertaken in 2018 and 2019.</p> <p><b>31 October 2019</b></p> <p>A future report to be presented to Council late 2020.</p> <p><b>22 April 2020</b></p> <p>A briefing is to be provided in June 2020.</p> <p><b>16 June 2020</b></p>

Date of Council Meeting	Item	Notes
		<p>Additional information is still being gathered for the report; it is now expected a report will be made to Council later in 2020.</p> <p><b>6 August 2020</b></p> <p>A letter is being sent from the CEO to the Regional Director Eastern Victoria Regional Roads Victoria regarding this matter; additional options are being determined for the report.</p>
3 April 2018	Future Use of the Visitor Information Centre Building	<p><b>4 April 2018</b></p> <p>The resolution is noted. A report outlining options for the future use of the existing Visitor Information Centre building in Traralgon will be presented to Council closer to the transition of the service to the foyer of the new performing arts centre (Latrobe Creative Precinct).</p> <p><b>20 July 2018</b></p> <p>No further updates - Update to be provided as the opening of the LCP approaches.</p> <p><b>28 November 2019</b></p> <p>A decision on the future use of the VIC building pending relocation to the foyer of the Latrobe Creative Precinct. This is scheduled for March/April 2021.</p> <p>New target date set at September 2020 so the process of identifying options and presenting them to Council can begin.</p> <p><b>11 June 2020</b></p> <p>A report is being prepared to present options to Councillors.</p> <p><b>4 August 2020</b></p> <p>A briefing is scheduled to go to Councillors on 24 August 2020 followed by a report on 7 September 2020.</p>

Date of Council Meeting	Item	Notes
2 September 2019	<p>SEA Electric: Request for Land at the Gippsland Logistics Precinct</p> <p><i>Previously declared confidential under Section 89(2) (e) of the Local Government Act 1989, as it deals with proposed developments.</i></p>	<p><b>30 April 2020</b></p> <p>A further report to be prepared for Council consideration following work undertaken over the coming months.</p> <p><b>12 June 2020</b></p> <p>Draft lease being prepared.</p> <p><b>7 July 2020</b></p> <p>Discussions continuing with State Government in relation to milestones for the lease agreement</p>
3 June 2019	Latrobe Creative Precinct - Gippsland FM Proposal to Co-locate at the Precinct	<p><b>11 February 2020</b></p> <p>The expression of interest (EOI) is being publicly released on 17/2/2020. Timelines have allowed for a briefing to Councillors on 20 April 2020, followed by a report on 4 May 2020.</p> <p><b>9 April 2020</b></p> <p>The deadline for submissions of EOI extended at the request of potential submitters due to the COVID-19 pandemic. The deadline extended to 30 April 2020; a Councillor briefing report will be scheduled after this.</p> <p><b>10 June 2020</b></p> <p>Submissions currently being assessed.</p> <p><b>4 August 2020</b></p> <p>The assessment panel decided to invite applicants to provide additional information to assess their submissions. This is currently occurring. Target date has been revised to 30 November 2020 to allow this activity.</p>
11 November 2019	Celebrating the 20th Anniversary of the Sister City Relationship with	<p>Present the final design for consideration at a future Council meeting.</p> <p><b>1 May 2020</b></p>



Date of Council Meeting	Item	Notes
	Taizhou - Taizhou Garden in Latrobe	<p>Survey work continues.</p> <p><b>11 June 2020</b></p> <p>The Infrastructure team provided a site survey map and photos to Taizhou on 23 March. Due to the lockdown in China, Taizhou Foreign Affairs Office returned to work in May.</p> <p>Taizhou indicated that the process may take longer than expected due to the COVID-19 pandemic. Once a draft design is received from Taizhou, a further meeting with interested parties will be arranged and an update will be provided.</p>
2 December 2019	<p>2019/17: NIEIR Report</p> <p><i>Previously declared confidential under Section 89(2) (h) of the Local Government Act 1989, as it deals with a matter which the Council or special committee considers would prejudice the Council or any person.</i></p>	<p><b>6 May 2020</b></p> <p>Data will be finalised following an analysis of the impact of the COVID-19 situation on information previously presented.</p>
3 August 2020	Investment Roadmap	Receives a report at a future Council meeting that presents any feedback received.
<b>Community Health and Wellbeing</b>		
4 May 2020	Reconciliation Action Plan Conditional Endorsement	<p><b>8 May 2020</b></p> <p>Draft RAP sent to Reconciliation Australia for conditional endorsement.</p> <p><b>17 June 2020</b></p> <p>Response received from Reconciliation Australia</p>

Date of Council Meeting	Item	Notes
		<p>on 16 June. Officers are currently working through the feedback and preparing the design work for the final version to present to Council for endorsement.</p> <p><b>13 July 2020</b></p> <p>Officers met with Reconciliation Australia today to discuss the draft. Additional information is required to be included and resent to Reconciliation Australia this week. They have indicated we are on track to have final endorsement by the end of the July allowing for the RAP to be submitted for final endorsement at the September Council Meeting.</p> <p><b>5 August 2020</b></p> <p>Conditional endorsement has been received from Reconciliation Australia. The final design work on the Plan is now being completed. The plan will be submitted to the 7 September 2020 Council Meeting for endorsement.</p>
01 June 2020	Managing Camping at the Lake Narracan Foreshore Reserve	<p>A further report presenting data collected from security and maintenance patrols to inform options for future utilisation of the area to its full potential.</p> <p><b>5 August 2020</b></p> <p>Following the collection of data from the period from 10 October 2020 until 1 May 2021, a report will be presented to Councillors outlining the results of the data and potential options to manage the foreshore area</p>
3 August 2020	2019/20 Outdoor Pool Season Review	<p><b>6 August 2020</b></p> <p>A report will be prepared for Council at the end of the 2020/2021 Outdoor Pool Season.</p>

Date of Council Meeting	Item	Notes
<b>Organisational Performance</b>		
11 September 2017	Proposed Road Renaming - Ashley Avenue, Morwell	<p><b>20 September 2017</b> Pending further discussions before a report is rescheduled for decision.</p> <p><b>9 August 2018</b> A report for Council to consider the submissions received is being prepared for the September Meeting.</p> <p><b>17 September 2018</b> A further report will be determined after Councillor speaks with property owner.</p> <p><b>17 January 2019</b> Report expected to council in April 2019.</p> <p><b>13 February 2019</b> Report pending scheduling.</p> <p><b>8 August 2019</b> Proposed road renaming to be referred to Road Naming Committee for consideration when convened.</p> <p><b>14 April 2020</b> Report considered at Councillor Briefing held on 23 March 2020.</p> <p><b>7 May 2020</b> Letters sent to all property owners in Ashley Avenue advising of potential name change and inviting preliminary feedback.</p> <p><b>23 June 2020</b> Feedback received from property owners to be considered at future meeting of the Road &amp; Place Names Committee following which a Briefing</p>

Date of Council Meeting	Item	Notes
		<p>Report will be presented to Council with recommendation as to how to proceed.</p> <p><b>13 July 2020</b></p> <p>Road &amp; Place Names Committee meeting to be held on Monday, 13th July to considered the proposed renaming of Ashley Avenue. Report to be presented to a subsequent Councillor Briefing based upon recommendation from the committee as to which road should be renamed.</p>
6 July 2020	Englobo Land Valuations	<p>Requests a report at the next available Council Meeting following receipt of this information from the Valuer-General Victoria.</p> <p><b>21 July 2020</b></p> <p>A letter has been sent to The Valuer General Victoria on 13 July 2020 requesting the value of each parcel of current englobo land previously zoned farm land as if it had remained zoned as farm land.</p>
3 August 2020	Community Consultation - Potential Community Housing Victoria Development, 2-14 Tobruk Street Morwell	<p>Considers at a future Council meeting any submissions received regarding the proposed sale of 2-14 Tobruk Street, Morwell, being Lot 1 on PS 824686, to Community Housing Victoria Limited, by private treaty.</p>
<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	<p>Matter was researched and considered during 2018/19.</p> <p><b>14 August 2019</b></p> <p>A briefing report will be presented to Council in September 2019.</p> <p><b>16 January 2020</b></p>

Date of Council Meeting	Item	Notes
		<p>A further Briefing Report will be presented in 2020.</p> <p><b>7 May 2020</b></p> <p>A further report will be presented to Council in July for information</p> <p><b>19 August 2020</b></p> <p>A report will be presented to Council for discussion at Briefing Session in August 2020</p>
1 April 2019	Moe Keenagers - Project Update	<p><b>9 January 2020</b></p> <p>This funding application is still waiting for approval from the Federal Department of Infrastructure.</p> <p><b>6 March 2020</b></p> <p>A Council report will be provided in due course.</p> <p><b>19 August 2020</b></p> <p>A Briefing Report will be presented to Council in August and a Council Report presented at the September 2020 Council Meeting</p>
2 March 2020	2020/02 Review of Council Position 2010	<p>Presents a discussion paper to a council briefing session related to a future position on climate change and then presents a report to a future Council Meeting.</p> <p><b>18 August 2020</b></p> <p>The progression of a Discussion Paper to inform Council's future position on climate change is to be informed by research, benchmarking and engagement activities to be completed within the 2020/2021 financial year as part of the review and renewal of Latrobe City Council's Natural Environment Sustainability Strategy 2014 - 2019.</p>

<b>Date of Council Meeting</b>	<b>Item</b>	<b>Notes</b>
6 July 2020	Shared Path Network	Officers prepare a report for the August 2020 Ordinary Council Meeting.

Any proposed timings of reports listed above advised up to 20 August 2020, have been included in the above table. Items are removed only once a report has been tabled at Council and advised accordingly.

Any further updates after this time will be provided in the next Council Meeting Agenda.

# **NOTICES OF MOTION**

**9. NOTICES OF MOTION**

**9.1 2020/11: NAMING OF RESERVES IN LATROBE CITY**

**Cr Sharon Gibson**

I, Cr Sharon Gibson, hereby give notice of my intention to move the following motion at the Council Meeting to be held on Monday, 07 September 2020.

**MOTION**

**Moved:** Cr Gibson

**Seconded:** Cr Howe

**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.**

**CARRIED UNANIMOUSLY**

Signed  
Cr Sharon Gibson  
26 August 2020

**Attachments**

Nil



**9.2 2020/12 REVIEW OF MAINTENANCE OF TRARALGON CREEK,  
WATERHOLE CREEK AND NARRACAN CREEK IN URBAN AREAS**

**Cr Graeme Middlemiss**

I, Cr Graeme Middlemiss, hereby give notice of my intention to move the following motion at the Council Meeting to be held on Monday, 07 September 2020:

**MOTION**

**Moved:** Cr Middlemiss

**Seconded:** Cr Gibson

**That Council**

- 1. Advises the responsible Ministers of the community approval of the work done by the State funded Working for Victoria 'Bush Crew' in cleaning-up and revegetating the urban sections of Narracan Creek, Traralgon Creek and Water Hole Creek to improve the environmental health and amenity of these valued community assets.**
- 2. Requests the Minister to review again the current arrangements in relation to these areas with a view to West Gippsland Catchment Management Authority (WGCMA) adopting, implementing and being provided funding to achieve and continue a maintenance standard that reflects the urban nature of these areas.**

**CARRIED UNANIMOUSLY**

Signed

Cr Graeme Middlemiss

02 September 2020

**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: Federal Funding for Moe Keenagers - Update**

**Sponsor: General Manager, Assets and Presentation**

**Council Plan Objective: Improve the liveability and connectedness of Latrobe City.**

**Status: For Decision**

**MOTION**

**Moved:** Cr Gibson

**Seconded:** Cr Law

**That Council notes the report.**

**CARRIED UNANIMOUSLY**

**Executive Summary:**

The purpose of this report is to provide Council with an update on the funding allocation provided by the Federal government for the extension at Latrobe Leisure Moe Newborough for additional facilities for the Moe Keenagers Club and other user groups.

In September 2017, the Federal Government committed \$1.1 million in funding from the Community Development Grants Programme (CDG) towards the development of a multi-purpose facility for the Moe Keenagers Club (the club). The funding commitment was contingent on a matching contribution by the Victorian Government and the facility had to be multi-purpose.

Following engagement with the Moe Keenagers in relation to their requirements, a funding application was submitted to the Federal government for \$750,000 to construct an extension for the Moe Keenagers and other user groups at Latrobe Leisure Moe Newborough and requested that the remaining \$350,000 of the \$1.1 million funding be allocated to the construction of Stage 2 of the Moe AA/Apex/Lions Play Space master plan.

Both projects have now been funded by the Federal government, and both projects have now commenced their detailed planning.

**Background:**

The purpose of this report is to provide Council with an update on the funding allocation provided by the Federal government for the extension at Latrobe Leisure Moe Newborough for additional facilities for the Moe Keenagers Club and other user groups.

In September 2017, the Federal Government committed \$1.1 million in funding from the Community Development Grants Programme (CDG) towards the development of a multi-purpose facility for the Moe Keenagers Club (the club). The funding commitment was contingent on a matching contribution by the Victorian Government and the facility had to be multi-purpose.

Between April 2018 and May 2018, a draft concept design and cost estimate was developed in consultation with the club. Following the club's endorsement of the concept design, a cost estimate was obtained and estimated that the construction of a new standalone facility would cost in excess of \$4.2 million.

Following discussions in relation to the cost plan for the project, the club indicated that they wished to explore revising the scope of the project to extend and upgrade the existing facility to include additional social space, kitchen and increased storage capacity.

Subsequently in December 2018, a further concept design and cost plan was developed in which the club has endorsed. The quantity surveyor cost plan associated with an upgrade to existing facilities has been estimated at \$750,000.

A report was presented to the 1 April 2019, providing Council with information about the project and the Federal government funding agreement. Council subsequently resolved the following:

*That Council:*

*Endorses Latrobe City Council to contact the Federal Government and seek a variation to the original \$1.1 million commitment, to fully fund \$750,000 towards this project, without a required matching contribution; and*

*Pending the outcome of this request, advocate for the re-allocation of the remaining \$350,000 commitment to fund additional recreation and open space priority projects within Latrobe City. A further report will be presented to Council detailing the outcome of these proposals.*

Prior to the commencement of the Federal government caretaker provisions commencing in mid- April 2019, Latrobe City Council wrote to the Federal government requesting that \$750,000 be allocated to the construction of facilities for the Moe Keenagers and the remaining \$350,000 funds from its original commitment be allocated to the construction of Stage 2 of the Moe AAA/Lions/Apex Play Space master plan.

In February 2020, Latrobe City Council received a Funding Agreement to the value of \$750,000 for the construction of the extension for the Moe Keenagers at Latrobe Leisure Moe Newborough.

In April 2020, Latrobe City Council received a Funding Agreement to the value of \$350,000 for the construction of Stage 2 of the Moe AAA/Lions/Apex Play Space master plan.

Both projects are now progressing, with the detailed design of the extension at Latrobe Leisure Moe Newborough being finalised. It is expected that the tender for the construction will be advertised in early October 2020, with construction to commence in late 2020. Council election caretaker provisions will have an impact on the awarding of contracts during this period. In addition to this the current State of Emergency restrictions could also impact on the delivery of this project.

Construction of the Stage 2 Moe AAA/Lions/Apex Play Space play will commence in late September/Early October following the procurement of the necessary infrastructure for the project. As indicated above, the current State of Emergency restrictions could also impact on the delivery of this project.

**Issues:**

*Strategy Implications*

The projects presented in this report strongly support the Council Plan namely in terms of providing improved community amenity and delivering economic benefit increased activity.

*Communication*

Council officers have provided updates and information to the key stakeholders, the Moe Keenagers throughout this project. Regular GoTo Meetings have been occurring with the club during the past 3 months to finalise the detailed design for the extension.

*Financial Implications*

Both the extension for the Moe Keenagers and the Stage 2 Moe AAA/Lions/Apex Play Space projects are fully funded by the Federal government.

*Risk Analysis*

Risk has been considered in this report. Given the current COVID State of Emergency, a major risk is a staff member, member of the public or member of staff contracting the COVID virus. Major Projects and Recreation & Open Space have implemented measures to ensure the ongoing safety of our staff, contractors and members of the public during the current Stage 3 restrictions.

<b>Identified risk</b>	<b>Risk likelihood*</b>	<b>Controls to manage risk</b>
<b>Service Delivery Risk</b> COVID Pandemic State of Emergency restrictions	Likely	Council's Procurement Policy which prioritises contractors from the local

		area.
<p><b>Occupational Health and Safety Risk</b></p> <p>COVID restrictions</p>	Likely	<p>Strict adherence to social distancing, washing of hands, restricted number of people/staff/contractors at sites.</p> <p>Utilising video conference calls to meet virtually, instead of in person meetings.</p> <p>Limiting the number of sites visited during Stage 3 restrictions.</p> <p>Adhering to social distancing measures.</p>
<p><b>Financial Risk</b></p> <p>Insufficient funds to deliver the projects</p>	Unlikely	<p>Both projects have been subject to significant planning, including detailed design and professional cost estimates.</p> <p>In the unlikely event that the project cannot be delivered for the funding provided, both projects will be re-scoped and value managed.</p>

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

***Legal and Compliance***

There are no legal or compliance matters relating to this report.

***Community Implications***

There are no community impacts relevant to this report.

***Environmental Implications***

There are no environmental implications relevant to this report.

**Consultation**

Significant community consultation has occurred in relation to both projects presented in this report.

Council Officers have been meeting regularly with the Moe Keenagers through GoTo meetings to finalise the detailed design and the club's preferences and requirements for the extension at Latrobe Leisure Moe Newborough. Internal stakeholders, Latrobe Leisure have also been involved during this consultation period.

**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 1989*.

**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**

Nil reports

# **REGIONAL CITY GROWTH AND INVESTMENT**

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

**Agenda Item: 14.1**

**Agenda Item: Amendment C122 (Planning Policy Framework Translation) - Consideration of Submissions**

**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**

### **MOTION**

**Moved: Cr McFarlane**

**Seconded: Cr Howe**

**That Council:**

- 1. Having considered all written submissions received to Amendment C122 requests the Minister for Planning establish a planning panel to consider submissions for Amendment C122 and prepare a report; and**
- 2. Advises those persons who made written submissions to Amendment C122 of Council's decision.**

**CARRIED UNANIMOUSLY**

### **Executive Summary:**

- The draft Latrobe Planning Scheme Review 2018, Economic Strength Policy Review October 2019 and April 2019, the Mapping Review and Latrobe Valley Planning Schemes Review – Zones and Overlay Schedules Report 2019 were endorsed for exhibition by Council on 1 June 2020.
- Amendment C122 was authorised by the Minister for Planning on 17 June 2020 and placed on exhibition from 2 July 2020 to 3 August 2020;
- 10 written submissions (including 2 late submissions) were received, including:
  - 6 submission supporting the amendment and requesting minor wording changes to specific clauses which can be supported;
  - 1 submission seeking clarification on the amenity lifestyle precincts

- which has now been satisfied;
- 1 submission objecting to the amendment that has now been satisfied; and
- 2 submissions objecting to the amendment, requesting changes which cannot be resolved.
- Minor wording changes which either strengthen policy or make correction are proposed to the following Clauses:
  - Clause 02.03 Strategic Directions
  - Clause 12.03-1L Rivers and Waterways;
  - Clause 13.03-1L Floodplain Management;
  - Clause 18.01-2L Transport System;
  - Clause 18.02-3L Road System;
  - Schedule 1 Clause 37.07 Urban Growth Zone
  - Schedule 1 Clause 42.01 Environmental Significance Overlay;
  - Schedule 3 Clause 43.02 Design and Development Overlay; and
  - Schedule 9 Clause 43.04 Development Plan Overlay.
  - Clause 44.03s01 Flood Overlay;
  - Clause 44.04s01 Land Subject to Inundation Overlay;
  - Clause 74.01s Application of zones, overlays and provisions;
- Key issues raised in relation to the outstanding objections are:
  - Industrial transition identification for AKZ;
  - Lack of recognition around employment and economic benefits for AKZ;
  - Raising concerns around bushfire policy; and
  - Raising concerns around Farming Zone policy and allowing dwellings.
- There are outstanding submissions to the Amendment which cannot be resolved; therefore Council must request the Minister for Planning to appoint a Planning Panel to consider all submission to progress the Amendment to the next stage.



**Background:**

At the 1 June 2020 Council Meeting, Council resolved to:

1. *Endorse the discussion and recommendations in relation to Latrobe City Council for:*
  - *Latrobe Valley Planning Scheme Review November 2018 (Attachment 1);*
  - *Economic Policy Strength Review October 2018 and April 2019 (Attachment 2),*
  - *The Mapping Review (Attachment 3); and*
  - *Latrobe Valley Planning Schemes Review - Zones and Overlay Schedules Report September 2019 (Attachment 4)*

*for public exhibition as part of a Planning Scheme Amendment process; and*
2. *Request Authorisation from the Minister for Planning to prepare and exhibit proposed Amendment C122 to the Latrobe Planning Scheme*

A request for Authorisation to the Minister for Planning was lodged on 3 June 2020.

Following the receipt of Authorisation on 17 June 2020, Amendment C122 – Planning Policy Framework Translation was placed on exhibition from 2 July 2020 to 3 August 2020.

Details regarding the exhibition process and outcomes are provided in the communication section below.

Following public exhibition 10 written submissions, including 2 late submissions (see Attachment 1) were received by Latrobe City Council in response to C122. Section 22 of the Act requires that a planning authority consider all submissions to an amendment.

Amendment C122 Submissions	
Support	6
Object	2
Submission Satisfied / Withdrawn	2
Total Submissions	10

The key issues raised in the submissions are outlined in community implications section below and in the Summary of Submissions Table, see Attachment 2.

In response to submissions received, changes are proposed to the draft Planning Scheme documents and are detailed in the post exhibition changes table (see Attachment 3) and the updated ordinance changes (see Attachment 4).

Further discussions have been held with the submitters, including providing proposed changes to the Amendment for their consideration. The proposed changes that have been made are minor in nature and do not change the intent and purpose of the Amendment.

Under the Act, Council must consider all submissions received to the Amendment. As there are outstanding submissions that cannot be resolved, Council must request a planning panel to consider all submission or abandon the amendment.

**Issues:**

*Strategy Implications*

Objective 1 – *Support job creation and industry diversification to enable economic growth in Latrobe City*

Amendment C122 – Planning Policy Framework Translation re-aligns the planning scheme and ensures a streamlined approach to assist with assessment of planning permit applications.

Objective 6 - Ensure Council operates openly, transparently and responsibly

The Planning Scheme is required to be reviewed every 4 years. This has now been completed by the Latrobe, Wellington and Baw Baw Shire Planning Scheme Review through Planning in the Economic Growth Zone (PEGZ). This Planning Scheme Amendment will be implementing the recommendations and intent of this Planning Scheme Review. The next Planning Scheme Review is required to be completed within a year following the preparation of the next Council Plan.

*Communication*

The amendment is subject to the prescribed process in accordance with the public notice and consultation requirements of Section 19 of the Act.

As part of the exhibition of Amendment C122 the following activities were undertaken:

- 187 key stakeholder, agency, authority and minister notification emails were sent;
- Notice placed in the Government Gazette on 2 July 2020
- Notices placed in the Latrobe Valley Express on 2 July 2020 and 23 June 2020;
- Website and Have Your Say page placed on Latrobe City Council's website;
- Social media post on Facebook
- 1:1 Meetings held on 20, 21 and 28 June 2020; and

- Information placed at service centre and libraries in Morwell, Moe, Traralgon and Churchill

As a result of the exhibition process we:

- Received 10 written submissions;
- Made 33 phone calls / emails offering 1:1 information sessions;
- Held 7, 1:1 information sessions with key stakeholders;
- Received 3 landowner / key stakeholder enquiries;
- Received 315 hits (including 152 unique page views) on 'Have Your Say' and Amendment C122 website pages; and
- Responded to 12 written enquiries or request for further information

#### *Financial Implications*

The Planning Scheme Amendment has received funding from PEGZ of \$25,000 to fund a planning panel and expert witnesses (if required). If Council resolves to request a planning panel, all fees associated with the panel will be paid for through this funding arrangement.

If the Amendment is adopted, there is a fee of \$481.30 required to be paid to DELWP when the Amendment is submitted for approval. This fee has been allocated for in the 20/21 financial year budget.

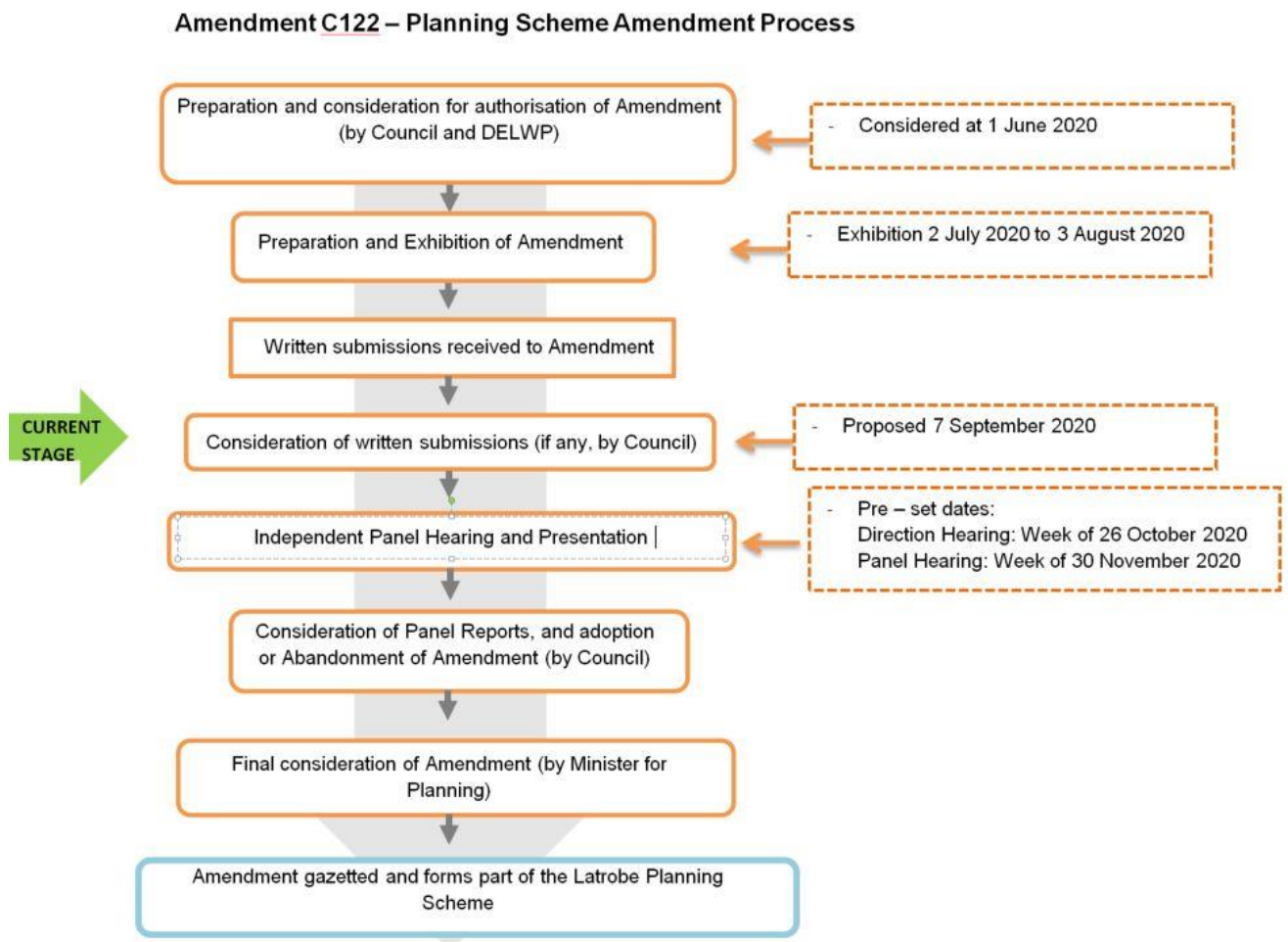
#### *Risk Analysis*

<b>Identified risk</b>	<b>Risk likelihood*</b>	<b>Controls to manage risk</b>
<b>Legal/Regulatory Risk</b>  Upcoming Council Election Period.	3 (Possible)	That a Council Report be presented to the September Council Meeting to ensure compliance with the upcoming Council Election Period.  The directions hearing and planning hearing have been pre-set with Planning Panel Victoria to be heard after the Council Election period.

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

*Legal and Compliance*

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



In accordance with the Act, the municipal council, as a planning authority, has a number of duties and powers. These duties and powers are listed at Section 12 of the Act. Under Section 12 a planning authority must have regard to (*inter alia*):

- The objectives of planning in Victoria;
- The Minister’s directions;
- The Victoria Planning Provisions;
- The Latrobe Planning Scheme; and
- Any significant effects which it considers a planning scheme amendment might have on the environment or which it considers the environment might have on any use or development envisaged by the amendment.

Amendment C122 has had regard to Section 12 of the Act and is consistent with the requirements of Section 12. In addition each amendment must address the Department of Planning and Community Development (DPCD) publication *Strategic Assessment Guidelines for Planning Scheme Amendments* and be consistent with the Planning Policy Framework. A response to these guidelines and the Planning Policy Framework is outlined in the attached Explanatory Report, (see Attachment 5).

Sections 22 and 23 of the Act require that Council must consider all submissions received to C122 and where a submission requests a change that can't be satisfied, request the Minister for Planning to establish a planning panel to consider submissions.

The recommendations of this Council Report are in accordance with Sections 23 of the Act.

#### *Community Implications*

A total of 9 submissions were received to Amendment C122. 6 submissions supported the Amendment and / or requested minor wording changes. All changes requested in the submissions do not change the intent of the amendment and therefore have been made.

In summary, table 1 shows who requested the change and what clauses have been changed in response to submissions. There was 1 supporting submission where no changes were required.

<b>Changes requested by</b>	<b>Clauses effected</b>
West Gippsland Catchment Management Authority	<ul style="list-style-type: none"> <li>• Clause 13.03-1L Floodplain Management;</li> <li>• Clause 44.03s01 Flood Overlay;</li> <li>• Clause 44.04s01 Land Subject to Inundation Overlay;</li> </ul>
Auld Planning on behalf of Energy Safe Victoria	<ul style="list-style-type: none"> <li>• Clause 74.01s Application of zones, overlays and provisions</li> </ul>
Department of Environment, Land, Water and Planning	<ul style="list-style-type: none"> <li>• Clause 12.03-1L Rivers and Waterways</li> </ul>
Opal Australian Paper	<ul style="list-style-type: none"> <li>• Clause 02.03 Strategic Directions               <ul style="list-style-type: none"> <li>○ 02.03-4 (Timber)</li> <li>○ 02.03-4 (Coal)</li> <li>○ 02.03-7 (Economic Growth)</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ 02-03-7 (Industry)</li> </ul>
Department of Transport	<ul style="list-style-type: none"> <li>• Clause 18.01-2L Transport System</li> <li>• Clause 18.02-3L Road System</li> <li>• Schedule 1 Clause 37.07 Urban Growth Zone;</li> <li>• Schedule 1 Clause 42.01; Environmental Significance Overlay</li> <li>• Schedule 3 Clause 43.02 Design and Development Overlay; and</li> <li>• Schedule 9 Clause 43.04 Development Plan Overlay.</li> </ul>

#### **Submission 4**

Submitter 4 has raised concerns regarding the changes proposed to Bushfire Policy (13.02-1L) and Farming Zone provisions. The changes proposed to the Planning Policy Framework including 13.02-1L and 14.01 Agriculture are a translation of what already exists within the Latrobe Planning Scheme and are considered a policy neutral translation (i.e. no new content has been included). No changes have been made to the Farming Zone Schedules.

In particular, changes to local bushfire policy and Farming Zone provisions were introduced to through Amendment C105 Live Work Latrobe in which submitter 4 made a submission to this process. This submission was considered through a planning panel and no changes to the amendment were made in response to the submission. All issues considered by C105 (Live Work Latrobe) have been raised again through this process.

Bushfire policy is proposed to be considered through the upcoming Bushfire and Rural Rezoning's Planning Scheme Amendment. We consider this a more appropriate amendment in which a submission of this nature can be considered as we will be making changes to local bushfire consideration. At this time, submitter 4 will be able to make a submission to this process and is already considered a key stakeholder to be notified of the Amendment.

Discussions have been held with the submitter on 12 August 2020 with a follow up email sent on 13 August 2020 responding to the concerns in the submission and the discussion held the previous day. The submitter has been requested to review the information and provide a response to Council as to whether the information satisfies the concerns raised in the submission. If this does not satisfy the concerns, then specific details have been requested from the submitter around what the changes the submitter would like made in relation to the Amendment.

Further correspondence was received on 19 August 2020 (submission 4b) detailing:

- The submission is requesting a change to the Amendment;
- The submission is not requesting the Amendment be abandoned; and
- The details of the change requested are provided within the original submission received 3 August 2020.

The submission remains an outstanding objection to the Amendment.

### **Submission 6**

Submitter 6 has requested a meeting and further details be provided to Energy Australia regarding the Amenity Lifestyle Precincts. A request to set up a time has been sent to the submitter. The Amenity Lifestyle Precincts are related to Australia Paper are restrict further subdivision opportunity and rezoning of these properties which is also of benefit to Energy Australia.

A meeting was held on 12 August 2020 and a follow up email providing details of discussions and information provided at this meeting for their review. A response has been received on 21 August 2020 (submission 6b) which details that the information provided has now satisfied their concerns.

### **Submission 7**

Submitter 7 requests that policy be included in the Planning Policy Framework to introduce local content under Clause 19.01-2L Renewable Energy. Amendment C122 does not currently include any local content under this Clause.

The Amendment is based on the existing Latrobe Planning Scheme content, existing policies and further work that was undertaken being *Latrobe Valley Planning Scheme Review November 2018; Economic Policy Strength Review October 2018 and April 2019; The Mapping Review; and Latrobe Valley Planning Schemes Review - Zones and Overlay Schedules Report September 2019*.

Any new content in relation to Amendment C122 has been strategically justified by the above reports. There is no information within the reports which support the justification of additional local policy words at Clause 19.01-2L on renewable energy.

Until such time as strategic work is undertaken regarding renewable energy, no changes to the Latrobe Planning Scheme can be made.

A meeting was held on 7 August 2020 with the submitter and a follow up email on 11 August 2020 providing details of work undertaken to review their submission. A response has been received on 13 August 2020 (submission 7b) which details that the submission has been satisfied.

### **Submission 10**

Submitter 10 (late submission) is objecting to the Amendment as it relates to their properties at 80-96 and 100 Latrobe Road, Morwell. In particular the submitter opposes Amendment C122 because:

- It fails to recognise the existing employment generating uses on our land;

- It unrealistically expects that these uses will cease and the land will revert to residential use;
- It unrealistically assumes that AKZ would relocate its business within the Latrobe Valley;
- It fails to recognise that the boundary of the residential area should be adjusted so that it excludes our industrial use land.

A meeting is scheduled with the submitter on 28 August 2020 to discuss these concerns.

Amendment C122 did not propose any changes in relation to the property. It has translated what exists in the Latrobe Planning Scheme into the new Planning Policy Framework. Further discussion is to be held with the landowners to ascertain if changes can be made to the Amendment that are minor in nature, require no additional strategic justification and do not transform the amendment.

Any significant changes will require further strategic justification to be prepared. We are currently scoping further strategic work that will look at these industrial areas in more detail where they abut existing or proposed sensitive land uses. This has been identified for commencement (subject to successful budget allocation) in 21/22 financial year.

A detailed response and post exhibition changes to all submissions is provided at attachments 2, 3, and 4.

#### *Environmental Implications*

There are no known environmental implications in association with amendment C122.

#### *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 1989*.

#### **Supporting Documents:**

*Latrobe Valley Planning Scheme Review November 2018*

*Economic Policy Strength Review October 2018 and April 2019*

*The Mapping Review*

*Latrobe Valley Planning Schemes Review - Zones and Overlay Schedules Report September 2019*



**Attachments**

- 1 [↓](#). Submissions
- 2 [↓](#). Summary of Submissions
- 3 [↓](#). Post exhibition edits table
- 4 [↓](#). Updated amendment documents
- 5 [↓](#). Explanatory Report

## **14.1**

### **Amendment C122 (Planning Policy Framework Translation) - Consideration of Submissions**

<b>1</b>	<b>Submissions .....</b>	<b>42</b>
<b>2</b>	<b>Summary of Submissions.....</b>	<b>89</b>
<b>3</b>	<b>Post exhibition edits table .....</b>	<b>105</b>
<b>4</b>	<b>Updated amendment documents .....</b>	<b>109</b>
<b>5</b>	<b>Explanatory Report.....</b>	<b>152</b>

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Lorrae Dukes  
Coordinator Strategic Planning  
Latrobe City Council



**WGCMA Ref:** WGCMA-F-2020-00498  
**Document No:** 1  
**Council Ref:** Amendment C122  
**Date:** 29 July 2020

Dear Lorrae,

**Regarding:** Planning Scheme Amendment - Amendment C122

Thank you for your correspondence received at the West Gippsland Catchment Management Authority ('the Authority') on 2 July 2020 in relation to Amendment C122 Planning Policy Framework Translation. The Authority notes that the amendment proposes to introduce a new Municipal Planning Strategy, amend the Planning Policy Framework and Local Planning Policy Framework, and to amend various Zones, Overlays, and the Particular, General and Operational provisions.

As per the discussion between Penny Phillipson and yourself, the Authority has focussed our assessment on the proposed changes to Clause 13.03 Floodplains and the schedules to the Floodway Overlay (Clause 44.03) and Land Subject to Inundation Overlay (Clause 44.04).

#### **Clause 13.03 Floodplains**

The amendment seeks to introduce Clause 13.03-1L – Floodplain Management, as follows:

##### **Policy application**

This policy applies to land affected by the Flood Overlay or Land Subject to Inundation Overlay.

##### **Strategies**

On 1:100 year floodplains, discourage:

- Residential development, other than replacement dwellings that are above the 1:100 year flood level
- Raised earthworks
- Subdivision, other than realignment or consolidation.

Discourage development in residential areas that encroach on 1:100 year floodplains or existing waterways.

Ensure building envelopes for dwellings provide an effluence disposal area that is located in an onsite area that is free from flooding

The Victorian Floodplain Management Strategy (DELWP 2016) confirmed that the preferred terminology is '1% Annual Exceedance Probability' (AEP) event rather than a '1 in 100 year' event, as it reinforces the fact that there is an ongoing flood risk every year. We acknowledge that the '1 in 100 year' event is more widely recognised within the community but have some concerns about the proposed instruction of a third variant in this amendment - the 1:100 year floodplain.

The Authority recommends that this amendment refer to the '1% AEP flood (commonly known as a 1 in 100 year flood)'.

The Authority recommends that this Policy apply to land affected by the Urban Floodway Zone as well as the Flood Overlay and Land Subject to Inundation Overlay.

The Authority's preferred wording for the Strategies listed in proposed Clause 13.03-1L is:

Within the mapped extent of a 1% AEP flood (commonly known as a 1 in 100 year flood), discourage:

- Residential development, other than replacement dwellings that have a finished floor level that is above the 1% AEP flood level
- Raised earthworks
- Subdivision, other than realignment or consolidation.

Discourage development in residential areas within the 1% AEP flood extent or within 30 metres of waterways.

Ensure that building envelopes for dwellings, including a sufficient effluent disposal area on-site, are located on flood free land.

#### **Schedule 1 to Clause 44.03 Floodway Overlay**

We note that the proposed schedule is consistent with that developed through the PEGZ project with DELWP. The Authority notes the introduction of the following Statement of Risk, which was taken from the from PEGZ project work:

- Damage to assets due to flooding
- Increased flood damage due to reduced storage of floodwaters as a result of development
- Risk to life and property due to flooding

We note that the Statement of Risk in the LSIO includes '*Increased flood damage due to changes in depth, velocity and reduced storage of floodwaters as a result of development*', and consider it more appropriate that this wording be included in the Floodway Overlay Statement of Risk, where these characteristics are more likely to be influenced.

We also note that the first paragraph under section 4.0 'Application requirements' seems repetitive and somewhat confusing.

#### **Schedule 1 to Clause 44.04 Land Subject to Inundation Overlay**

We note that the proposed schedule is consistent with that developed through the PEGZ project with DELWP. The Authority notes the introduction of the following Statement of Risk, which was taken from the from PEGZ project work:

- Damage to assets due to flooding
- Increased flood damage due to changes in depth, velocity and reduced storage of floodwaters as a result of development
- Risk to life and property due to flooding

As per our comments above, this Statement of Risk is more relevant to the Floodway Overlay, where development is likely to influence flood depth and velocity.

The Authority recommends that the Statement of Risk in the FO and LSIO be swapped to recognise the greater risk associated with land in the Floodway Overlay.

We also note that the first paragraph under section 4.0 'Application requirements' seems repetitive and somewhat confusing.

Should you have any queries, please do not hesitate to contact Penny Phillipson on 1300 094 262. To assist the Authority in handling any enquiries please quote **WGCMA-F-2020-00498** in your correspondence with us.

Yours sincerely,



**Adam Dunn**  
**Statutory Planning Manager**

The information contained in this correspondence is subject to the disclaimers and definitions attached.

**Definitions and Disclaimers**

1. The area referred to in this letter as the 'proposed development location' is the land parcel(s) that, according to the Authority's assessment, most closely represent(s) the location identified by the applicant. The identification of the 'proposed development location' on the Authority's GIS has been done in good faith and in accordance with the information given to the Authority by the applicant(s) and/or the local government authority
2. While every endeavour has been made by the Authority to identify the proposed development location on its GIS using VicMap Parcel and Address data, the Authority accepts no responsibility for or makes no warranty with regard to the accuracy or naming of this proposed development location according to its official land title description.
3. **AEP** as Annual Exceedance Probability – is the likelihood of occurrence of a flood of given size or larger occurring in any one year. AEP is expressed as a percentage (%) risk and may be expressed as the reciprocal of ARI (Average Recurrence Interval).

Please note that the 1% probability flood is not the probable maximum flood (PMF). There is always a possibility that a flood larger in height and extent than the 1% probability flood may occur in the future.

4. **AHD** as Australian Height Datum - is the adopted national height datum that generally relates to height above mean sea level. Elevation is in metres.
5. **ARI** as Average Recurrence Interval - is the likelihood of occurrence, expressed in terms of the long-term average number of years, between flood events as large as or larger than the design flood event. For example, floods with a discharge as large as or larger than the 100 year ARI flood will occur on average once every 100 years.
6. Nominal Flood Protection Level – is the minimum height required to protect a building or its contents, which includes a freeboard above the 1% AEP flood level.
7. No warranty is made as to the accuracy or liability of any studies, estimates, calculations, opinions, conclusions, recommendations (which may change without notice) or other information contained in this letter and, to the maximum extent permitted by law, the Authority disclaims all liability and responsibility for any direct or indirect loss or damage which may be suffered by any recipient or other person through relying on anything contained in or omitted from this letter.
8. This letter has been prepared for the sole use by the party to whom it is addressed and no responsibility is accepted by the Authority with regard to any third party use of the whole or of any part of its contents. Neither the whole nor any part of this letter or any reference thereto may be included in any document, circular or statement without the Authority's written approval of the form and context in which it would appear.
9. The flood information provided represents the best estimates based on currently available information. This information is subject to change as new information becomes available and as further studies are carried out.
10. Please note that land levels provided by the Authority are an estimate only and should not be relied on by the applicant. Prior to any detailed planning or building approvals, a licensed surveyor should be engaged to confirm the above levels.

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Creating a  
safer state with  
electricity and gas

20 July 2020

Ms Lorrae Dukes  
Coordinator Strategic Planning  
Latrobe City Council  
PO Box 264  
MOREWELL VIC 3840  
**VIA EMAIL**

Dear Ms Dukes,

#### **LATROBE PLANNING SCHEME AMENDMENT C122LATR**

I refer to your email dated 7 July 2020 providing Energy Safe Victoria (**ESV**) with notice of the preparation and exhibition of Amendment C122latr (**the amendment**). ESV welcomes the opportunity to provide feedback to Latrobe City Council in relation to the amendment.

We understand that the purpose of the amendment is to:

- Translate the Municipal Strategic Statement and Local Planning Policy Framework into a Municipal Planning Strategy (**MPS**) and Planning Policy Framework (**PPF**).
- Implement recommendations from a variety of strategic projects, including recommendations from the Latrobe Valley Planning Schemes review.

ESV is the Victorian technical and safety regulator responsible for the safe generation, supply and use of electricity, gas and pipelines. The focus of this submission is in relation to the continued safe and efficient operation of pipelines licensed under the *Pipelines Act 2005*.

#### **LOCAL POLICY**

ESV supports the context provided within the exhibited MPS at Clause 02.03-3, which acknowledges that pipelines run throughout the municipality and identifies the need for land use and development near pipeline assets to be appropriately planned.

Existing State Planning Policy at Clause 19.01-3S (Pipeline Infrastructure) provides the following objectives and strategies:

##### **Objective**

*To ensure that gas, oil and other substances are safely delivered to users and to and from port terminals at minimal risk to people, other critical infrastructure and the environment.*

Energy Safe Victoria

### **Strategies**

- *Plan for the development of pipeline infrastructure subject to the Pipelines Act 2005.*
- *Recognise existing transmission-pressure gas pipelines in planning schemes and protect from further encroachment by residential development or other sensitive land uses, unless suitable additional protection of pipelines is provided.*
- *Plan new pipelines along routes with adequate buffers to residences, zoned residential land and other sensitive land uses and with minimal impacts on waterways, wetlands, flora and fauna, erosion prone areas and other environmentally sensitive sites.*
- *Provide for environmental management during construction and on-going operation of pipeline easements.*

The current Municipal Strategic Statement recognises local pipelines at Clause 21.03-11 (Use and Development of Major Pipelines). This policy includes the following objectives and strategies:

#### **Objective**

*To ensure future land use and development appropriately responds to existing high pressure gas pipelines.*

#### **Strategies**

- *Consider risks associated with land use and subdivision within the measurement length of high pressure gas transmission pipelines.*
- *Encourage risk sensitive development to be located outside of the pipeline measurement length where practicable.*

The strategies from Clause 21.03-11 have been relocated to the local content section of Clause 19.01-3L. ESV support the use of Clause 19.01-3 as the appropriate location to provide both state and local strategies to guide land development near licensed pipelines.

Although the objectives of Clause 21.03-11 and Clause 19.01-3 are not identical, the local strategies included in Clause 19.01-3 are consistent with, and will contribute to achieving, the objectives of Clause 19.01-3.

## **ZONES AND OVERLAYS**

We have no comments in relation to proposed amendments to the various amendments to zoning and overlay schedules proposed within this amendment.

No modifications have been made to the Design and Development Overlay – Schedule 1 (**DDO1**).

The Latrobe Valley Planning Scheme Review (2018) and the Latrobe Valley Planning Schemes Review (Zone and Overlay Schedules) (2018) both recognise work being undertaken by Latrobe City Council officers to review the existing operation of the DDO1 and the potential replacement of this overlay with an Environmental Significance Overlay (**the DDO1 Review**).

ESV supports the continued implementation of the DDO1 until the DDO1 review is finalised and its recommendations are implemented into the Latrobe Planning Scheme. ESV welcomes continued opportunities to provide assistance to Council in relation to this project.



Energy Safe Victoria

## STRATEGIC IMPLEMENTATION

The schedule to Clause 74.01 (Application of Zones, Overlays and Provisions) identifies that the ESO should be applied to areas where “amenity buffers” for coal, heavy industry or other identified uses are required.

The principle of using the ESO to act as a ‘buffer overlay’ is generally supported, however the term ‘amenity buffer’ should be modified. The term ‘amenity buffer’ implies that the purpose of the buffer is to protect amenity-sensitive uses from an amenity-impacting use, however it is often the case that the purpose of a buffer is to protect an amenity-impacting use from encroachment by sensitive uses, such as residential development.

We submit that the substantive purpose of a buffer is to manage land use conflicts. One example of this is the need to balance demands between residential amenity and the need for industry, energy resources or licensed pipelines. Another example is managing conflicts between some types of industry and other uses, such as pipelines. Some industrial operations may store significant amounts of flammable material or cause significant ground vibration and may be better located away from licensed pipelines unless carefully planned for.

ESV suggests this provision be amended as follows:

*This planning scheme applies the following zones, overlays and provisions to implement the Municipal Planning Strategy and the objectives and strategies in Clauses 11 to 19:*

- *Environmental Significance Overlay to:*
  - *areas where buffers for coal, heavy industry or other identified uses are required to manage amenity issues and land use conflicts.*

The DDO1 review has not been noted in the schedule to Clause 72.02 (Further Strategic Work). The *Practitioner’s Guide to Victorian Planning Schemes* advises this clause should list work Council intends to undertake in the next four to eight years.

Given the advanced status of the DDO1 Review, ESV does not consider it necessary to reference the DDO1 Review within Clause 74.02 (Further Strategic Work).

## CONCLUSION

ESV broadly supports the exhibited form of the amendment and **does not** object to the amendment.

The following is a summary ESV’s submission in relation to the amendment:

- ESV supports to context provided in the MPS at Clause 02.03-3 in relation to pipeline infrastructure throughout the municipality and supports relocation of strategies from Clause 21.03-11 to the local content portion of Clause 19.01-3.
- ESV has no comments in relation the proposed zoning and overlay amendments. ESV supports the retention of the existing DDO1 until such the DDO1 Review project is completed and its recommendations implemented into the Latrobe Planning Scheme.
- ESV recommends that the proposed amendments the Schedule to Clause 74.01 clarify that the ESO can be used to manage land use conflicts, in addition to amenity issues.
- ESV further recommends that Council consult with Pipeline Licensees, as the owners and operators of significant infrastructure within the municipality, in relation to the amendment.

Energy Safe Victoria

We thank Council for the opportunity to provide feedback in relation to the amendment.

Should you have any questions or require anything further please do not hesitate to contact me on 9271 5440 or [anastasia.kontogiorgis@energysafe.vic.gov.au](mailto:anastasia.kontogiorgis@energysafe.vic.gov.au).

Yours sincerely

p.p. 

Anastasia Kontogiorgis  
**MANAGER, GAS & PIPELINE INFRASTRUCTURE SAFETY**

**Lorrae Dukes**

---

**From:** Glenn Skoien [REDACTED]  
**Sent:** Tuesday, 4 August 2020 3:08 PM  
**To:** Lorrae Dukes  
**Subject:** RE: Amendment C122 - Planning Policy Framework Translation - Response to submission

Hi Lorrae,

Thank you for your response to our submission on behalf of ESV.

I confirm the proposed revised wording satisfies the comments raised in our submission.

Please do not hesitate to contact me should you wish to discuss any aspect of this matter further.

**Glenn Skoien**  
Senior Planning Consultant



auldplanning.com.au



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**From:** Lorrae Dukes <[Lorrae.Dukes@latrobe.vic.gov.au](mailto:Lorrae.Dukes@latrobe.vic.gov.au)>  
**Sent:** Friday, 31 July 2020 5:29 PM  
**To:** 'Glenn Skoien' [REDACTED]  
**Subject:** Amendment C122 - Planning Policy Framework Translation - Response to submission

Hi Glenn

In response to your submission on behalf of ESV please find attached a tracked change version of Clause 74.01 which includes the proposed wording change identified in the submission.

Council is still working on the Major Gas Pipeline Project and is still hoping to progress this report to a Council Meeting either later this year / early next year depending on the Council Election Period.

As part of the Amendment C122 process, Council did notify pipeline licensees regarding the proposed Amendment, to date no submissions have been received.

Thank you for the positive comments in relation to the proposed changes.

Can you please let me know if the attached comments and information provided satisfies the comments raised in your submission.

Thanks

**Lorrae Dukes**  
Coordinator Strategic Planning  
**P** 03 5128 5462  
**M** 0417 512 540  
**E** [Lorrae.Dukes@latrobe.vic.gov.au](mailto:Lorrae.Dukes@latrobe.vic.gov.au)

**P** 1300 367 700  
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PO Box 264, Morwell 3840



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## Department of Environment, Land, Water & Planning

71 Hotham Street  
Traralgon Victoria 3844  
Australia  
Telephone: +61 3 5172 2111  
Facsimile: +61 3 5172 2100  
www.delwp.vic.gov.au  
DX 219284

30 July 2020

Lorrae Dukes  
Coordinator Strategic Planning  
Latrobe City Council  
PO Box 264  
**MORWELL VIC 3840**

**This document has been copied and made available for the planning process as set out in the *Planning and Environment Act 1987*. The information must not be used for any other purpose.**

Our ref: SP472078  
Your ref: C122

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Dear Lorrae

Thank you for your correspondence dated and received 6 July 2020 in respect of Planning Scheme Amendment C122

The land affected by the Amendment is the municipality of Latrobe City.

The Amendment proposes to:

- Replace the Municipal Strategic Statement and the Local Planning Policy Framework at Clause 21 and Clause 22 of the Latrobe Planning Scheme with a Municipal Planning Strategy and local policies within the Planning Policy Framework, and revise local schedules to zones, overlays, particular, operational and general provisions, consistent with the structure introduced by Amendment VC148.
- Implement recommendations from the Economic Policy Strength in the Economic Growth Zone 2018, Latrobe Valley Planning Schemes Review 2018, Latrobe Valley Planning Schemes Review – Zone and Overlay Schedules Report 2019 and Mapping Review 2020; update the background reports listed in the schedule to Clause 72.08; update the Incorporated Document 'Latrobe City Heritage Overlay Planning Permit Exemptions and Application Requirements Incorporated Document April 2020', and delete the Design and Development Overlay Schedule 2 from maps 75 and 76.

The Department of Environment, Land, Water & Planning (DELWP) generally supports the proposed planning scheme amendment and offers the following comments for consideration:

- DELWP recommends changing the wording under Strategy in Clause 12.03-1L River corridors and waterways to 'Enhance the health of waterway corridors by increasing native vegetation along corridors.' This will further strengthen the planning objectives for Water in Clause 02.03-4 Natural resource management. - Clause 6.0 Decision guidelines.
- Check that the Roads Corporation is still the relevant body for comments given recent changes to authorities within the Department of Transport.

The proposed Amendment has been considered by the department on behalf of the Minister for Environment and Climate Change; and supports the Amendment.

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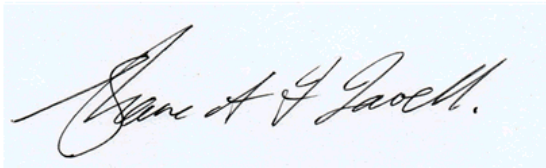
These comments are submitted without prejudice for the consideration of the Amendment by the Minister for Planning under Section 35 of the *Planning and Environment Act 1987*.

All written correspondence should be sent electronically to [gippsland.planning@delwp.vic.gov.au](mailto:gippsland.planning@delwp.vic.gov.au) or mailed to:

Planning Approvals Gippsland  
Department of Environment, Land, Water & Planning  
71 Hotham Street  
TRARALGON VIC 3844

If you have any queries regarding this matter, please contact Planning Approvals - Gippsland at the department's Traralgon office on (03) 5172 2111.

Yours sincerely

A handwritten signature in black ink on a light blue rectangular background. The signature is cursive and reads "Shane A. Lavell".

**Shane Lavell**  
Planning Approvals Program Officer

## Submission 4

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**From:** [Stuart Strachan](#)  
**To:** [Latrobe Central Email](#)  
**Cc:** [REDACTED]  
**Subject:** C122 attention strategic planning  
**Date:** Monday, 3 August 2020 11:49:15 AM

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**Comments on Planning Amendment C122**
**General**

This amendment appears to be intended to increase the prevalence of dwellings in bushfire areas. That does not comply with the recommendation of the 2009 Bushfires Royal Commission. It also appears to contradict VC140. Particularly in Callignee this amendment will have the effect of losing more lives and creating more mental health disorders from the next fire. On average, since 1898 there has been a major fire approximately every 25 years. Latrobe City's strategy should be to preferably decrease populations in such areas or as an absolute minimum maintain current levels of accommodation. This does not reflect that. Similarly it does not reflect the dangers from bushfire highlighted in the LWL study.

Latrobe City also appears to be fragmenting farmland to provide dwellings in Farming Zones. Small lots do not inherently fragment farming land, in fact they increase the ability to tailor land to suit an enterprise. Consolidation of titles is being used by Latrobe City to create more dwellings unrelated to farming in the Farming Zone.

It also appears that amended clauses create ambiguities with the State required VC148. It is unclear if, for example Clause 13-01S is replaced in its entirety by Clause 13-01L.

**Specifically:**

1. Consolidation of titles is inappropriate if it is to provide more housing in a high risk bushfire area. Specifically Callignee. It reduces the flexibility for farmers to expand and contract their enterprise. If consolidation creates a financially beneficial outcome, such as permitting a dwelling as-of-right then this could be addressed by making consolidated/not consolidated option financially benign.
2. The bushfire provisions appear to be risk based. In theory this is fine but in 2009 people died trying to escape even though their property and others nearby were not destroyed. A risk approach is open to interpretation. In high risk areas such as Callignee, particularly with respect to dwellings it should be simply yes or no based on the proposed position of the development being at least 1.5 km from the bushfire hazard (Research based fact) and in a BAL Low area. The access to the BAL Low area must be BAL Low for the entire length of the most common egress path.
3. A BAL 29 construction is too high for residential development. It is suitable for necessary infrastructure associated with farming but not accommodation.
4. Offloading the requirement for maintenance of BAL ratings to the owner is dangerous. Owners are not qualified to evaluate the risk. All this does is allow council to try and deny responsibility. Latrobe City cannot contract out of its obligations to preserve the safety of residents. Hazards which Latrobe City is aware and can reasonably anticipate a future resident may not understand must be simply addressed by unequivocal planning provisions.
5. With regards tourism no tourists should be in a potentially dangerous area such as Callignee on a severe or greater bushfire risk day.
6. Small agricultural lots do not reduce the viability for agricultural use. Infact they improve the flexibility of land use as enterprises grow and shrink. Small agricultural lots are only inappropriate when Council fails to engender a culture that respects the fact that small lots do not carry an entitlement to a dwelling.
7. Where a dwelling is required for a specific use it should be a temporary dwelling that is removed when it is no longer required for the zoned use. This particularly applies to the farming zone where a farming use on a small lot requires a dwelling. There are sufficient small towns in rural Latrobe City that should be accommodation hubs for outlying rural enterprise.

---

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## Submission 4b

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**From:** [REDACTED]  
**To:** [Lorrae Dukes](#)  
**Subject:** Re: Amendment C122 - Planning Policy Framework Translation - Response to Submission  
**Date:** Wednesday, 19 August 2020 4:55:29 PM

Hi Lorrae,  
In answer to your questions:

- I am requesting a change to the amendment I do not believe the amendment should be abandoned.
- I have not had time to detail the changes because I have had to spend my time working on a planning permit decision that did not recognize the impact it had on adjacent neighbours and the community,

My original submission indicated the deficiencies in the submission.

Regards

Stuart

**From:** Lorrae Dukes  
**Sent:** Thursday, August 13, 2020 7:40 AM  
**To:** [REDACTED]  
**Cc:** Eilise Kennedy  
**Subject:** Amendment C122 - Planning Policy Framework Translation - Response to Submission

Hi Stuart

Thank you for making time to discuss your submission with me yesterday.

The Planning Policy Framework was created by the State Government and implemented through Amendment VC148 and is the new structure for the Planning Scheme. The structure of the scheme cannot be changed, I have attached the FAQ sheet for the Amendment for more information.

Both state policy and local policy will be used in making a decision, for example both Clause 13.02-1S (State Policy) and 13.02-1L (Local Policy) can be used in making a decision where an issue relates to bushfire considerations.

As discussed yesterday, the Housing Strategy, Rural Land Use Strategy and Industrial Employment Strategy are listed as reference documents in the existing Latrobe Planning Scheme at Clause 21.10. Reference documents are documents used to inform an amendment, in this instance the amendment was Amendment C105 (Live Work Latrobe).

As part of Amendment C122 Reference Documents are no longer used and the terminology has changed to 'Background Reports'. Background Reports are listed in Schedule to Clause 72.08. Background Reports can also be referenced within the scheme where the background document has been used to inform the creation of a provision.

In particular in a Guide to Victorian Planning Schemes, chapter 6.7.1 defines a background document as (page 110):

*A background document provides information that helps to understand why a particular policy or provision has been included in the planning scheme. Background documents were previously referred to as 'reference documents'. A background document is not part of the planning scheme and must not be directly relied on for decision making. If a background document contains content that is necessary for decision making (such as strategies or decision guidelines) then these must be extracted and placed in the relevant policy or control. Therefore, there is no elevation of the Live Work Latrobe Strategies as part of proposed Amendment C122.*

There is no change to the Farming Zone Schedules as part of Amendment C122.

The local policy in relation to Bushfire Clause 13.02-1L and Agriculture 14.01-1L and 14.01-2L



has been translated from the existing planning scheme, which mostly came from the changes made during Amendment C105. In particular, the policies have been translated from the following sections of the existing Latrobe Planning Scheme

13.02-1L - Bushfire

Clause 21.04 – 13 Environmental Risks

Clause 22.02 - Rural Dwelling and Subdivision in the Farming Zone

Clause 22.03 - Rural Tourism in the Farming Zone

14.01-1L Protection of Agriculture

Clause 21.05-2 – Natural Resource Management

Clause 22.02 - Rural Dwelling and Subdivision in the Farming Zone

Clause 22.03 - Rural Tourism in the Farming Zone

14.01-2L Intensive Agriculture

Clause 22.01 – Intensive Agriculture

There is no new information being introduced to this Amendment regarding Farming or Bushfire Policy. The discussion and appropriateness of these policies was had during Amendment C105 when they were introduced into the Latrobe Planning Scheme.

In regards to tourism and bushfire, no tourists for high fire risk days is likely to be a requirement of the CFA (now Fire Rescue Victoria) when a planning permit is applied for. This can be dealt with through conditions and / Fire Management Plans which is a requirement within the scheme.

A BAL – 29 construction is not required for all dwellings in a Bushfire Prone Area residential area, the policy within the planning scheme requires a construction of 'no higher than a BAL – 29'. Our preference is to ensure proper siting and other measures can be undertaken rather than allowing higher BAL ratings (i.e. BAL 40 and FZ) as this is likely to mean there is a higher risk to life and property.

Further to our discussion yesterday, Council is currently working on a Bushfire and Rural Rezonings project in which you have been identified as a key stakeholder. This proposed amendment will affect bushfire policy, farming zone rezoning and rural living rezonings. This Amendment is subject to a Council resolution and would be exhibited once the Planning Policy Framework Translation Amendment has been gazetted. This is mainly due to the major structural changes of this Amendment. Your current submission relates directly to this upcoming Amendment and you have the option to withdraw your submission to Amendment C122 and wait for a further opportunity to make a submission on the upcoming Amendment, this however is entirely your choice.

Can you please confirm if the information provided has satisfied the concerns raised in your submission?

If not, can you please confirm the following:

Are you requesting a change be made to the amendment?; or  
Are you requesting Council abandon the amendment?

If a change is being requested, are you able to provide details of these changes so they can be considered by Council.

If you can please provide a response by COB Wednesday 19 August 2020.

Thanks

**Lorrae Dukes**

P 1300 367 700

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

Coordinator Strategic Planning  
P 03 5128 5462  
M 0417 512 540  
E [Lorrae.Dukes@latrobe.vic.gov.au](mailto:Lorrae.Dukes@latrobe.vic.gov.au)

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**Submission 5**

Our Ref: 5010882

3 August 2020

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Lorrae Dukes  
Latrobe City Council  
141 Commercial Road  
MORWELL VIC 3840

Dear Lorrae,

**RE: LATROBE PLANNING SCHEME AMENDMENT C122 PLANNING POLICY FRAMEWORK TRANSLATION**

Thank you for the opportunity to provide a response in relation to the proposed planning scheme amendment as outlined in your email received 2 July 2020.

**Our Understanding of the Proposal**

EPA understands the amendment is to introduce changes in accordance with VC148 which translates the current MSS and local policies into the new Planning Policy Framework (PPF).

EPA understands that the amendment is mainly policy neutral, however it proposes to update and introduce various new and revised policies, zones, overlays, provisions, and maps. Whilst these are generally minor wording changes, they extend past that of being considered 'policy neutral' and therefore require public exhibition.

Specific changes of interest to EPA are:

- Policy under Clause 13.07-1L around the Amenity Lifestyle Precincts, Amenity Lifestyle Investigation Areas, Gippsland Water assets;
- Inclusion of policy regarding the buffer to the lime batching plant in Janette Street, Traralgon; and
- Policy around buffers for industrial areas included in 11.01 Settlement (i.e. Morwell and Traralgon).

EPA supports Council undertaking the PPF translation and offers the following comments:

**Municipal Planning Strategy (MPS)**

The changes proposed through this Amendment are in accordance with amendment VC148. EPA acknowledges one of the main directions of Latrobe as maintaining Latrobe's large economy, which is entrenched by its natural resources and serves many of the largest industries. While it is understood that maintaining these and increasing industry and economy in the area is important, Council must ensure that this growth does not have negative impacts on the established community and vice versa, ensuring the environment, amenity and human health are a priority.

**Clause 11 Settlement**Clause 11.01-1L – Morwell

EPA supports the additional strategy to screen industry or industrial precincts from residential areas by providing a buffer of open space and vegetation. Ensuring amenity of sensitive uses are not adversely impacted by industrial uses is of utmost importance within the municipality as industry places a vital role in the makeup up the land use.

Environment Protection Authority Victoria  
181 William St, Melbourne VIC 3000 DX210492  
1300 372 842 (1300 EPA VIC) [www.epa.vic.gov.au](http://www.epa.vic.gov.au)



### 11.01-1L - Traralgon

EPA supports the additional strategy of using industrial uses with limited off-site amenity impacts and other compatible uses within the Janette Street Industrial precinct as a buffer between the lime batching facility and nearby sensitive uses along with design and site development measures to mitigate noise impacts from the facility.

EPA supports protecting existing industry from encroachment of sensitive uses throughout the municipality, as this encroachment can lead to negative health and amenity impacts on the community and can affect industry viability.

While the intent of the strategy to provide a buffer from industry to sensitive land use is supported, EPA suggest Council strengthen their policy by using appropriate zoning to reinforce these buffers and support the objective.

Additionally, while it is understood that Council have recognised the need and importance of buffers, ensuring the right measures are taken to implement any specific buffers needed throughout the industrial areas is recommended. While open space and vegetation are good measures, ensuring these will mitigate any specific impacts to sensitive use is crucial.

### **Clause 13 Amenity, human health, and safety**

EPA support the objectives and strategies of this clause and note that there are no changes to the objectives and strategies within 13.07-1S regarding land use compatibility. EPA supports the changes under 13.07-1L which bring in general strategies surrounding the Amenity Lifestyle Precinct and Investigation Area along with strategies aimed at protecting Gippsland water assets.

### **Clause 17.03-1S Industrial land supply**

EPA notes that no changes have been made to this clause. EPA supports the objective to ensure industrial land availability given industry's large presence in Latrobe and further the need ensure appropriate buffers or separation distances are provided in these cases.

Again, EPA recommends Council consider in cases where buffers are required, to use zoning or other available tools to strengthen their policy to ensure buffers are implemented and adhered to when considering uses which may impact the amenity of nearby sensitive uses or vice versa.

### **Summary**

Based on the supplied documentation and the assessment above, EPA supports the proposed amendment to translate the Latrobe Planning Scheme into the new Planning Policy Framework and the minor changes discussed above.

While EPA acknowledge that Council have identified and aimed to include reference to tools designed to protect the amenity and human health of the community through buffers and separation distances as well as protect industry from encroachment of sensitive uses, we encourage Council to continue to engage with EPA in future strategic work to strengthen policy in these areas.

If our assessment is not aligned with your view of the environmental risk, or if the proposal is amended, please contact Monika Zuscak, Planning Officer on 1300 EPA VIC (1300 372 842).

Yours sincerely,



**Trisha Brice**  
Planning Team Lead (Strategic)  
Major Projects and Planning  
EPA Victoria

## Submission 6

**From:** Miller, Brad  
**Sent:** 3 Aug 2020 16:51:13 +1000  
**To:** latrobe@latrobe.vic.gov.au  
**Cc:** Wallace, Lance  
**Subject:** Amendment C122 submission  
**Attachments:** Amendment C122 - Energy Australia.pdf

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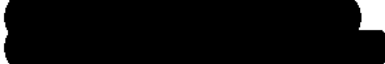
**Attention:** Lorrae Dukes

Please see attached submission from Energy Australia Yallourn in relation to the proposed Amendment C122 to the Latrobe Planning Scheme.

Please contact myself or Lance Wallace for further information.

Regards,

**Brad Miller**  
Risk & Compliance Specialist | Yallourn Mine



**EnergyAustralia Yallourn**  
PO Box 444, Moe, Victoria 3825  
[energyaustralia.com.au](http://energyaustralia.com.au)



3 August 2020

**Attention: Strategic Planning**

Latrobe City Council  
PO Box 264  
Morwell Vic 3840



**EnergyAustralia**

EnergyAustralia Yallourn Pty Ltd  
ABN 47 065 325 224

Eastern Road  
Yallourn Victoria 3825

PO Box 444  
Moe Victoria 3825

Phone +61 3 5128 2000  
Facsimile +61 3 5128 2200

[energyaustralia.com.au](http://energyaustralia.com.au)

**Latrobe City Council – Amendment C122**

Energy Australia has reviewed the proposed Amendment C122 to the Latrobe Planning Scheme and has concern with regard to proposed developments in close proximity to the Yallourn Coal Mine and encroaching upon the area designated Category A Coalfields.

Energy Australia has three mining licences 5003, 5304 & 5216 near the area included in Amendment C122. Work Plan approval was received from Earth Resources Regulation in 2019 for continued coal mining operations until December 2032 and subsequent mine rehabilitation works until 2051. The approved mining operations will progress in a southerly direction towards Morwell until 2032.

ES01 Coal Buffer is established to provide mutual protection of urban amenity and coal resource development. EnergyAustralia would like further information on the proposed Amenity Lifestyle Precinct to better understand the potential interaction of the Lifestyle Precinct activities with mining operations.

Energy Australia is interested to obtain further detail of the nature of the proposed Lifestyle Amenity to properly assess any potential impact on mining operations such as increased fire risk. I would welcome the opportunity for a meeting to discuss this matter further.

If you have any further questions in relation to the above, please contact Lance Wallace (Manager Mining, EnergyAustralia Yallourn) [REDACTED] or on [REDACTED]

Yours sincerely,

Lance Wallace  
Manager Mining  
EnergyAustralia Yallourn

## Submission 6b

**From:** [REDACTED]  
**To:** [Lorrae Dukes](#); [REDACTED]  
**Cc:** [Ellie Kennedy](#)  
**Subject:** RE: Amendment C122 - Planning Policy Framework Translation - Response to Submission  
**Date:** Friday, 21 August 2020 9:18:30 AM  
**Attachments:** [image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)

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Lorrae,

Thankyou for your prompt response to our submission. Your explanation of the origins of the Morwell West Amenity Lifestyle Precinct and the ES01 zoning information provided below has resolved our concern. We are satisfied that the planning amendment will not dilute the previously established ES01 Coal Buffer zoning conditions created for the mutual protection of the coal resource development.

Regards,

**Brad Miller**

Risk & Compliance Specialist | Yallourn Mine



**EnergyAustralia Yallourn**

PO Box 444, Moe, Victoria 3825

[energyaustralia.com.au](http://energyaustralia.com.au)



**From:** Lorrae Dukes <[Lorrae.Dukes@latrobe.vic.gov.au](mailto:Lorrae.Dukes@latrobe.vic.gov.au)>  
**Sent:** Thursday, 20 August 2020 10:05 AM  
**To:** Wallace, Lance [REDACTED]; Miller, Brad [REDACTED]  
**Cc:** Ellie Kennedy <[Ellie.Kennedy@latrobe.vic.gov.au](mailto:Ellie.Kennedy@latrobe.vic.gov.au)>  
**Subject:** RE: Amendment C122 - Planning Policy Framework Translation - Response to Submission

Hi Lance and Brad

Just following up on the email below and wondering if you are able to provide me with a response by COB Tuesday 25 August 2020.

Thanks

**Lorrae Dukes**

Coordinator Strategic Planning

**P** 03 5128 5462

**M** 0417 512 540

**E** [Lorrae.Dukes@latrobe.vic.gov.au](mailto:Lorrae.Dukes@latrobe.vic.gov.au)

**P** 1300 367 700

**W** [www.latrobe.vic.gov.au](http://www.latrobe.vic.gov.au)

PO Box 264, Morwell 3840



---

**From:** Lorrae Dukes  
**Sent:** Wednesday, 12 August 2020 11:39 AM  
**To:** [REDACTED]  
**Cc:** Ellie Kennedy; Bruce Connolly  
**Subject:** Amendment C122 - Planning Policy Framework Translation - Response to Submission

Hi Lance and Brad

Thank you for making time to meet with us today.

In regards to the Amenity Lifestyle Precinct, I can provide the following advice.

The Environmental Significance Overlay Schedule 3 (dark green) applies to areas within the 10 OU line (the ESO3 does apply to SUZ1 land which is why there is a colour difference).

The Morwell West Amenity Lifestyle precinct is shown on attached map (red hatching). It applies to this land as this area was within a 10 odour unit line of the Urban Amenity Buffer (Opal Australian Paper), this designation was made through Amendment C87 (Traralgon Growth Areas Review) and is existing within the Latrobe Planning Scheme. It does not have the ESO3 applied to the land, however has the same policy implications as translated into Clause 13.07 – 1L (attached), no further subdivision or rezoning of land in this area.

You will also note that some of this land has the Environmental Significance Overlay Schedule 1 (Coal Buffer) and the land not within the ESO1 is zoned Special Use Zone Schedule 1 (Brown Coal).

These zones and overlays are not proposed to change with this Amendment.

There is no further encroachment proposed of the mining area of Energy Australia as part of this Amendment. The Amenity Lifestyle Precinct also assists with restricting this further encroachment.

Can you please let me know if the information provided addresses the concerns made in your submission.

Thanks

**Lorrae Dukes**  
Coordinator Strategic Planning  
P 03 5128 5462  
M 0417 512 540  
E [Lorrae.Dukes@latrobe.vic.gov.au](mailto:Lorrae.Dukes@latrobe.vic.gov.au)

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Submission 7

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**From:** Debra Butcher  
**Sent:** 3 Aug 2020 16:51:23 +1000  
**To:** latrobe@latrobe.vic.gov.au  
**Subject:** Submission to Amendment C122  
**Attachments:** DBC 0033 Amendment C122 Submission (Final).pdf

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Dear Sir/Madam,

Please find attached our submission to Amendment C122.

Regards

Debra



**Debra Butcher**  
**Director**

Debra Butcher Consulting Pty Ltd  
PO Box 417 Albert Park VIC 3206

[www.debrabutcherconsulting.com.au](http://www.debrabutcherconsulting.com.au)

ABN 93 609 169 226

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DEBRA  
BUTCHER  
CONSULTING



3 August 2020

Ms Lorrae Dukes  
Strategic Planning  
Latrobe City Council  
Emailed: [latrobe@latrobe.vic.gov.au](mailto:latrobe@latrobe.vic.gov.au)

*Our reference: DBC 0033 Amendment C122 Submission Letter 02*

Dear Ms Dukes,

**SUBMISSION TO THE EXHIBITED AMENDMENT C122 (PLANNING POLICY FRAMEWORK TRANSLATION) TO THE LATROBE PLANNING SCHEME**

DB Consulting acts on behalf of Delburn Wind Farm Pty Ltd, in relation to the proposed development of a wind farm within the HVP Plantations' land centred at Delburn. As you may be aware, our client is currently preparing a planning permit application to use and develop a wind energy facility at the site, having undertaken consultation with Council and the community over the last few years.

We have reviewed the material exhibited as part of Amendment C122 to the Latrobe Planning Scheme in the context of the wind farm proposal.

It is noted that only brief reference is made to renewable energy in the exhibited documents. We consider that greater policy support should be provided for renewable projects in the Amendment given the significant opportunities that the existing electricity infrastructure in Latrobe offers. This could be included, for instance, at Clause 19.01-2S (Renewable Energy) as a new policy at Clause 19.01-2L. Opportunities also exist in other parts of the revised policies to provide greater support for renewable energy projects such as wind farms.

We would be pleased to discuss these matters with Council further and reserve the right to respond to any further issues, including any made in submissions, if we consider they might affect the progress of the wind farm project. We ask that Council keep us abreast of the Amendment process post this exhibition process.

Should you have any queries regarding this submission, please do not hesitate to contact me.

Yours sincerely,

Debra Butcher  
Director

Debra Butcher Consulting Pty Ltd  
ABN 93 609 169 226

Submission 7b

**From:** [Debra Butcher](#)  
**To:** [Lorae Dukes](#)  
**Cc:** [Ellie Kennedy](#); [REDACTED]  
**Subject:** RE: Amendment C122 - Planning Policy Framework Translation - Response to Submission  
**Date:** Thursday, 13 August 2020 2:41:50 PM

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Good afternoon Lorrae,

Thank you for your email below and for your time last Friday to discuss our submission.

We appreciate the consideration you have given to the issues we have raised in relation to Amendment C122. On the basis of your advice below, we are satisfied that the concerns raised in our submission have been addressed to the extent that is possible via this Amendment, given it is primarily intended to be policy neutral and so therefore in relation to the revised renewable energy and energy efficiency policies is based on existing policy directions and any relevant recommendations of the *Economic Policy Strength Review in the Economic Growth Zone, Urban Enterprise* (2018).

We would appreciate it if we could continue to be kept informed of the progress of the amendment and thank you once again for engaging with us in relation to our submission.

Regards

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Debra

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**Debra Butcher**  
Director

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**From:** Lorrae Dukes <Lorrae.Dukes@latrobe.vic.gov.au>  
**Sent:** Tuesday, 11 August 2020 4:46 PM  
**To:** Debra Butcher; [REDACTED]  
**Cc:** Ellie Kennedy <Ellie.Kennedy@latrobe.vic.gov.au>  
**Subject:** Amendment C122 - Planning Policy Framework Translation - Response to Submission

Hi Debra

Thank you to both yourself and Peter for making time to speak with us on Friday 7 August 2020 about the submission made to Amendment C122 – Planning Policy Framework Translation. At the meeting, we discussed proposed changes to the Amendment and I can confirm that at

this point in time, that all submissions received have requested minor wording changes. There is no proposed deletion of any policy or strategy.

Also, as part of the submission process, we keep all submitters informed of how the amendment progresses including notification of Council Meeting(s), referral of all submission to panel (if required), notification of gazettal of the amendment (if approved).

As discussed today, I have had a detailed look at the following documents regarding renewable energy and energy efficiency:

- Existing Latrobe Planning Scheme;
- Amendment C122 exhibited documents;
- State Policy Clauses at 15.02-1S (Energy and Resource Efficiency) and 19.01-2S (Renewable Energy); and
- Recommendations from the Economic Policy Strength Review in the Economic Growth Zone (background document to the amendment).

The following table shows the review undertaken for Renewable Energy and Energy Efficiency.

Number	Existing Clause within the MSS	Recommendation from Economic Policy Strength Review in the Economic Growth Zone	Amendment C122
1.	Clause 21.03-1 <i>Latrobe City will strive to maintain and enhance its native vegetation biodiversity, improve air and water quality, reduce and reuse waste, encourage energy-efficient technologies and educate the community and industry in better waste management and environmental protection.</i>	N/A	Was reworded into and included in Clause 02.03-3 Environmental risks and amenity  Planning for climate change seeks to:  <ul style="list-style-type: none"> <li>• ...</li> <li>• <i>Encourage energy-efficient building design including the incorporation of energy efficient technologies.</i></li> </ul>
2.	Clause 21.03-3 Objective 2 Strategy 2.3 - <i>Encourage development to be energy and water efficient.</i>	N/A	This strategy was reworded to and included in 15.02-1L  <i>Encourage development to incorporate energy efficient design measures.</i>
3.	Clause 21.04-5 Objective 4 <i>To promote energy efficient building design to reduce the effects of climate change. (02.03-3 Climate Change</i>	N/A	Was reworded into and included in Clause 02.03-3 Environmental risks and amenity  Planning for climate change seeks to:  <ul style="list-style-type: none"> <li>• ...</li> <li>• <i>Encourage energy-efficient building design including the incorporation of energy efficient technologies.</i></li> </ul>

	<p>Objective 4 Strategies 4.1 and 4.2 <i>4.1 Encourage new residential buildings to be environmentally sustainable by encouraging the application of best practice design and energy ratings.</i></p> <p><i>4.2 Encourage all new commercial and industrial buildings to incorporate energy efficient design measures</i></p>	N/A	These strategies were not included as they were repetition from the State Policy at Clause 15.02-1S.
4.	<p>21.04-6 Objective 5 <i>To promote new and alternative clean energy industry and investment within Latrobe City, leveraging the existing energy infrastructure and workforce expertise.</i></p> <p>Strategy 5.1 <i>Support the establishment of new and alternative energy industries, particularly in locations with good access to existing energy distribution infrastructure.</i></p> <p>Also 21.07-3 Objective 2 <i>Support the establishment of new and alternative energy related jobs growth and investments within Latrobe City, leveraging the advantages of existing energy infrastructure and distribution</i></p>	<p>Table 21 (page 40) included 2 recommendations:</p> <p>L3 - <i>Under the Diversified Economy section, add policy support for industry sectors which have been identified as state and regional growth opportunities with local advantages in Latrobe, such as research and development, information technology, education, new energy production, food and fibre production and advanced manufacturing.</i></p> <p>L5 - <i>Add emerging industries identified in the EDS to the policy, including advanced manufacturing, intensive agribusiness, food manufacturing, advanced manufacturing, new energy types and training and education (especially for engineering skills, expanding on the current limited reference to education and training in the policy).</i></p>	<p>These clauses were merged and duplication removed, additional words included from the Economic Strength Policy Review. They were placed into 02.03-7 Economic Growth</p> <p><i>The main industries in Latrobe are related to coal, timber and food processing. As the economy seeks to decarbonise, Latrobe is presented with opportunities to diversify its economy, by attracting new industries as well as capitalising on its existing strengths in manufacturing and engineering. These strengths present Latrobe with many economic opportunities, including research and development, information technology, education and training, new energy production and advanced manufacturing. Emerging industries are establishing close to existing infrastructure at the University in Churchill and east of Morwell. The health care sector will also be one of the fastest growing employment sectors in Latrobe due to the aging population. Planning for economic growth seeks to:</i></p> <ul style="list-style-type: none"> <li>• <i>Enable the community to prosper from the</i></li> </ul>

	<p>networks.</p> <p>Strategy 2.1 and 2.2 2.1 Promote new and alternative clean energy industry and investment within Latrobe City, leveraging the existing energy infrastructure and workforce expertise.</p> <p>2.2 Encourage investment and development of new and alternative energy industries, particularly in locations with good access to existing energy distribution infrastructure.</p>		<p>transition to a low carbon future by supporting the diversification of employment opportunities.</p> <ul style="list-style-type: none"> <li>• Encourage alternative energy industries, including renewable energy and clean coal in locations with convenient access to existing energy distribution infrastructure.</li> <li>• Facilitate the growth of service sector jobs targeting regional health services, tertiary education, retail, entertainment and government administration</li> </ul>
5	<p>Clause 21.05-8</p> <p>The need to lower carbon emissions is recognised by the Victorian Government through a range of initiatives, including the establishment of the Victorian Renewable Energy Target which aims to increase renewable energy generation to 25 per cent by 2020 and 40 per cent by 2025. The modernisation of locally based energy generation commensurate with change occurring across the energy industry is of critical importance to Latrobe City and the Gippsland Region.</p>	N/A	Deleted

The table shows most of what was existing in the Latrobe Planning Scheme was incorporated

where it wasn't duplicated within the State Policy. There are two recommendations from the Economic Policy Strength Review in the Economic Growth Zone background report which have been included in Amendment C122, at 02.03-7 Economic Growth.

Clause 19.01-2S (Renewable Energy) is comprehensive around requirements for location, meeting community needs and benefits of a proposal.

There is no policy that could be included within the local section of the planning scheme that wouldn't duplicate what exists in the State section. Further work would be required to be undertaken before any additional policy was included within the scheme.

Therefore, I am proposing no changes in response to the submission.

Following the review of this information, can you please provide a response as to whether the information provided has address the concerns raised in your submission.

I am happy to discuss anything further if required.

Thanks

**Lorrae Dukes**  
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Submission 8



Date: 3 August 2020

AP Ref: 106523

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**Opal Australian Paper**

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A member of the Nippon Paper Group

Lorrae Dukes  
Coordinator Strategic Planning  
Latrobe City Council  
Via email: [Lorrae.Dukes@latrobe.vic.gov.au](mailto:Lorrae.Dukes@latrobe.vic.gov.au)

Cc:

D. Vercoe  
K. Bobeff

### Submission re: Proposed Planning Scheme Amendment C122 – Planning Policy Framework Transition

Thank you for the opportunity to review and make a submission regarding proposed planning scheme amendment C122.

Opal Australian Paper (OAP) have reviewed the proposed amendment and note that a key difference is that we were unable to locate an overall policy support statement in support of our operations, as was contained in the previous version of the MSS, and that it would be beneficial from a context point of view if something similar could be included in the new format provisions.

We note that there is a strengthening of support for OAP's operations by a statement discouraging subdivision in the buffer area, which we appreciate, so it is only the overall statement that we seek the inclusion of. We suggest that it could be in the area discussing Industry or Employment, reinforcing this importance for recognition by future planners and policy makers.

A summary of the key points of difference is included below:

Sections where the OAP operations are mentioned		New version		Verdict
21.01-1	Latrobe City is also at the centre of a large forestry industry, which services the largest pulp and paper mill in Australia.	Not included	No mention specifically of the Mill in the replacement text	The new format has less areas for descriptive statements and so references such as at 21.01-1 to justify policies are no longer included. We request Council consider including recognition of important regional industry.
21.02-15	An area 1 kilometre wide has also been identified on the western end of the Australian Paper Mill site at Maryvale so as to protect the mill from coal	Not included	No mention specifically of the Mill in the replacement text	The new format has less areas for descriptive statements and so references such as at 21.02-15 to justify policies are no longer included. We

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	operations in the Yallourn mine as well as providing for future expansion.			request Council consider including recognition of important regional industry.
21.07-5 Industry	The Australia Paper Mill, located in Maryvale north of Morwell, is another important heavy industry underpinning local employment strengths in engineering.	17.03-1L	No mention specifically of the Mill in the replacement text	The new format has less areas for descriptive statements and so references such as at 21.07-5 to justify policies are no longer included. We request Council consider including recognition of important regional industry.
		17.01-1L	Diversified economy Encourage large format industries including heavy industry, food and fibre processing within the Morwell – Maryvale Industry Growth Corridor as identified in the Economic Strategy Plan in Clause 02.04 and Areas 7, 8 & 9 of the Morwell Town Structure Plan in Clause 11.01-1L.	Of note, but not directly affecting the Mill.
21.09-5 Morwell	Discourage rezoning that would result in further subdivision of Farming Zone and Special Use Zone land within the Amenity Rural Buffer and the Amenity Lifestyle Precinct (MTSP Area 11), due to the close proximity to the Australian Paper Mill.	11.01-1L	Not included in replacement text, which has been significantly reduced.	Addressed elsewhere in the scheme
21.09-6 Traralgon	Discourage rezoning that would result in further subdivision of Farming Zone and Rural Living Zone land within the Amenity Rural	11.01-1L	Not included in replacement text, which has been significantly reduced.	Addressed elsewhere in the scheme



	Buffer, due to its close proximity to the Australian Paper Mill.			
21.09-7 Specific Growth Corridor Strategies – Traralgon West	Discourage rezoning that would result in further subdivision of Farming Zone and Rural Living Zone land within the Amenity Rural Buffer and the Amenity Lifestyle Precinct, due to its close proximity to the Australian Paper Mill.	11.03-2L	Not included in replacement text, which has been significantly reduced.	Addressed elsewhere in the scheme
21.09-12 Tyers	Investigate the development potential of land in the Amenity Lifestyle Investigation Precinct south of the township for future rural living purposes (CTSP Area 8), due to its close proximity to the Australian Paper Mill.		Not included in replacement text, which has been significantly reduced.	Addressed elsewhere in the scheme
		13.07 Amenity Human Health and Safety  13.07-1L Land use compatibility	General strategies  Discourage subdivision or the rezoning of Farming Zone and Rural Living Zone land within:  The Amenity Lifestyle Precinct (Area 7 of the Morwell to Traralgon Structure Plan in Clause 11.03-2L and Area 11 of the Morwell Town Structure Plan in Clause 11.01-1L) due to its proximity to the Australian Paper Mill.  The Amenity Lifestyle Investigation Area (Area 3 of the Tyers Town Structure Plan in Clause 11.01-1L).	Arguably stronger text than current version as Council now discourages <u>subdivision</u> as well as the <u>rezoning</u> of land in the Amenity Lifestyle Precinct.  Need to determine if the Amenity Rural Buffer should be specifically mentioned.

# Opal.

			Encourage industrial uses that have limited off-site amenity impacts and other compatible uses as a buffer between residential areas and more intensive industrial uses.	
21.10-3 Reference Documents	Australian Paper: Maryvale Pulp Mill Buffer Requirements (July 2011).	72.08 – 1.0 Background documents	Included	No action needed
42.01 ESO Schedule 3	Entire ESO Schedule		Not affected by amendment	No action needed
66.04 Referral requirements	All applications under clause 5 of schedule 3 of the ESO	EPA	Unchanged	No action needed

We appreciate your consideration of our request to have OAP's operations noted as an industry of regional significance in the planning scheme.

Should you wish to discuss further, please contact Lauren Beckett, Environment Manager on [REDACTED]

Kind regards,



**Adrian Berton**

Group General Manager – Opal Australian Paper

[LB]

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## Submission 8b

**From:** [Lauren Beckett](#)  
**To:** [Lorrae Dukes](#); [Bernard Collins](#)  
**Cc:** [Ellie Kennedy](#); [David Vercoe](#)  
**Subject:** RE: Amendment C122 - Planning Policy Framework Translation - Response to Submission  
**Date:** Tuesday, 18 August 2020 10:14:37 AM  
**Attachments:** [image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)

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Thanks Lorrae,

We are happy with the change to "Support retention" rather than provide.

Regards,  
Lauren

**From:** Lorrae Dukes <[Lorrae.Dukes@latrobe.vic.gov.au](mailto:Lorrae.Dukes@latrobe.vic.gov.au)>  
**Sent:** Tuesday, 18 August 2020 9:50 AM  
**To:** Lauren Beckett [redacted]; Bernard Collins [redacted]  
**Cc:** Ellie Kennedy <[Ellie.Kennedy@latrobe.vic.gov.au](mailto:Ellie.Kennedy@latrobe.vic.gov.au)>; David Vercoe [redacted]  
**Subject:** [EXT] RE: Amendment C122 - Planning Policy Framework Translation - Response to Submission

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Hi Lauren

As discussed this morning, the first point is fine and we have no issues with this change.

In relation to the second point, I don't have any issues with the change. However, under the new smart planning rules, they don't want a sentence to have two purposes i.e. Provide and support.

Therefore, I think it would be better if we have:

Support the retention of buffers between industrial and sensitive use areas where amenity is impacted

We have already provided the buffers for Australian Paper and others, it is more about retaining them moving forward?

I have attached an update 02.03, can you please confirm that this will be ok.

Thanks

**Lorrae Dukes**  
 Coordinator Strategic Planning  
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 M 0417 512 540  
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 PO Box 284, Morwell 3840



**From:** Lauren Beckett [<mailto:>] [redacted]  
**Sent:** Tuesday, 18 August 2020 8:58 AM  
**To:** Lorrae Dukes; Bernard Collins  
**Cc:** Ellie Kennedy; David Vercoe  
**Subject:** RE: Amendment C122 - Planning Policy Framework Translation - Response to Submission

Good Morning Lorrae,

Thank you for councils consideration of our comments re planning scheme amendment C122. We have reviewed Clause 02.03 Strategic Direction and are pleased to see recognition of our operations in this clause.

We would like to suggest the following additional wording changes for councils consideration (included as track changes in the attached document) –

Insert, under Coal at Clause 02.03-4 -Natural Resource Management

Buffers exist between mining operations and the towns, and on the western end of the pulp and paper mill site to protect development opportunities.

insert, under Industry at clause 02.03-7 – Economic Development

Planning for industry seeks to:

- Develop the Morwell – Maryvale Industry Growth Corridor as the main industry growth area of Latrobe.
- Facilitate the supporting role that industrial land in Moe, Churchill and Traralgon play in Latrobe's industrial development.

- Provide **and support the retention of** buffers between industrial and sensitive use areas where amenity is impacted.

If you would like to discuss further, please contact me.

Kind Regards,  
Lauren

**Opal.**

**Lauren Beckett**  
Environment Manager

**Opal Australian Paper**  
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Morwell, Vic. 3840

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**From:** Lorrae Dukes <[Lorrae.Dukes@latrobe.vic.gov.au](mailto:Lorrae.Dukes@latrobe.vic.gov.au)>  
**Sent:** Monday, 17 August 2020 2:10 PM  
**To:** Bernard Collins [REDACTED]; Lauren Beckett [REDACTED]  
**Cc:** Ellie Kennedy <[Ellie.Kennedy@latrobe.vic.gov.au](mailto:Ellie.Kennedy@latrobe.vic.gov.au)>  
**Subject:** [EXT] Amendment C122 - Planning Policy Framework Translation - Response to Submission

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Hi Bernard and Lauren

In response to your submissions, please find attached a tracked change 02.03 – Strategic Direction. I have also added comments to the table below.

Can you please review and confirm as to whether the changes made to the Amendment satisfy the concerns raised in your submission.

Thanks

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**From:** Bernard Collins [REDACTED]  
**Sent:** Thursday, 30 July 2020 12:53 PM  
**To:** Lorrae Dukes  
**Cc:** Lauren Beckett  
**Subject:** FW: Notification of Preparation of Amendment C122 - Planning Policy Framework Translation

Hi Lorrae

Thanks for your time earlier this week. As discussed, following is a comparison table I prepared to advise Australian Paper of the planning scheme changes.

The key difference is that we were unable to locate an overall policy support statement as was contained in the previous version of the MSS, and that it would be beneficial from a context point of view if something similar could be included in the new format provisions.

We note that there is a strengthening of support for the Mill by a statement discouraging subdivision in the buffer area, which we appreciate, so it is only the overall statement that we seek the inclusion of. We suggest that it could be in the area discussing Industry or Employment, reinforcing this importance for recognition by future planners and policy makers.

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Sections where the Mill is mentioned		New version		Verdict	LCC Comments
21.01-1	Latrobe City is also at the centre of a large forestry industry, which services the largest pulp and paper mill in Australia.	Not included	No mention specifically of the Mill in the replacement text	The new format has less areas for descriptive statements and so references such as at 21.01-1 to justify policies are no longer included. Worth requesting of Council that a recognition of an important regional industry can be included.	No significant change made as under 02.03-4 (Timber) the following statement exists:  <i>Latrobe has a productive timber and commercial forestry industry providing softwood, value-added hardwood and paper products. It has one of the largest paper manufacturing facilities in the southern hemisphere, Australian Paper Mill, which is a significant economic asset for the area. Council seeks to continue to grow the timber industry.</i>  The attached tracked change document adjusts the name from Australian Paper Mill to Opal Australian Paper.
21.02-15	An area 1 kilometre wide has also been identified on the western end of the Australian Paper Mill site at Maryvale so as to protect the mill from coal operations in the Yallourn mine as well as providing for future expansion.	Not included	No mention specifically of the Mill in the replacement text	The new format has less areas for descriptive statements and so references such as at 21.02-15 to justify policies are no longer included. Worth requesting of Council that a recognition of an important regional industry can be included.	Agree.  Changes have been made to 02.03-4(Coal). See attached tracked change document.
21.07-5 Industry	The Australia Paper Mill, located in Maryvale north of Morwell, is another important heavy industry underpinning local employment strengths in engineering.	17.03-1L	No mention specifically of the Mill in the replacement text	The new format has less areas for descriptive statements and so references such as at 21.07-5 to justify policies are no longer included. Worth requesting of Council that a recognition of an important regional industry can be included.	Agree  Have made some minor changes to 02.03-7 (Economic Growth and Industry), see attached tracked changes.
		17.01-1L	Diversified economy  Encourage large format industries including heavy industry, food and fibre processing within	Of note, but not directly affecting the Mill.	No changes requested

			the Morwell – Maryvale Industry Growth Corridor as identified in the Economic Strategy Plan in Clause 02.04 and Areas 7, 8 & 9 of the Morwell Town Structure Plan in Clause 11.01-1L.		
21.09-5 Morwell	Discourage rezoning that would result in further subdivision of Farming Zone and Special Use Zone land within the Amenity Rural Buffer and the Amenity Lifestyle Precinct (MTSP Area 11), due to the close proximity to the Australian Paper Mill.	11.01-1L	Not included in replacement text, which has been significantly reduced.	Addressed elsewhere in the scheme	No changes requested
21.09-6 Traralgon	Discourage rezoning that would result in further subdivision of Farming Zone and Rural Living Zone land within the Amenity Rural Buffer, due to its close proximity to the Australian Paper Mill.	11.01-1L	Not included in replacement text, which has been significantly reduced.	Addressed elsewhere in the scheme	No changes requested
21.09-7 Specific Growth Corridor Strategies – Traralgon West	Discourage rezoning that would result in further subdivision of Farming Zone and Rural Living Zone land within the Amenity Rural Buffer and the Amenity Lifestyle Precinct, due to its close proximity to the Australian Paper Mill.	11.03-2L	Not included in replacement text, which has been significantly reduced.	Addressed elsewhere in the scheme	No changes requested
21.09-12 Tyers	Investigate the development potential of land in the Amenity Lifestyle Investigation Precinct south of the township for future rural living purposes (CTSP Area 8), due to its close proximity to the Australian Paper Mill.		Not included in replacement text, which has been significantly reduced.	Addressed elsewhere in the scheme	No changes requested
		13.07 Amenity Health and Safety	General strategies  Discourage subdivision or the rezoning of Farming	Arguably stronger text than current version as Council now discourages <u>subdivision</u> as well	No changes requested



		13.07-1L Land use compatibility	<p>Zone and Rural Living Zone land within:</p> <p>The Amenity Lifestyle Precinct (Area 7 of the Morwell to Traralgon Structure Plan in Clause 11.03-2L and Area 11 of the Morwell Town Structure Plan in Clause 11.01-1L) due to its proximity to the Australian Paper Mill.</p> <p>The Amenity Lifestyle Investigation Area (Area 3 of the Tyers Town Structure Plan in Clause 11.01-1L).</p> <p>Encourage industrial uses that have limited off-site amenity impacts and other compatible uses as a buffer between residential areas and more intensive industrial uses.</p>	as the rezoning of land in the Amenity Lifestyle Precinct.	Need to determine if the Amenity Rural Buffer should be specifically mentioned.
21.10-3 Reference Documents	Australian Paper: Maryvale Pulp Mill Buffer Requirements (July 2011).	72.08 – 1.0 Background documents	Included	No action needed	No changes requested
42.01 ESO Schedule 3	Entire ESO Schedule		Not affected by amendment	No action needed	No changes requested
66.04 Referral requirements	All applications under clause 5 of schedule 3 of the ESO	EPA	Unchanged	No action needed	No changes requested

As discussed, we're happy to talk further on this matter and avoid a formal submission if possible. Australian Paper values the working relationship it has with Council's planning department so we hope this can be addressed as discussed.

If I have missed anything in the summary below, please let me know.

We look forward to hearing from you.

Regards,



**BERNARD COLLINS**  
 Manager – Design & Strategy  
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 D [Redacted]



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Ref. DOC/20/252184

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To the Strategic Planning Department

### LATROBE PSA C122 – PLANNING POLICY FRAMEWORK

Thank you for notifying the Department of Transport of the exhibition of Latrobe Planning Scheme Amendment C122.

It is understood that this amendment seeks to implement the structure introduced by Amendment VC148 by replacing the Municipal Strategic Statement (MSS) and the Local Planning Policy Framework (LPPF) with the Municipal Planning Strategy (MPS), local policies within the Planning Policy Framework (PPF) and revised local schedules to zones, overlays, particular, operational and general provisions.

The Department of Transport has no objection to the proposed amendment.

We recommend that any references to 'VicRoads', 'Roads Corporation' or 'PTV' within the Planning Scheme, where possible, should be amended to 'Head, Transport for Victoria' in accordance with the Transport Integration Act 2010. In 2019, VicRoads (including Regional Roads Victoria) and Public Transport Victoria (PTV) were brought together within the Department of Transport to form a new integrated transport department.

We also suggest the following enhancements.

*(Green text currently exists in the Latrobe Planning Scheme, purple text is proposed by Latrobe CC as part of C122, text in Blue is suggested inclusions by DoT.)*

The Princes Highway and Gippsland Rail Line provide key connections to Melbourne and interstate with the Strzelecki Highway providing an important connection to South Gippsland.

Consider reference at clause 18.01-2L Transport System:

Support improvements to heavy vehicle access to industrial zoned land located to the north of the Moe Township and the industrial precincts in Morwell.

Consider reintroducing references to functional, safe and efficient in clause 10.02-3L:

Facilitate a functional, safe and efficient rural roads system that supports the maintenance of the rural character as well as meeting the demands of both rural industry and rural residents.

Consider revising the Traralgon Structure Plan map to make the road network more visible.

Yours sincerely

**Laurie Jeremiah**  
Senior Transport Planner

07 / 08 / 2020

Submission 10

**From:** Latrobe City Council  
**Sent:** 20 Aug 2020 08:57:12 +1000  
**To:** latrobe@latrobe.vic.gov.au  
**Subject:** Have Your Say on Amendment C122 Submission  
**Attachments:** Ammendment C122.docx

Submitted on Thu, 2020-08-20 08:56

Submitted by: Anonymous

Submitted values are:

## Your Details

### Personal Details



## Your Submission

### My submission is

Please refer attached file

### Upload

[Ammendment C122.docx](#)

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**LATROBE PLANNING SCHEME AMENDMENT C122**

**SUBMISSION ON BEHALF OF**

**AKZ REINFORCING PTY LTD**

**and**

**AUGUST FORGE PTY LTD**

**And**

**TRAMORE HOLDINGS PTY LTD**

**80-100 LATROBE ROAD  
MORWELL**

**Interest in Amendment C122**

1. August Forge Pty Ltd and Tramore Holdings Pty Ltd are the registered proprietors of land at 80-96 and 100 Latrobe Road, Morwell (“the land”).
2. AKZ Reinforcing Pty Ltd (“AKZ”) is the occupier of the land.

**The Business and Economic Contribution of AKZ**

3. AKZ owns and operates a long established engineering business on the land. It is a significant employer and generator of economic activity in Morwell.
4. AKZ employs 50 workers and six subcontractors, all of whom reside in the Latrobe Valley. It has gross sales of more than \$22,000,000 per annum. AKZ’s contribution to the local economy is important, both to the economy of the Valley generally and specifically to its employees and sub contractors.
5. To ensure that AKZ can continue to make this important community contribution it needs certainty as to its future, not uncertainty caused by inappropriate planning controls.

**The Existing Zoning of the Land**

6. Most of the land at 80-98 Latrobe Road (for reasons that are far from clear) was re-zoned NRZ4 by amendment C105. A small part is zoned IN3Z. 100 Latrobe Road is zoned GRZ3, but is undeveloped despite being zoned residential for in excess of 30 years. The land abuts undeveloped land zoned GRZ3 on its north and east boundary. To the south it abuts land on the north side of Holmes Road zoned IN3Z. The land forms part of a long established industrial precinct centred around Latrobe Rd and Holmes Road.

**Lack of Notification to AKZ**

7. Noting that proposed Amendment C122 seeks to adopt policies that would reinforce the concept of our land being within a Residential zone and excluded from the Industrial 3 zone, we express our disappointment at not being notified of Amendment C122. Particularly as we have been in correspondence with Jody Riordan regarding the zoning of our land at least since May 2020. We might reasonably have been anticipated to be advised of Amendment C122 in the course of our correspondence with Jody Riordan, but were not.

**Submission Opposing Amendment C122**

8. AKZ, August Forge and Tramore Holdings submit that Amendment C122 is fundamentally flawed, in that it continues to fail to acknowledge our significant industrial undertaking, despite the comments made by panels in reports going back to Amendment C48 in June 2008.
9. Amendment C48 proposed to implement a Development Plan Overlay over land in the Residential zone. Mr Zwierlein appeared at the panel hearing on our behalf and the anomaly of our land being zoned Residential was both brought to the attention of the Panel and supported by the Council.
10. At paragraph 4.2(i) of the C48 Panel Report Mr Montebello made the following submission, on behalf of the Council:-

*“Mr Montebello submitted that this land is currently used for industrial purposes and it would be inappropriate both to require them to make development contributions under the Development Plan Overlay or in fact for them to remain zoned Residential 1. The Panel inspected the subject land and agrees with the Council and other submitters that this property should remain as an industrial zone. Clearly, an appropriate ultimate zone for the land would be in the Industrial 3 zone, the same as exists immediately to the south of Holmes Road.”*
11. This submission made by Latrobe City Council to the Panel is consistent with advice going back to advice from the former City of Morwell dated 11 October 1994, where it acknowledged that the rezoning of our land from Industrial D (Light Industry) to Future Urban was *“merely an oversight and that it was not part of a long term strategic plan”*.
12. Regrettably, it appears that the Responsible Authority continue to hold an unrealistic vision that industrial land in the Latrobe Valley can be back zoned to residential uses and that the employment generating uses thereby displaced will relocate elsewhere within the Latrobe Valley. This unrealistic thinking was discussed at length by the Panel in relation to the Sibelco site in Traralgon in an extensive discussion commencing at part 6 of the Latrobe Planning Scheme Amendment C105 Panel Report.
13. We can assure Latrobe city Council that, if AKZ, whilst AKZ is committed to manufacturing on the land, if were unable to economically continue its business at the land, it would relocate out of the Valley, and closer to its major markets and raw material suppliers.
14. We oppose Amendment C122 because:



4

- (1) it fails to recognised the existing employment generating uses on our land;
  - (2) it unrealistically expects that these uses will cease and the land will revert to residential use;
  - (3) it unrealistically assumes that AKZ Reinforcing would relocate its business within the Latrobe Valley;
  - (4) it fails to recognise that the boundary of the residential area should be adjusted so that it excludes our industrial use land.
15. August Forge Pty Ltd, Tramore Holdings Pty Ltd and AKZ Reinforcing Pty Ltd wish to be heard in relation to this submission at any future Panel hearing.

**Roger Zwierlien**

Director

19 August 2020

**SUMMARY OF SUBMISSIONS & PLANNING COMMENT TO  
C122 – PLANNING POLICY FRAMEWORK TRANSLATION**

Sub No.	Name / Organisation	Support / Objection	Summary of Issues	Planning Comment	Changes to Amendment Required? Yes / No	Date submission received
1	West Gippsland Catchment Management Authority	Support with minor changes	<p>The authority has focussed the assessment on the proposed changes to Clause 13.03 Floodplains and the schedules to Clause 44.03 Flood Overlay (FO) and 44.04 Land Subject to Inundation Overlay (LSIO).</p> <p><b>Clause 13.03</b> The preferred terminology under the Victorian Floodplain Management strategy is 1% Annual Exceedance Probability (AEP) event rather than a 1:100 year event.</p> <p>The authority recommends the wording in Clause 13.03 be changed to refer to 1% AEP flood instead of the 1:100 year.</p> <p>The authority recommends that the policy in 13.03 applies to the Urban Flood Zone.</p> <p><b>Schedule 1 to Clause 44.03 Flood Overlay</b></p> <p>The Statement of risk in the LSIO includes <i>'Increased flood damage due to changes in depth, velocity and reduced storage of floodwaters</i></p>	<p><b>Clause 13.03</b> It would be appropriate to ensure the preferred terminology under the Victorian Floodplain Management Strategy (DELWP 2016) is used in Clause 13.03 for consistency.</p> <p>Agree, Clause 13.03 should apply to the Urban Floodway Zone.</p> <p><b>Schedule 1 to Clause 44.03 Flood Overlay and Schedule 1 to Clause 44.04 Land Subject to Inundation Overlay</b> Agree, the Statement of risk <i>'Increased flood damage due to changes in depth, velocity and reduced storage of floodwaters as a result of development'</i> in the LSIO should be included in the FO.</p> <p>Also agree that the Statement of risk in the FO <i>'Increased flood damage due to reduced storage of floodwaters as a result of development'</i> should be in the LSIO.</p>	Yes minor wording changes have been made to Clause 13.03 and Schedule to Clause 44.03 and 44.04 to satisfy concerns raised in the submission.	27 July 2020

Sub No.	Name / Organisation	Support / Objection	Summary of Issues	Planning Comment	Changes to Amendment Required? Yes / No	Date submission received
			<p><i>as a result of development</i>, and consider it more appropriate that this wording be included in the Flood Overlay Statement of Risk, where these characteristics are more likely to be influenced.</p> <p>The first paragraph under section 4.0 'Application requirements' seems repetitive and somewhat confusing.</p> <p><b>Schedule 1 to Clause 44.04 Land Subject to Inundation Overlay</b></p> <p>As per our comments above, this Statement of Risk is more relevant to the Flood Overlay, where development is likely to influence flood depth and velocity.</p> <p>The Authority recommends that the Statement of Risk in the FO and LSIO be swapped to recognise the greater risk associated with land in the Flood Overlay.</p> <p>The first paragraph under section 4.0 'Application requirements' seems repetitive and somewhat confusing.</p>	<p>These strategies are to be swapped to reflect the difference of risk in the FO (greater risk) and LSIO.</p> <p>The first paragraph under section 4.0 'Application Requirements' for the FO and LSIO states:</p> <ul style="list-style-type: none"> <li><i>The following decision guidelines apply to an application for a permit under Clause 44.03, in addition to those specified in Clause 44.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority</i></li> <li><i>The following application requirements apply to an application for a permit under Clause 44.04, in addition to those specified in Clause 44.04 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority</i></li> </ul> <p>These paragraphs are required under Ministerial Direction Form and Content where application</p>		

Sub No.	Name / Organisation	Support / Objection	Summary of Issues	Planning Comment	Changes to Amendment Required? Yes / No	Date submission received
				requirements are required. Unfortunately, no change can be made as the Amendment must comply with all relevant Ministerial Directions.		
2	Auld Planning on behalf of Energy Safe Victoria	Support with changes	<p>Supports the context provided at Clause 02.03-3 regarding pipelines within the Municipality.</p> <p>Supports the strategy relocation to Clause 19.01-3L (Pipeline Infrastructure) and acknowledges that the wording may not be an identical translation but are consistent and will contribute to achieving the state objectives.</p> <p>No comments are provided on Zones and Overlays, but acknowledge the continuation of the Design and Development Overlay Schedule 1 until such time as the recommendations in the Zone and Overlay Review to apply an Environmental Significant Overlay to the pipeline area can be implemented.</p> <p>Recommends that the Clause 74.01 be amended to clarify that the ESO can be used to manage land use conflicts in addition to amenity issues.</p>	<p>Submissions of support for the changes to Clause 02.03-3 and Clause 19.01-3.L are noted.</p> <p>Agree that Clause 74.01 can be updated to include clarification that the ESO can be used to manage land use conflict in addition to amenity issues. This was highlighted as a possibility through the Zone and Overlay Review and therefore this change will be strategically justified.</p> <p>Pipeline licensees were notified of the Planning Scheme Amendment at the time of exhibition.</p>	Yes minor wording changes to Clause 74.01 can be made to clarify that the ESO can be used to manage land use conflict in addition to amenity issues.	20 July 2020

Sub No.	Name / Organisation	Support / Objection	Summary of Issues	Planning Comment	Changes to Amendment Required? Yes / No	Date submission received
			That consultation with the pipelines licensees is undertaken in relation to the amendment.			
2b	Auld Planning on behalf of Energy Safe Victoria	Consent to proposed changes	Indicates that the proposed changes to the amendment will satisfy the concerns raised in their submission.	Support for changes noted.		4 August 2020
3	Department of Environment, Land, Water and Planning	Support with changes	<p>The Department of Environment, Land, Water &amp; Planning (DELWP) generally supports the proposed Planning Scheme Amendment and offers the following comments for consideration:</p> <ul style="list-style-type: none"> <li>• DELWP recommends changing the wording under Clause 12.03-1L River corridors and waterways to 'Enhance the health of waterway corridors by increasing native vegetation along corridors. This will further strengthen the planning objectives for Water in Clause 02.03-4 Natural resource management.</li> <li>• Clause 6.0 Decision guidelines: Check that the Roads Corporation is still the relevant body for comments given recent changes to authorities within the Department of Transport.</li> </ul> <p>The proposed Amendment has been considered by the department on behalf of the Minister for</p>	<p>Agree to the changes proposed to Comments on support are noted.</p> <p>Clause 12.03-1L. This will strengthen the clause and link it to 02.03-4 and is not a significant change beyond the scope of this amendment.</p> <p>Clarification sought from the Department of Transport regarding the currency of the name 'Roads Corporation'. See submission 9 for further details.</p>	<p>Yes minor wording change is required to the Strategy under Clause 12.03-1 River corridors and waterways in response to the submission.</p> <p>Yes – see submission 9 for further details.</p>	30 July 2020

Sub No.	Name / Organisation	Support / Objection	Summary of Issues	Planning Comment	Changes to Amendment Required? Yes / No	Date submission received
			Environment and Climate Change; and supports the Amendment.			
4	Stuart Strachan	Objection	<p>States that the Amendment is intended to increase the prevalence of dwellings in bushfire areas contradicting Amendment VC140. States that the amended clauses create ambiguities with the State required VC148.</p> <p>In particular, the submission states that :</p> <ol style="list-style-type: none"> <li>1. Consolidation of titles is inappropriate if it is to provide more dwellings in a high bushfire risk area.</li> <li>2. Dwellings should be more than 1.5Km from a bushfire hazard instead of a risk based approach.</li> <li>3. All dwellings should be in BAL:Low areas and the access and egress from these areas should be BAL: Low as well.</li> <li>4. A BAL-29 construction standard is too high for residential development.</li> <li>5. BAL standards should be set through the planning provisions.</li> <li>6. No tourists should be allowed areas that have a high bushfire hazard on days where the bushfire risk is severe or greater.</li> <li>7. Small agricultural lots are only inappropriate if a dwelling is allowed on that lot.</li> </ol>	<p>The following responses related to the corresponding points raised in the submission.</p> <ol style="list-style-type: none"> <li>1. Clause 14.01 does encourage the consolidation to create a larger parcel or the consolidation of a number of smaller lots. It does not encourage this for the creation of dwellings. It doesn't encourage an increase in lots.</li> <li>2. This is a contradiction to State Planning Policy at Clause 13.02-1S and Bushfire Management Overlay. There is also no strategic justification to change policy so dwellings should be 1.5kms from a hazard.</li> <li>3. This is a contradiction to State Planning Policy 13.02-1S which encourages dwellings to achieve a BAL 12.5 separation distance. Also, the background documents do not have the required strategic justification to make this change.</li> <li>4. Clause 13.02-1L in BPA</li> </ol>	No.	3 August 2020

Sub No.	Name / Organisation	Support / Objection	Summary of Issues	Planning Comment	Changes to Amendment Required? Yes / No	Date submission received
			<p>8. Where a dwelling is required for a specific use it should be a temporary dwelling in the farming zone.</p>	<p>areas does not require a BAL 29 construction is requires 'up to' a BAL 29 construction. Therefore, unless there is extreme circumstances dwelling should be constructed under a BAL 29.</p> <p>5. BAL standards can be set through the Bushfire Management Overlay in consultation with Fire Rescue Victoria (formerly CFA) and DELWP. However, there is no strategic justification as part of this Amendment that would allow changes to the schedule to be made. Council is undertaking a Bushfire and Rural Rezoning's project which will look at specifying BAL requirements for some areas within the municipality.</p> <p>6. In Clause 17.04-1L Facilitating Rural Tourism there is policy which talks about reducing bushfire risk to an acceptable level. It is likely when an application for tourism is lodged applicants will have to undertake a fire</p>		

Sub No.	Name / Organisation	Support / Objection	Summary of Issues	Planning Comment	Changes to Amendment Required? Yes / No	Date submission received
				<p>management plan, which is likely going to require closure of facilitates on extreme fire risk days.</p> <p>7. Clause 14.01-1L Subdivision in the Farming Zone 1 states to:</p> <p><i>Discourage the creation of irregular shaped or small lots, including long narrow lots, 'battle-axe' or island style lots.</i></p> <p>This policy is translated from the existing Latrobe Planning Scheme. The appropriateness of this wording has been discussed through previous Planning Scheme Amendments.</p> <p>8. There is no strategic justification as part of this Planning Scheme Amendment that could require a change to make dwellings in the Farming Zone temporary and only run with a specific use. This also seems to go against the intent of the State Planning Policy Framework and Farming Zone.</p>		
4b.	Stuart Strachan	Objection	Confirmation that the submission is requesting a change. That the submission does not request the abandonment of the Amendment.	Additional information noted. Refer to response to submission 4.	No	19 August 2020



Sub No.	Name / Organisation	Support / Objection	Summary of Issues	Planning Comment	Changes to Amendment Required? Yes / No	Date submission received
			The previous submission submitted identifies that changes requested to the Amendment.			
5.	EPA	Support	Supportive of the Amendment.  Notes the importance of providing buffers within the structure plan and suggests further work could be undertaken to use other planning scheme tools to provide buffers.	Support is noted  Noted. There is a further strategic work item included at Schedule to Clause 74.02 that will review industrial transition areas and existing industrial areas and potential buffers, planning tools that can be used to protect both industry and sensitive uses.	No	3 August 2020
6.	Energy Australia	Comment	Raises concerns about development in close proximity to the mine as the mining operations will continue towards Morwell until 2032 and subsequent rehabilitation works until 2051. In particular, Energy Australia requests further information on the Amenity Lifestyle Precinct.	There are no changes as part of Amendment C122 which proposes encroachment onto the Yallourn Coal Mine. The Amenity Lifestyle Precinct is exists within the current Latrobe Planning Scheme.  The Amenity Lifestyle Precinct was an area identified through Amendment C87 in response to the submissions in relation to the Australian Paper buffer. This is not an area for further intensification. This area is not to be rezoned in the future.	No	3 August 2020
6b.	Energy Australia	Submission withdrawn / satisfied	The submitter is satisfied the planning amendment will not dilute the previously established ES01 Coal Buffer zoning conditions created for the mutual protection of the coal resource development.	Satisfied submission noted.	No	21 August 2020
7.	Debra Butcher	Support with	Would like greater policy support for	There were no exhibited changes	No	3 August

Sub No.	Name / Organisation	Support / Objection	Summary of Issues	Planning Comment	Changes to Amendment Required? Yes / No	Date submission received
	Consulting	Changes	renewable projects in Clause 19.01-2L given the significant opportunities that the existing infrastructure in Latrobe provides.	<p>to Clause 19.01-2L as part of Amendment C122.</p> <p>The following was reviewed in regards to the submission:</p> <ul style="list-style-type: none"> <li>- The existing Latrobe Planning Scheme;</li> <li>- Amendment C122;</li> <li>- State Planning Policy in particular Clauses 15.02-1S (Energy and Resource Efficiency) and 19.01-2S (Renewable Energy);</li> <li>- Recommendations from the Economic Policy Strength Review in the Economic Growth Zone.</li> </ul> <p>In the existing Latrobe Planning Scheme context, objectives and strategies exist regarding energy efficiency and renewable energy at Clauses 21.03-1, 21.03-3, 21.04-5, 21.04-6, 21.05-8 and 21.07-3.</p> <p>The exhibited Amendment C122 Planning Policy Framework translated text Clauses 21.03-1, 21.05-5, 21.04-6 and 21.07-3 into the following locations:</p> <ul style="list-style-type: none"> <li>- Clause 02-03-3 Environment Risk and Amenity (Climate Change); and</li> <li>- Clause 02.03-7 Economic</li> </ul>		2020

Sub No.	Name / Organisation	Support / Objection	Summary of Issues	Planning Comment	Changes to Amendment Required? Yes / No	Date submission received
				<p>Growth.</p> <p>Parts of Clause 21.03-3, 21.04-5, 21.04-6 and 21.05-8 were deleted and not translated due to repetition in State Clauses 15.02-1S (Energy and Resource Efficiency) and 19.01-2S (Renewable Energy) or were items which were could not be controlled by the Planning Scheme.</p> <p>The Economic Policy Strength Review in the Economic Growth Zone Report made 2 recommendations (L3 and L5 on page 40) to include text around emerging industries which would have growth opportunities for Latrobe with the new energy types being 1 such industry.</p> <p>Amendment C122 made changes to implement these recommendations at Clause 02.03-7 Economic Growth.</p> <p>There has been no further work done to identify appropriate locations for renewable energy. There is no further objective that can be included which enhances Clause 19.01-2S Renewable Energy (state section) without</p>		

Sub No.	Name / Organisation	Support / Objection	Summary of Issues	Planning Comment	Changes to Amendment Required? Yes / No	Date submission received
				<p>duplicating what is already said.</p> <p>There is existing clauses about the opportunity existing infrastructure has for renewable energy at Clause 02.03-7 Economic Growth which appears to be the most appropriate location. The request to include strategies within this clause would be considered out of scope of this Amendment.</p>		
7b.	Debra Butcher Consulting	Submission withdrawn / satisfied	<p>Satisfied that the concerns in the submission have been addressed to the extent that they can be via this Amendment.</p> <p>Would like to be kept informed as the Amendment progresses.</p>	Satisfied submission noted.	No.	13 August 2020
8.	Opal Australian Paper	Support with changes	Opal Australian Paper is generally supportive of the Amendment but notes that the new format has less descriptive statements so statements that justify policies are no longer included, such as the recognition of the Paper Mill in Maryvale as an important regional industry. Requests that this be included in the Amendment.	Agree to include specific references to either Opal Australian Paper or Pulp and Paper industries as being significant to the region. This was identified in Industry and Employment Strategy and the existing Latrobe Planning Scheme therefore the changes are not considered out of scope of the Amendment.	<p>Yes. Minor Changes have been made.</p> <p>Changes have been made to Clause 02.03-4 (Timber) to update name from Australian Paper Mill to Opal Australian Paper.</p> <p>Updated 02.03-4 (Coal) to include details around the buffer from Australian Paper to Coal.</p>	3 August 2020

Sub No.	Name / Organisation	Support / Objection	Summary of Issues	Planning Comment	Changes to Amendment Required? Yes / No	Date submission received
					Updated 02.03-7 (Economic Development and Industry) to include 'pulp and paper industries' as significant industries.	
8b.	Opal Australian Paper	Submission satisfied	<p>Opal Australian Paper was supportive of the changes made. Suggested to minor changes, including (shown in red):</p> <ul style="list-style-type: none"> <li>Insert, under Coal at Clause 02.03-4 Natural Resource Management</li> </ul> <p><i>Buffers exist between mining operations and the towns, and on the western end of the pulp and paper mill site to protect development opportunities.</i></p> <ul style="list-style-type: none"> <li>Insert, under Industry at clause 02.03-7 – Economic Development:</li> </ul> <p>Planning for industry seeks to:</p> <ul style="list-style-type: none"> <li><i>Develop the Morwell – Maryvale Industry Growth Corridor as the main industry growth area of Latrobe.</i></li> <li><i>Facilitate the supporting role that industrial land in Moe, Churchill and Traralgon play in Latrobe's industrial</i></li> </ul>	<p>Supportive of the change suggested under Clause 02.03-4 (Coal) to include:</p> <p><i>Buffers exist between mining operations and the towns, and on the western end of the pulp and paper mill site to protect development opportunities.</i></p> <p>Supportive of change suggested to Clause 02.03-7 – Economic Development. However with smart planning changes a strategy can only have one purpose, i.e. it cannot have 'Provide and support'. Therefore it was discussed with Australian Paper and agreed that the following change be made:</p> <p><i>Support the retention of buffers between industrial and sensitive use areas where amenity is impacted.</i></p>	Yes as discussed in planning comment.	18 August 2020

Sub No.	Name / Organisation	Support / Objection	Summary of Issues	Planning Comment	Changes to Amendment Required? Yes / No	Date submission received
			<p>development.</p> <ul style="list-style-type: none"> <li>Provide <i>and support the retention</i> of buffers between industrial and sensitive use areas where amenity is impacted.</li> </ul>			
<b>Late Submissions</b>						
9.	Department of Transport	Support with changes	<p>Department of Transport is generally supportive of the Amendment but have requested the following minor changes (shown in red):</p> <ul style="list-style-type: none"> <li>Update the naming conventions of the Department of Transport.</li> <li>The Princes Highway and Gippsland Rail Line provide key connections to Melbourne and interstate <i>with the Strzelecki Highway providing an important connection to South Gippsland.</i></li> <li>18.01-2L: Support improvements to heavy vehicle access to industrial zoned land located to the north of the Moe Township <i>and the industrial precincts in Morwell.</i></li> <li>10.02-3L: Facilitate a <i>functional, safe and efficient</i> rural roads system that supports the maintenance of the rural character as well as meeting the demands of both rural industry and rural residents.</li> <li>Revise the Traralgon Town Structure Plan to make the road network more visible</li> </ul>	<p>Agree, naming conventions have been updated to comply with the correct terminology.</p> <p>No change has been made to the text</p> <p><i>'The Princes Highway and Gippsland Rail Line provide key connections to Melbourne and interstate.</i></p> <p>This text as written has not been included in 02.03 in the new format Planning Scheme. There are words within 02.03-8 Transport which address this which is:</p> <p><i>Latrobe is the hub of road networks for greater Gippsland.</i></p> <p>Agree to changes to Clause 18.01-2L as this was discussed in Amendment C115 and Background Documents Morwell to Traralgon Employment Corridor (including the servicing strategy).</p>	<p>Yes</p> <p>Changes have been made to the following Clauses to replace VicRoads, PTV and Road Corporation:</p> <ul style="list-style-type: none"> <li>Clause 37.07s01 Urban Growth Zone;</li> <li>Clause 42.01s01 Environment Significance Overlay (Coal Buffer)</li> <li>Clause 43.02s03 Design and Development Overlay Clause 43.04s09 Development Plan Overlay;</li> </ul> <p>Updated Clause</p>	6 August 2020

Sub No.	Name / Organisation	Support / Objection	Summary of Issues	Planning Comment	Changes to Amendment Required? Yes / No	Date submission received
				<p>Agree to changes to 18.02-3L (submission states wrong clause). This is a minor wording change and will not have an effect on the Amendment.</p> <p>Agree, administrative error with the Traralgon Town Structure Plan has now been fixed.</p>	<p>18.01-2L to include the industrial precinct in the Morwell to Maryvale Corridor.</p> <p>Updated Clause 18.02-3L as proposed in the submission.</p> <p>Update Clause 11.01-1L with the updated Traralgon Structure Plan</p>	
10.	AKZ Reinforcing PTY LTD, August Forge PTY LTD and Tramore Holdings PTY LTD	Objection	<p>The submitter owns land at 80 – 96 and 100 Latrobe Road, Morwell.</p> <p>AKZ own and operate a long established engineering business on the land which is a significant employer and generator of economic activity in Morwell.</p> <p>AKZ employs 50 workers and six subcontractors and has a gross sales of more the \$22,000,000 per annum.</p> <p>80-96 Latrobe Road is zoned Neighbourhood Residential Zone 4 with a small portion Industrial 3 Zone. 100 Latrobe Road is zoned General Residential Zone 3.</p> <p>AKZ are disappointed in the lack of</p>	<p>Discussions are being held with the landowner on 28 August 2020 to understand the changes being requested to Amendment C122.</p> <p>Amendment C122 is an Amendment which translates the existing Latrobe Planning Scheme into the new PPF format. There are minor wording changes to economic policy in accordance with the Economic Strength Policy Review. This reviewed existing endorsed documents to ensure that economic policy was well represented in the Latrobe Planning Scheme.</p> <p>The Mapping Review updated the structure plans and all maps into a consistent format. Minor changes have been made to the maps to</p>	<p>Further discussion to be held with the landowners to ascertain if changes can be made to the Amendment that are minor in nature, require no additional strategic justification and do not transform the amendment.</p>	20 August 2020

Sub No.	Name / Organisation	Support / Objection	Summary of Issues	Planning Comment	Changes to Amendment Required? Yes / No	Date submission received
			<p>notification regarding Amendment C122 (Planning Policy Framework Translation).</p> <p>The submitters state that Amendment C122 is fundamentally flawed in that it continues to fail to acknowledge our significant industrial undertaking, despite comments made by panels in reports going back to Amendment C48 in June 2008.</p> <p>Including previous advice from Latrobe City Council at the panel presented by Mr Montebello (Maddocks Lawyers) and a letter from the City of Morwell dates 11 October 1994 where it acknowledge that the rezoning of our land from Industrial D to Future Urban was <i>'merely an oversight and that it was not part of a long term strategic plan'</i>.</p> <p>The submitter states that the Responsible Authority continues to hold an unrealistic vision that industrial land in the Latrobe Valley can be back zoned to residential uses and that the employment generating uses thereby displaced will relocate elsewhere within the Latrobe Valley.</p>	<p>ensure consistency with rezonings, boundaries and to make any technical corrections. Further review of the Morwell Structure Plan could be undertaken to ensure the designation of the AKZ land is appropriate based on the existing planning scheme.</p> <p>Amendment C122 is a municipal wide amendment and direct notification to all landowners was not given. Instead, notices were placed in the Latrobe Valley Express, Government Gazette, Facebook posts and information available on our website.</p> <p>The Amendment translates existing policy from the Latrobe Planning Scheme to the new PPF format; therefore it was not making a change that would directly affect this landowner.</p> <p>Further work is identified in Schedule to Clause 74.02 Further Strategic Work to:</p> <p><i>An Industry Transition Strategy for the City, including opportunities to transition heavy industries to appropriate locations with buffers</i></p>		



Sub No.	Name / Organisation	Support / Objection	Summary of Issues	Planning Comment	Changes to Amendment Required? Yes / No	Date submission received
			<p>In particular the submitter opposes Amendment C122 because:</p> <ul style="list-style-type: none"> <li>• It fails to recognise the existing employment generating uses on our land;</li> <li>• It unrealistically expects that these uses will cease and the land will revert to residential use;</li> <li>• It unrealistically assumes that AKZ would relocate its business within the Latrobe Valley;</li> <li>• It fails to recognise that the boundary of the residential area should be adjusted so that it excludes our industrial use land.</li> </ul>	<p><i>to sensitive land uses and good highway access</i></p> <p>Following recommendations from the Amendment C105 panel, this review will also consider options on where transition is not realistic, viable and in the best economic outcome. The further work item could be updated to reflect this.</p> <p>This work is currently being scoped for a budget bid to undertaken work in the 21/22 financial year. It is envisaged that this work will provide the strategic justification for an Amendment to the planning scheme where the recommendations from this work can be included into the Latrobe Planning Scheme.</p>		

## Latrobe Planning Scheme Amendment C122 (Planning Policy Framework Translation)

### Post Exhibition Changes Table

17 August 2020

ITEM	WHAT IS THE CHANGE?	WHAT IS THE REASON FOR THE CHANGE?	RELATED SUBMISSION
<b>Clause 02.03 – Strategic Directions</b>			
1	Under Clause 02.03-4 (Timber) update 'Australian Paper Mill' to 'Opal Australian Paper' due to company name change.	In response to submission received from Opal Australian Paper and reflecting the recent name change.	Submission 8
2	Under Clause 02.03-4 (Coal) updated the sentence in reference to buffers to include the buffer between the Paper Mill and Coal.  Amended from:  <i>Development in Moe, Morwell and Traralgon are constrained by open cut mines at Yallourn, Hazelwood and Loy Yang and buffers to the coal resource.</i>  To:  <i>Development in Moe, Morwell and Traralgon are constrained by open cut mines at Yallourn, Hazelwood and Loy Yang. Buffers exist between mining operations and the towns and on the western end of the pulp and paper mill site to protect development opportunities.</i>	In response to submission received from Opal Australian Paper. Wording around the buffer from mining operations to Australian Paper existed in Clause 21.02-15.	Submission 8
3	Clause 02.03-7 (Economic Growth) has been amended from:  The main industries in Latrobe are related to coal, timber and food processing.  To:  The main industries in Latrobe are related to coal, timber, pulp and paper manufacturing and food processing.	In response to the submissions received from Opal Australia.	Submission 8
4	Clause 02.03-7 (Industry) has been amended from:  The heavy industry precincts that are associated with the coal and timber industries.  To:  The heavy industry precincts that are associated with the coal, timber and pulp and paper industries.  Clause 02.03-7 Industry, under Planning for industry seeks to, the following strategy has been amended from:  <i>Provide buffers between industrial and sensitive use areas where amenity is impacted.</i>  To:  <i>Support the retention of buffers between industrial and sensitive use areas where amenity is impacted.</i>	In response to the submissions received from Opal Australia.	Submission 8

ITEM	WHAT IS THE CHANGE?	WHAT IS THE REASON FOR THE CHANGE?	RELATED SUBMISSION
<b>Clause 11.01-1L Settlement (Traralgon)</b>			
5	Deleted the exhibited Traralgon Structure Plan and replaced with a new Traralgon Structure Plan which shows road network.	Administrative error in response to the submission from Department of Transport.	Submission 9
<b>Clause 12.03-1L River corridors and waterways</b>			
6	Amend strategy from <i>Enhance waterway corridors by increasing vegetation along corridors.</i>  To: Enhance <b>the health of</b> waterway corridors by increasing vegetation along corridors.	In response to the submission received from the Department of Environment, Land, Water and Planning to strengthen linkages between this clause and strategic directions in 02.03-4.	Submission 3
<b>Clause 13.03-1L Floodplain management</b>			
7	Amend Policy application from: <ul style="list-style-type: none"><li><i>This policy applies to land affected by the Flood Overlay or Land Subject to Inundation Overlay.</i></li></ul> To: <ul style="list-style-type: none"><li><i>This policy applies to land affected by the <b>Urban Floodway Zone</b>, Flood Overlay or Land Subject to Inundation Overlay.</i></li></ul>	In response to the submission received from the West Gippsland Management Authority. The policies under 13.03-1L will apply to land within an Urban Floodway Zone.	Submission 1
8	Amend Strategies from: <i>On 1:100 year floodplains, discourage:</i> <ul style="list-style-type: none"><li><i>Residential development, other than replacement dwellings that are above the 1:100 year flood level.</i></li><li><i>Raised earthworks</i></li><li><i>Subdivision, other than realignment or consolidation.</i></li></ul> <i>Discourage development in residential areas that encroach on 1:100 year floodplains or existing waterways.</i> <i>Ensure building envelopes for dwellings provide an effluent disposal area that is located in an onsite area that is free from flooding.</i>  To:  <b>Within the mapped extent of a 1% Annual Exceedance Probability (AEP) flood (commonly known as a 1:100 year flood), discourage:</b> <ul style="list-style-type: none"><li><b>Residential development, other than replacement dwellings that have a finished floor level that is above the 1% AEP flood level.</b></li><li>Raised earthworks</li></ul>	In response to the West Gippsland Catchment Management Authorities submission. The preferred terminology as detailed in the Victorian Floodplain Management Strategy is 1% AEP flood event. Therefore, to be consistent with a state document, the text has been update.  Other minor wording changes have been made to ensure readability with the change in terminology.	Submission 1

ITEM	WHAT IS THE CHANGE?	WHAT IS THE REASON FOR THE CHANGE?	RELATED SUBMISSION
	<ul style="list-style-type: none"> <li>Subdivision, other than realignment or consolidation.</li> </ul> <p>Discourage development in residential areas within the 1% AEP flood extent or within 30m of existing waterways.</p> <p>Ensure building envelopes for dwellings, including a sufficient effluent disposal area onsite, are located on flood free land.</p>		
<b>Clause 18.01-2L Transport System</b>			
9	<p>Amended strategy from:</p> <p><i>Support improvements to heavy vehicle access to industrial zoned land located to the north of the Moe Township.</i></p> <p>To:</p> <p><i>Support improvements to heavy vehicle access to industrial zoned land located to the north of the Moe Township and to the industrial precincts in the Morwell to Maryvale Corridor.</i></p>	Minor wording changes in response to submission received from the Department of Transport.	Submission 9
<b>Clause 18.02-3L Road System</b>			
10	<p>Amended strategy from:</p> <p><i>Facilitate a rural roads system that maintains the rural character and meets the demands of both rural industry and residents.</i></p> <p>To:</p> <p><i>Facilitate a functional, safe and efficient rural roads system that maintains the rural character and meets the demands of both rural industry and residents.</i></p>	Minor wording changes in response to submission received from the Department of Transport.	Submission 9
<b>Schedule 1 Clause 37.07 Urban Growth Zone</b>			
11	Under 3.0 Application requirements deleted VicRoads and inserted 'the Head, Department of Transport'.	Minor wording changes in response to submission received from the Department of Transport.	Submission 9
<b>Schedule 1 Clause 42.01 Environmental Significance Overlay</b>			
12	Under 3.0 Permit requirements deleted Roads Corporation and inserted 'the Head, Department of Transport'.	Minor wording changes in response to submission received from the Department of Transport.	Submission 9
<b>Schedule 3 Clause 43.02 Design and Development Overlay</b>			
13	Under 2.0 Buildings and works deleted Roads Corporation and inserted 'the Head, Department of Transport'.	Minor wording changes in response to submission received from the Department of Transport.	Submission 9
<b>Schedule 9 Clause 43.04 Development Plan Overlay</b>			
14	Under 4.0 Requirements for development plan (infrastructure) deleted VicRoads and inserted 'Department of Transport'.	Minor wording changes in response to submission received from the Department of Transport.	Submission 9
<b>Schedule 1 Clause 44.03 Flood Overlay</b>			
15	<p>Delete second statement of risk which states:</p> <p><i>Increased flood damage due to reduced storage of floodwaters as a result</i></p>	In response to the West Gippsland Catchment Management Authority	Submission 1

ITEM	WHAT IS THE CHANGE?	WHAT IS THE REASON FOR THE CHANGE?	RELATED SUBMISSION
	<p><i>of development</i></p> <p>Replace with second statement of risk from the LSIO, which states:  <i>Increased flood damage due to changes in depth, velocity and reduced storage of floodwaters as a result of development</i></p>	<p>submission and better reflects the higher risk in the FO.</p>	
<b>Schedule 1 Clause 44.04 Land Subject to Inundation Overlay</b>			
16	<p>Delete second statement of risk which states:  <i>Increased flood damage due to changes in depth, velocity and reduced storage of floodwaters as a result of development</i></p> <p>Replace with the second statement of risk from the FO, which states:  <i>Increased flood damage due to reduced storage of floodwaters as a result of development</i></p>	<p>In response to the West Gippsland Catchment Management Authority submission and better reflects risk in the LSIO.</p>	Submission 1
<b>Schedule Clause 74.01 Application of Zones, Overlays and Provisions</b>			
17	<p>Amend sub dot point 1 under the Environmental Significance Overlay to include clarification around the ESO being used to manage both amenity buffer issues and land use conflicts.</p> <p>The updated point now states:  <i>Areas where amenity buffers for coal, heavy industry or other identified uses are required to manage amenity issues and land use conflicts.</i></p>	<p>In response to the submission received by Auld Planning on behalf of Energy Safe Victoria. This was identified in the Zone and Overlay Review and is considered appropriate for inclusion</p>	Submission 2

**02.03 STRATEGIC DIRECTIONS**

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**02.03-1 Settlement****A networked city**

Churchill, Moe-Newborough, Morwell and Traralgon together form a 'networked city' where each town provides services and facilities to meet the needs of the community.

Traralgon and Morwell form the primary population centre in Latrobe, supported by Churchill and Moe-Newborough. Transport corridors form key elements of the networked city. The Morwell to Traralgon Employment Corridor's gradual development over the next 20 years will link Morwell and Traralgon together to form a continuous urban area.

Each town has developed its own function, with Traralgon as a regional retail centre; Morwell as a centre for government offices and industry; Moe-Newborough as a service centre and Churchill as a university town.

**Churchill** has several significant education providers including the Federation University. It operates as a local service centre, though its industry and commercial activity is smaller in comparison to the other major towns (Churchill is identified as a Large Town Centre within the Latrobe City Retail Centre Hierarchy). It has a sufficient long term supply of residential land that contributes to the diversity of residential land and housing in Latrobe.

The **Moe and Newborough** urban areas are joined, creating a single urban settlement (Moe-Newborough) that is serviced by the Moe Primary Activity Centre (Sub-Regional Retail Centre within the Latrobe City Retail Centre Hierarchy). Moe-Newborough has the potential to be a peri-urban settlement. It is the first of the four major towns within the Latrobe Valley from Melbourne and consequently is identified as the 'Gateway to Latrobe'.

**Morwell** accommodates transport and government services, as well as manufacturing, power and other industrial activities. Morwell has two Sub Regional Retail Centres, the traditional Primary Activity Centre and Mid Valley shopping centre to the east. Major industry is located and established in and around Morwell, with significant opportunity to locate large format heavy industries to the south of the Princess Highway. Industrial zoned land to the east of the township has access to infrastructure that supports high level research, manufacturing, food processing, service industry and transport/distribution capabilities.

**Traralgon** is the largest of the four main towns in Latrobe. It is the key Regional Retail Centre for Gippsland. Compared to other towns in Latrobe, due to its role as a commercial centre, Traralgon is experiencing higher population and urban growth. This trend is expected to continue.

**District towns, small towns and rural living precincts**

Latrobe's smaller towns and rural living settlements provide diversity in housing and lifestyle choice that is alternative to options available in the main towns. Some are also service centres with commercial and community facilities.

**Glengarry, Tyers, Yallourn North and Yinnar** are district towns that serve as key retail and service centres for a moderate population base and the hinterland, providing residential opportunities within commuting distance of the larger centres.

**Boolarra, Toongabbie and Traralgon South** are small towns providing a limited range of educational, retail and recreational services for residents and the surrounding rural areas. Urban infill and diversification of housing choice in small towns make efficient use of existing infrastructure so residents can remain in the town whatever their housing need.

Rural living precincts, including **Flynn, Jeeralang, Yinnar South, Hazelwood North, Hazelwood South, Callignee** and **Moe South**, comprise clusters of housing on small rural lots and have limited services. These areas support farming and rural living communities, providing an attractive lifestyle choice in a rural setting.

The Settlement Plan in Clause 02.04 establishes the settlement growth patterns Council wants to achieve across Latrobe.

Council's settlement planning seeks to:

- Integrate the four centres of Churchill, Moe-Newborough, Morwell and Traralgon to support them functioning as a single urban system by:
  - Promoting growth in Traralgon-Morwell as the primary population centre, serving as the dominant residential, commercial and retail node.
  - Promoting growth in the Morwell to Traralgon Employment Corridor to provide a range of development opportunities for health, aviation, industrial, commercial and residential uses.
  - Promoting growth in Moe-Newborough and Churchill as supporting network towns, serving as secondary urban centres.
- Strengthen Traralgon's role as the Regional Retail Centre for Gippsland.
- Support Morwell as a key industrial and government office centre.
- Support Moe-Newborough's role as a key service centre and a peri-urban lifestyle option near Melbourne.
- Support Churchill's role as a University town.
- Support growth in district towns that reinforces their role as key retail and service centres for a moderate population base and the hinterland.
- Support growth in small towns to provide a limited range of services for residents and the surrounding rural areas.
- Facilitate the growth of towns to be commensurate with access to services, infrastructure, transport and the protection of natural resources.

### Activity centres

Latrobe City's retail sector plays an important role for the municipality's ongoing economic transition from a high dependence in the mining and energy generation sectors. The continued creation of a diverse economic base with a greater emphasis on business and consumer services, including retail will support the long term viability and economic strength of Latrobe City (*Latrobe City Council Retail Strategy 2019*).

Approximately 42,000m<sup>2</sup> of additional retail floor space will be required to 2033 to service the City. The majority of this floor space demand is for non-food merchandise, which could be accommodated within the existing commercially zoned areas (*Latrobe City Council Retail Strategy 2019*).

The Latrobe City Retail Centre Hierarchy outlines specific roles and functions for retail centres.

A key role of the retail centre hierarchy is the promotion of a local retail network in which individual centres complement one another with respect to their retail offer, rather than directly compete for trade (*Latrobe City Council Retail Strategy 2019*).

The Latrobe City Retail Centre Hierarchy is as follows:

- **Regional Retail Centre (Traralgon):** The major retail centre servicing Latrobe City and beyond, providing a full range of retail and non-retail uses such as community and recreation facilities and offices.

- Sub-Regional Retail Centre (Moe, Morwell, Mid Valley Shopping Centre): Serve a broad surrounding region, although not as large as a regional centre. They provide a full range of convenience and comparison retailing. Sub-regional centres can also provide a range of non-retail uses such as community and recreation facilities and offices.
- Large Town Centre (Churchill): Provide a comprehensive range of day-to-day and weekly convenience retailing, including supermarkets. A range of non-food retailing and services is also provided, the extent of which depends on the size of the catchment served by the centre. Large Town Centres serve the immediate township and surrounding rural areas and small towns. Large town centres also provide a range of commercial, civic, health and other uses serving the township and a wider rural catchment.
- Neighbourhood Activity Centre (Numerous): Provide 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.
- Local Activity Centre (Numerous): Provides limited convenience retailing, including general store/supermarket (small), takeaway food/café, and personal 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.
- Small Town Centre (Boolarra, Glengarry, Toongabbie, Traralgon South, Tyers, Yallourn North and Yinnar): Provides limited convenience retailing to the immediate surrounding township and rural areas. These centres are important focal points for the community and, where appropriate, may include tourism-related retailing. In addition to convenience retail, small town centres also provide a limited range of commercial, community (e.g. community hall/centre), and personal services (e.g. post office).
- Homemaker Precinct (Morwell East and Traralgon East): Provide a range of large-format retail and restricted retail premises that would otherwise be difficult to accommodate in traditional retail centres.

These areas are identified on the Latrobe City Retail Hierarchy Plan in Clause 02.04.

Planning for Activity centres seeks to:

- Support the development of a network of activity centres that satisfy a range of local and regional retail, entertainment, commercial, government and community service needs in accordance with the Latrobe City Retail Centre Hierarchy.
- To facilitate the growth and viability of Latrobe's Activity Centres.
- Create vibrant, high quality, walkable, safe and active retail areas.

#### 02.03-2 Environmental and Landscape Values

Latrobe enjoys one of Australia's most beautiful natural environments. The current level of native vegetation in Latrobe Valley is 22% of that which existed prior to European contact (c. 1750). However, coverage is not consistent across the rural areas.

Core biodiversity sub-catchments and linking corridors have been identified, including the College Creek catchment and the nationally significant habitat of the Strzelecki Koala. There are opportunities to strengthen a corridor of remnant vegetation clusters between the Strzelecki ranges bioregion to the Southern Fall bioregion.

Planning for the environment and landscape values seeks to:



- Enhance Latrobe's native vegetation, biodiversity, habitats and natural ecosystems.
- Balance development with the protection of the natural environment.

### 02.03-3 Environmental risks and amenity

#### Climate change

Climate change will impact the daily lives of Latrobe's community. Changes in rainfall patterns pose challenges for water supply and agriculture and can increase the risk of severe flooding. Higher temperatures increase the number of hot days and heatwaves, which place substantial pressure on health services. It will also increase the likelihood of intense fires, and the severity of days of fire danger.

Built form and urban infrastructure can contribute substantially to the demand for energy, which needs to be reduced to meet the challenges of the changing climate.

Planning for climate change seeks to:

- Support use and development that can adapt to the impacts of climate change and seeks to minimise its negative impacts.
- Encourage energy-efficient building design including the incorporation of energy efficient technologies.

#### Bushfire

Most of the municipality is within a bushfire prone area. The highest risk areas are subject to the Bushfire Management Overlay and include rural residential areas in the foothills of the Strzelecki Ranges and the southern fall of the Alpine Ranges.

Fires in bushland reserves, grasslands and plantations also pose a risk to development across Latrobe.

Planning for bushfire seeks to:

- Reduce bushfire risk through various bushfire protection measures.
- Decrease the level of risk to life, property, the environment and biodiversity from bushfire.

#### Floodplain management

Flooding is a natural hazard that can severely disrupt communities and may cause extensive damage, stock loss and, in extreme cases, loss of life.

Planning for flooding seeks to:

- Reduce the damage and costs associated with flood events.

### 02.03-4 Natural Resource Management

#### Agriculture

Most rural areas in Latrobe contain high quality agricultural land that supports dairy farming, broadacre farming and forestry.

There are some rural areas that are highly fragmented. These areas provide opportunities for rural residential living, tourism, niche rural industry and small scale farming.

The Rural Framework Plan in Clause 02.04 illustrates the intent of rural use in Latrobe.

Planning for agriculture seeks to:

- Enhance the viability of agricultural activity.
- Retain large lots and discourage the establishment of sensitive or non-agricultural related land uses on high quality agricultural land (Farming Zone Schedule 1) to retain its productive viability.
- Facilitate non-agricultural related use and development that respect settlement patterns, landscape, amenity and environmental values and adjacent land uses in highly fragmented rural areas (Farming Zone Schedule 2).

### **Intensive agriculture**

Latrobe is well positioned to capture growing investment in intensive agriculture across primary production, processing, manufacturing and distribution. Areas that are suitable for intensive agriculture are identified on the Rural Framework Plan in Clause 02.04. These areas are in the Farming Zone Schedule 1 and include:

- Flat and unencumbered land in large land holdings
- Plantation areas that offer isolated locations for enterprises with biosecurity needs
- Land affected by coal reserve zones and overlays that are undeveloped and distant from sensitive uses.
- Land near irrigation resources, transport, infrastructure, manufacturing, labour force and industrial resources.

Planning for intensive agriculture seeks to:

- Direct intensive agriculture to the intensive agriculture precincts shown on the *Rural Framework Plan* in Clause 02.04.
- Facilitate the use and development of land for intensive agriculture in a way that enhances the surrounding environment and does not cause detriment to nearby sensitive uses.

### **Timber**

Latrobe has a productive timber and commercial forestry industry providing softwood, value-added hardwood and paper products. It has one of the largest paper manufacturing facilities in the southern hemisphere, [Opal Australian Paper Mill](#), which is a significant economic asset for the area. Council seeks to continue to grow the timber industry. However, this should occur in a way that protects the amenity of residents.

Planning for timber seeks to:

- Support the expansion of the timber industry.
- Minimise the impacts of timber coup operations on surrounding land, including the impact of logging trucks near surrounding properties.

### **Water**

Water is among Latrobe's most valuable resource. The area contains the Latrobe River and a number of proclaimed potable water catchments that support a variety of ecological functions. The region also has the most secure water supply and largest capacity sustainable waste water system in Victoria. Reducing water use and improving Latrobe's water quality and security are therefore key priorities.

Planning for water seeks to:

- Encourage the improvement of water quality and environmental values of waterways.
- Promote the use of water sensitive urban design (WSUD) in all developments.

### Stone resources

Latrobe contains significant stone resources including basalt, gravels, sands and limestone. There are significant resources in the extractive industry, including mineral sands north of Morwell and Traralgon, that need to be protected. These areas are identified on the Extractive Industries Framework Plan in Clause 02.04.

Planning for stone resources seeks to:

- Balance use and development with the protection of stone resources.

### Coal

Latrobe has one of the largest brown coal reserves in the world and is recognised as the centre of Victoria's electricity industry. The coal resource in the Latrobe Valley is of national and state importance and significantly contributes to the economy of Latrobe.

Development in Moe, Morwell and Traralgon are constrained by open cut mines at Yallourn, Hazelwood and Loy Yang. Buffers exist between mining operations and the towns and ~~and buffers to the coal resource~~ on the western end of the pulp and paper mill site to protect development opportunities. Coal resource development and use needs to be integrated with state and local strategic planning, taking into account:

- The interests of both the Victorian and local community.
- The equitable provision of employment, housing and community services, including urban amenity and productivity of land.
- Social and environmental impacts of development.

Latrobe supports planning for the remediation of existing mines and for the future use of brown coal in order to best manage urban growth. Many infrastructure assets are in areas that are at danger from mine and timber plantation fires.

Planning for coal seeks to:

- Minimise land use conflict with coal resource development.
- Ensure development does not compromise coal resources.
- Protect urban amenity, coal resource development and the productive use of land in the coal resource and buffer areas.
- Minimise the risk to life, property and the environment in and around mine sites.
- Minimise the risk of timber plantation fires around mines.
- Remediate brown coal mines to a useable and stable landform.

## 02.03-5 Built Environment and Heritage

### Heritage

Latrobe has a diverse pre- and post-contact heritage that is evidence of how the landscape has been changed throughout history. Gippsland was occupied by the Gunaikurnai people for thousands of years prior to European settlement. The first European explorers and pastoralists developed agricultural industries such as grazing and dairying, that led to the loss of native forest cover over much of the land. The greatest change to the cultural

landscape came in the twentieth century with the exploitation of the vast brown coal reserves. The heritage legacy that these changes have left behind include archaeological sites, township precincts, buildings, memorials, gardens, factories and trees.

Planning for heritage seeks to:

- Protect places of heritage, cultural and social significance.

### **Neighbourhood character**

Housing in Latrobe shares common elements including simple building forms, dwellings usually constructed with brick or weatherboard, aluminium frame windows and shallow pitched roofs in a garden and landscaped setting. Dwellings are generally large with generous spacing in between each dwelling. These elements form Latrobe's regional suburban character.

However, there is a recognisable difference between the character of established areas and newer suburbs in the main towns. Special character areas have been identified in Traralgon, Moe and Churchill as follows:

- Garden Suburban: spacious residential areas in a garden setting with a mix of older buildings located along linear street patterns and pockets of established vegetation.
- Lifestyle Suburban: dwellings on large lots in spacious landscaped settings, located on curvilinear and court street patterns with a strong rural character.
- Bush Suburban: residential areas of large, informal lots visually dominated by landscaping with built form typically hidden behind canopy trees and a well-established garden setting.

Planning for neighbourhood character seeks to:

- Retain the regional suburban character of established and growing neighbourhoods where they are identified as limited change areas or where special neighbourhood character values have not been identified.
- Protect areas with special neighbourhood character values.
- Maintain the rural character of district and small towns.
- Balance development and consolidation with respecting residential amenity and neighbourhood character.

## **02.03-6 Housing**

Council has aspirations to grow the municipal population to 100,000 by 2050, which is expected to be dominated by a high proportion of older people (Latrobe City Council, 2019). A significant shift to smaller households is expected, with one and two person households expected to represent 76% of all new households over the next 15 years (Latrobe City Council, 2019).

Given the land use constraints and decreasing household size, urban renewal and housing intensification will play a key role to diversify housing choice, accommodate growth and maximise access to infrastructure and services. There is also a need to ensure an adequate supply of specialised housing for the aging population.

Housing Framework Plans have been prepared for all towns and they provide direction on the location of preferred housing change including areas of 'Substantial' Change, 'Incremental' Change, 'Limited' Change and 'Minimal' Change.

Planning for housing seeks to:

- Encourage a substantial increase in housing density and diversity to maximise access to existing services, transport and infrastructure in Substantial Change Areas.
- Support increased density development that provides a sensitive interface with adjoining streetscapes, buildings and residential areas in Incremental Change Areas.
- Encourage housing growth that reinforces the spacious regional suburban character in Limited Change Areas.
- Support minimal housing growth in Minimal Change Areas to preserve and enhance its environmental, heritage or neighbourhood character attributes.
- Promote opportunities for infill development in all main urban settlements as a priority.
- Support the renewal of underutilised industrial sites for residential use in Moe, Morwell and Traralgon.
- Provide aged care facilities within residential growth areas close to Neighbourhood Activity Centres.

### **Rural residential development**

Residential use of land in a rural setting is a popular lifestyle choice and it is accommodated in the Low Density Residential Zone in urban areas and in the Rural Living Zone in rural areas.

There are a range of rural residential opportunities in Churchill, as well as in smaller townships, particularly Tyers.

An emerging issue with rural living options relates to resident amenity concerns with animal husbandry, forestry operations and intensive agricultural pursuits.

Planning for rural residential development seeks to:

- Support rural living and associated land use that does not compromise agricultural productivity.
- Avoid impeding the long term urban growth of settlements.

## **02.03-7 Economic Development**

### **Economic growth**

The main industries in Latrobe are related to coal, timber, **pulp and paper manufacturing** and food processing. As the economy seeks to decarbonise, Latrobe is presented with opportunities to diversify its economy, by attracting new industries as well as capitalising on its existing strengths in manufacturing and engineering. These strengths present Latrobe with many economic opportunities, including research and development, information technology, education and training, new energy production and advanced manufacturing. Emerging industries are establishing close to existing infrastructure at the University in Churchill and east of Morwell. The health care sector will also be one of the fastest growing employment sectors in Latrobe due to the aging population.

Planning for economic growth seeks to:

- Enable the community to prosper from the transition to a low carbon future by supporting the diversification of employment opportunities.

- Encourage alternative energy industries, including renewable energy and clean coal in locations with convenient access to existing energy distribution infrastructure.
- Facilitate the growth of service sector jobs targeting regional health services, tertiary education, retail, entertainment and government administration.

### Industry

Latrobe has a large industrial sector that is divided into three main areas:

- The heavy industry precincts that are associated with the coal, **and timber and pulp and paper industries**.
- Large format industry (including food and fibre) in vacant industrial land within the Morwell – Maryvale Industry Growth Corridor.
- Other general industrial areas.

Land use conflicts may arise between industry and sensitive land uses and need to be managed.

The Industrial Framework Plan in Clause 02.04 illustrates the direction of industrial development in Latrobe.

Planning for industry seeks to:

- Develop the Morwell – Maryvale Industry Growth Corridor as the main industry growth area of Latrobe.
- Facilitate the supporting role that industrial land in Moe, Churchill and Traralgon play in Latrobe's industrial development.
- **Provide Support the retention of** buffers between industrial and sensitive use areas where amenity is impacted.

### Tourism

Latrobe attracts 1.1 million visitors annually, with tourism contributing to 5% of the City's total employment (Latrobe City Council, 2018). Events, major attractions and business tourism will enhance local retail, food and entertainment businesses, while the farming industry and the natural assets of Latrobe present other tourism opportunities.

Planning for tourism seeks to:

- Facilitate the development of major destination attractions.
- Facilitate tourism in rural areas that respect existing settlement patterns, landscape, amenity and environmental values.

### 02.03-8 Transport

Latrobe is the hub of road networks for greater Gippsland. Rail service is also available to link residents of the four main towns to Melbourne.

Public and active transport are increasingly important modes of transport as Latrobe's population ages. As a result, Latrobe's public and active transport network, particularly bus routes within and between towns, needs to expand in a well integrated manner. A development pattern that integrates housing, activity centres, employment nodes with active and public transport will assist in supporting a more sustainable city that is less reliant on cars and has more walkable neighbourhoods.

Planning for transport seeks to:

- Facilitate expansion of public transport options in growth areas and integrate it with other modes of travel.
- Consolidate urban areas to provide for shorter travel distances, walking, cycling and access to public transport.
- Facilitate infrastructure that encourages alternative transport options including walking and bicycle transport options.

### **Latrobe Regional Airport**

The Latrobe Regional Airport is integral to the region's transport network and provides a range of employment and recreation opportunities. The airport's supply of serviced industrial land has been expanded to facilitate aeronautical development, which has created opportunities for aviation-related businesses to establish.

Planning for Latrobe Regional Airport seeks to:

- Facilitate and protect the operations of Latrobe Regional Airport and its environs.

### **Freight**

A centre for the efficient movement of freight to and from the Gippsland region at the Gippsland Logistics Precinct (GLP) has been planned three kilometres east of Morwell. It is anticipated to have direct access to the national freight network. As part of the establishment of the GLP, the Gippsland Intermodal Freight Terminal, a dedicated rail siding that serves the needs of the GLP and broader region, will be located in the northernmost portion of the GLP adjacent to the main Melbourne-Sale railway line, while a large-scale logistics and distribution precinct will adjoin the terminal.

Planning for freight seeks to:

- Develop an intermodal terminal and logistics precinct at the Gippsland Logistics Precinct that supports increased efficient handling of freight through rail.
- Encourage road, rail and air freight capabilities that connect to regional and national networks.

## **02.03-9 Infrastructure**

### **Infrastructure assets**

Development in Latrobe is constrained by many existing or planned infrastructure assets, including waste water treatment plants, the Gippsland Water Regional Outfall Sewer and emergency storage facilities, and the proposed alignment of Traralgon Freeway Bypass. Several high pressure gas transmission pipelines licensed under the Pipelines Act 2005 also run through Latrobe.

These assets need to be protected. Use and development near these assets, particularly the pipelines, can also pose risks to human life if they are not planned for properly.

Planning for infrastructure assets seeks to:

- Protect infrastructure assets from encroachment of development that would compromise their efficient functioning and safety.
- Manage land use and development in the vicinity of the pipelines to minimise risks to human life and the functional operation of the pipelines.

### **Community infrastructure**

Latrobe is the principal service centre for Gippsland that boasts a wide range of health, community and education services, including Latrobe Regional Hospital in Traralgon West and Federation University at Churchill.

Latrobe's aging population will have future implications on the provision of community infrastructure. To achieve a vision for a connected and inclusive built environment, it is important that accessibility of community services is enhanced.

Planning for community infrastructure seeks to:

- Support a range of health, social and recreational facilities including the expansion of educational facilities.
- Support hubs of integrated community services.
- Encourage community facilities to locate in or near activity centres and be accessible by public transport.

### **Open space**

Open spaces are important places for people to meet and grow community networks, no matter their culture, age or ability. As the sporting hub of Gippsland, Latrobe will continue to develop its open space network between and within towns in support of emerging and growing recreational pursuits across the region.

The open space network is made up of large scale open spaces that are linked to other open spaces, community destinations and employment precincts, usually via interconnected linear parklands, such as those along waterways and floodplains. The establishment of linear parklands within residential areas are necessary to improve access through and amenity within residential areas. Development of open space needs to complete missing open space links and ensure local reserves are accessible in emerging urban growth areas.

Planning for open space seeks to:

- Design public open spaces so they are accessible and can be used by people of all abilities, ages and interests.
- Encourage the provision of a connected open space network that extends from urban to rural areas and has both north-south and east-west linkages.
- Encourage the development of linear parks, habitat corridors and linkages between key open spaces, community destinations and employment precincts to improve connectivity.
- Extend open space corridors along major waterways where open space linkages can be achieved.

### **Development infrastructure**

Precinct Structure Plans and Development Contributions Plans are critical in funding and providing infrastructure in a coordinated way, particularly in the growth areas of the main towns.

Planning for development infrastructure seeks to:

- Align development with the delivery of key infrastructure items and economic and employment growth.
- Encourage a consistent approach to the design and construction of infrastructure across the municipality.





**11.01-1L Traralgon**

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**Policy application**

This policy applies to land shown on the Traralgon Town Structure Plan (TTSP) in this clause.

**Strategies**

Encourage short to medium term (within 0-15 years) residential development in TTSP Areas 1, 2 and 13.

Encourage long term (15 or more years) residential intensification of land zoned rural living and farming in TTSP Areas 9, 10 and 11.

Encourage the long term development of Rural Living Area 12.

Encourage the development of retail, office and residential mixed use developments within Argyle Street (TTSP Area 4).

Direct retail and office development that is significant in floor size and economic impact to the Traralgon Primary Activity Centre (TTSP Area 3), Argyle Street (TTSP Area 4) and Princes Highway and Stammers Road (TTSP Area 5).

Discourage dispersion of the office sector outside of TTSP Area 3.

Support industrial uses with limited off site amenity impacts and other compatible uses within the Janette Street Industrial precinct (TTSP Area 6) as a buffer between the lime batching facility and nearby residential and mixed uses.

Design and site development in residential or mixed use zones that are within the 500 m buffer of the lime batching facility to mitigate noise impacts from the operation of the facility.

Provide a buffer to protect industry in TTSP Area 7 from encroachment of sensitive uses, particularly from the north and east.

Design development in TTSP Areas 10, 11 and 12 to address any impact of the proposed Traralgon Highway Bypass and Bypass Ramps.

Support development of residential and community facilities to the east and west of the Southside commuter car park at Traralgon Train Station.

Support the construction of a new bus interchange, plaza and station building at the Traralgon Train Station.

Support works to develop the Southside commuter car park, Southern Plaza and VRI Hall as community facilities.

Establish Neighbourhood and Local Activity Centres in the following locations:

- Corner Marshalls Road and Traralgon-Maffra Road, Traralgon
- Melrossa Road West, Traralgon
- Princes Highway, Traralgon East
- Dranes Road, Traralgon
- Cross's Road, Traralgon
- Princes Highway/Airfield Road, Traralgon West
- Bradford Drive/Princes Highway, Traralgon West
- Traralgon Golf Course.

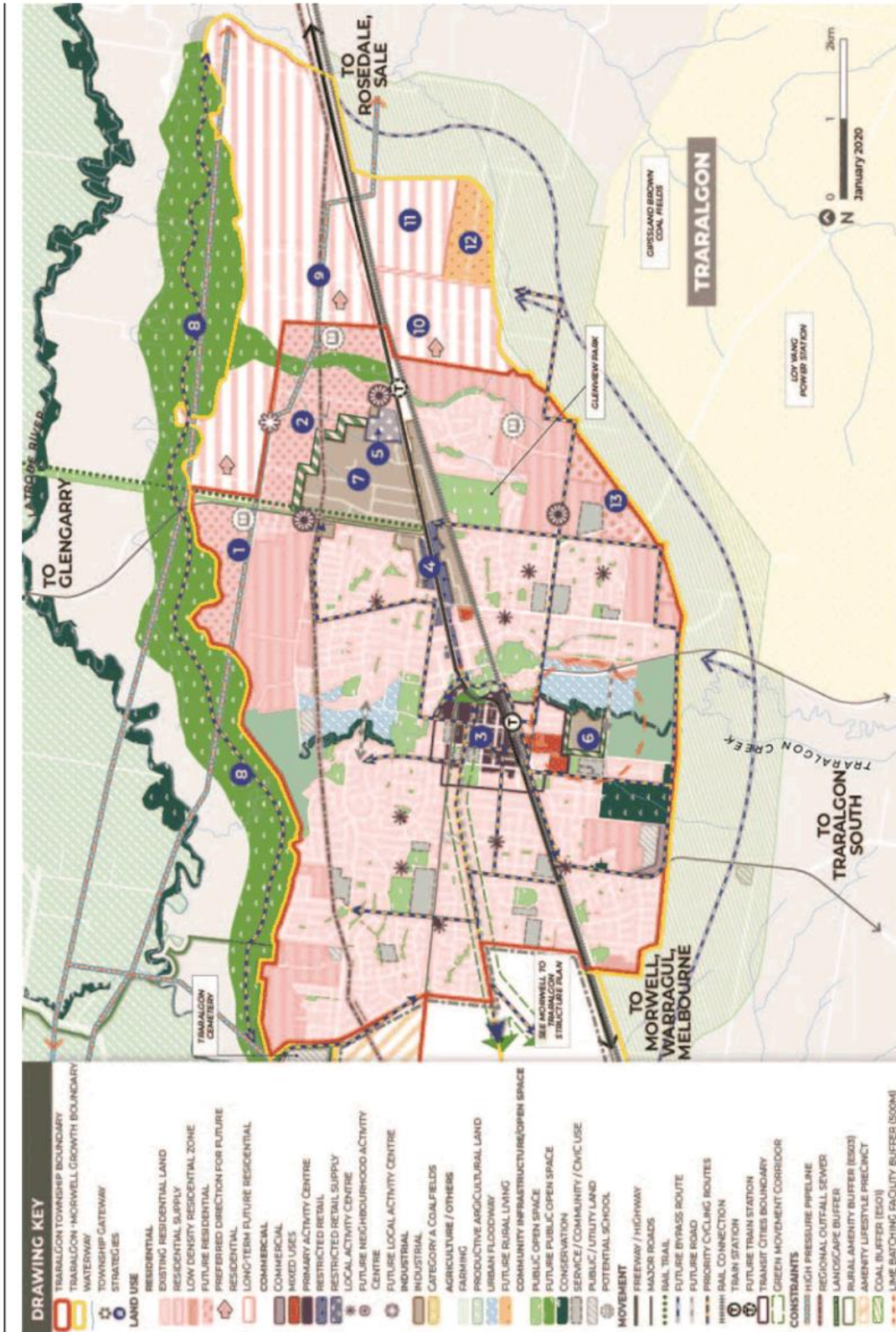
**Policy documents**

Consider as relevant:

- *Latrobe Structure Plans – Traralgon* (Beca Pty Ltd, August 2007)
- *Latrobe City Council Retail Strategy* (Essential Economics 2019)
- *Traralgon Station Precinct Master Plan* (Hansen Partnership, 2011)

- *Traralgon Growth Area Framework* (Hansen Partnership, 2013)

Traralgon Town Structure Plan (TTSP)





**12.03-1L River corridors and waterways**

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**Strategies**

Enhance **the health of** waterway corridors by increasing vegetation along corridors.

**13.03-1L Floodplain management**

~~13.03-1L~~  
C---

**Policy application**

This policy applies to land affected by the **Urban Floodway Zone**, Flood Overlay or Land Subject to Inundation Overlay.

**Strategies**

**Within the mapped extent of a 1% Annual Exceedance Probability (AEP) flood (commonly known as a 1:100 year floodplains), discourage:**

- Residential development, other than replacement dwellings that **have a finished floor level that is above the 1% AEP flood level** ~~are above the 1:100 year flood level.~~
- Raised earthworks
- Subdivision, other than realignment or consolidation.

**Discourage development in residential areas that within the 1% AEP flood extent encroach on 1:100 year floodplains or within 30m of existing waterways.**

**Ensure building envelopes for dwellings, including a sufficient effluent disposal area onsite, are located on flood free land, provide an effluent disposal area that is located in an onsite area that is free from flooding.**

**18.01-2L Transport system**

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**Strategy**

Support improvements to heavy vehicle access to industrial zoned land located to the north of the Moe Township and to the industrial precincts in the Morwell to Maryvale Corridor.



**18.02-3L Road system**

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**Strategy**

| Facilitate a **functional, safe and efficient** rural roads system that maintains the rural character and meets the demands of both rural industry and residents.

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**SCHEDULE 1 TO CLAUSE 37.07 URBAN GROWTH ZONE**

Shown on the planning scheme map as **UGZ1**.

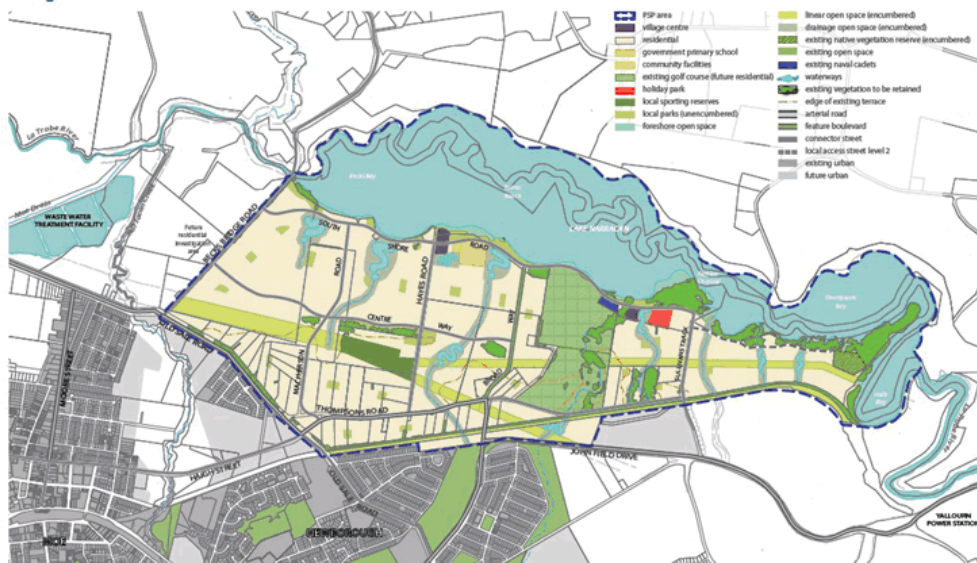
**LAKE NARRACAN PRECINCT STRUCTURE PLAN**

**1.0 The Plan**

[Map 1 The Plan](#) shows the future urban structure proposed in the *Lake Narracan Precinct Structure Plan*.

It is a reproduction of Plan 2 in the *Lake Narracan Precinct Structure Plan* (March 2015).

[Map Plan 1 to the Schedule to Clause 37.07](#)



**2.0 Use and development**

**2.1 The Land**

The use and development provisions specified in this schedule apply to the land within the ‘PSP area’ on [Map Plan 1](#), excluding Lake Narracan itself and shown as UGZ1 on the planning scheme maps.

**2.2 Applied zone provisions**

The provisions of the following zones in this scheme apply to the use and subdivision of land, the construction of a building, and the construction or carrying out of works as set out in Table 1.

**Table 1: Applied zone provisions**

Land use/ Development (Carried out or proposed) generally in accordance with the precinct structure plan applying to the land.	Applied zone provisions
Village Centre	Clause 34.01 – Commercial 1 Zone
Arterial road	Clause 36.04 – Road Zone – Category 1
Connector street	Clause 36.04 – Road Zone – Category 2
Land or any lot wholly contained within, 200 metres distance from a village centre	Clause 32.07 – <a href="#">Residential Growth Zone 1 General Residential Zone 1</a>

All other land	Clause 32.08 schedule 1 – General Residential Zone <a href="#">3</a>
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**2.3 Reference to a planning scheme zone is a reference to an applied zone**

~~A reference to a planning scheme zone in an applied zone must be read as if it were a reference to an applied zone under this schedule.~~

~~Note: e.g. The Residential Growth Zone specifies 'Car wash' as a Section 2 Use with the condition, 'The site must adjoin, or have access to, a road in a Road Zone.' In this instance the condition should be read as, 'The site must adjoin, or have access to, a road in a Road Zone or an applied Road Zone in the Urban Growth Zone schedule applying to the land'.~~

**2.43 Specific provisions – Use and development of future public land**

A permit is not required to use or develop land shown in the *Lake Narracan Precinct Structure Plan* as open space (local parks or local sporting reserves) or community facilities provided the use or development is carried out generally in accordance with the *Lake Narracan Precinct Structure Plan* and with the prior written consent of Latrobe City Council.

**2.5 Specific provisions - Use of land**

The following provisions apply to the use of land.

**Table 2: Use**

Use	Requirement
Shop where the applied zone is Commercial 1 Zone	The leasable floor area for an individual shop premises must not exceed 600 square metres  A permit is required to use land for a shop if the leasable floor of an individual shop premises exceeds 600 square metres

**2.6 Specific provisions – Construction of one dwelling on a lot less than 300 square metres in area**

~~A permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the Small Lot Housing Code incorporated pursuant to Clause 81 of the Latrobe Planning Scheme.~~

**3.0 Application requirements**

~~If in the opinion of the responsible authority an application requirement listed below is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.~~

**3.1 ~~2.4~~ Specific provisions - Subdivision - residential development**

~~A permit to subdivide land must meet the following requirements:~~

~~In addition to any requirement in 56.01-2, a subdivision design response must include:~~

- A land budget table in the same format and methodology as those within the precinct structure plan applying to the land, setting out the amount of land allocated to the proposed uses and expected population and dwelling yields.
- A demonstration of how the property will contribute to the achievement of the residential density outcomes in the precinct structure plan applying to the land.

- A demonstration of lot size by including a colour-coded lot size plan, reflecting the lot size categories outlined in Table 1 of the Lake Narracan Precinct Structure Plan, March 2015.
- A demonstration (such as indicative concept layout plans showing different building typology across different lot sizes) of how the subdivision will contribute to the delivery of a diversity of housing.

## LATROBE PLANNING SCHEME

### Public Infrastructure Plan

~~An application for subdivision must be accompanied by a Public Infrastructure Plan which addresses the following:~~

- ~~• a stormwater management strategy that makes provision for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Latrobe City Council and West Gippsland Catchment Management Authority; what land may be affected or required for the provision of infrastructure works; the provision, staging and timing of stormwater drainage works;~~
- ~~• the provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment; the landscaping of any land;~~
- ~~• what if any infrastructure set out in the Lake Narracan Development Contributions Plan is sought to be provided as "works in lieu" subject to the written consent of Latrobe City Council; the provision of public open space and land for any community facilities;~~
- ~~• any other matter relevant to the provision of public infrastructure required by the responsible authority.~~

### 2.5 Traffic Impact Assessment Report Specific provisions – Building and works

#### Construction of one dwelling on a lot less than 300 square metres in area

A permit is not required to construct or extend one dwelling on a lot with an area less than 300 square metres where a site is identified as a lot to be assessed against the Small Lot Housing Code via a restriction on title, and it complies with the Small Lot Housing Code incorporated pursuant to Clause 81 of the Latrobe Planning Scheme.

### 3.0 Application requirements

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If in the opinion of the responsible authority an application requirement listed below is not relevant to the assessment of an application, the responsible authority may waive or reduce the requirement.

An application that proposes to create or change access to Old Sale Road or Thompsons Road must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR, including functional layout plans and a feasibility / concept road safety audit, must be to the satisfaction of ~~VieRoads~~ the Head, Transport for Victoria or Latrobe City Council, as required.

An application to develop or subdivide land must be accompanied by a Traffic Impact Assessment Report (TIAR). The TIAR must include the expected traffic volumes of the proposed development and/or subdivision, and its impact on the existing and future road network. The TIAR must have regard to the indicative provision triggers for the various intersection projects as identified in the *Lake Narracan Development Contributions Plan, March 2015*.

### Environmental Site Assessment

An application to use or develop land must be accompanied by an environmental site assessment of the land by a suitably qualified environmental professional to the satisfaction of the responsible authority which takes account of *'Lake Narracan Precinct Structure Plan Area: Desktop Environmental, Hydrogeological and Geotechnical Assessments. Final VI'* (SKM, June 2013) and provides information including:

- Further detailed assessment of potential contaminants on the relevant land.

- Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regard to the *Potentially Contaminated Land General Practice Note June 2005, DSE*.
- Further detailed assessment of surface and subsurface water conditions and geotechnical characteristics on the relevant land and the potential impacts on the proposed development including any measures required to mitigate the impacts of groundwater conditions and geology on the development and the impact of the development on surface and subsurface water.
- Recommended remediation actions for any potentially contaminated land.

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**3.2 Lake Narracan corridor**

An application on land containing or abutting Lake Narracan, Latrobe River or its tributaries and environs must be accompanied by:

A plan that shows:

- Natural features including trees and other significant vegetation, habitat for protected species, drainage lines, water courses, wetlands, ridgelines, hill tops and features of geomorphic significance; and
- Recreation facilities to be provided within public open space; and
- Storm water facilities that are compliant with the relevant approved drainage strategy; and
- The retention and removal of vegetation and any re-vegetation.

and

- A Landscape and Viewshed Analysis that identifies and protects important views associated with the waterway, including views within, to and from the waterways.

**3.3 Village Centres / Neighbourhood Activity Centres**

Permit applications to increase retail floor space to that specified in the Table 2 of this schedule must be accompanied by an economic impact assessment detailing:

- a) the local catchment demand for the activity centre; and
- b) impact on existing and future activity centres within Moe, Newborough and Lake Narracan.

An application for subdivision must be accompanied by a Public Infrastructure Plan which addresses the following:

- a stormwater management strategy that makes provision for the staging and timing of stormwater drainage works, including temporary outfall provisions, to the satisfaction of Latrobe City Council and West Gippsland Catchment Management Authority;
- what land may be affected or required for the provision of infrastructure works;
- the provision, staging and timing of stormwater drainage works;
- the provision, staging and timing of road works internal and external to the land consistent with any relevant traffic report or assessment;
- the landscaping of any land;
- what if any infrastructure set out in the Lake Narracan Development Contributions Plan is sought to be provided as "works in lieu" subject to the written consent of Latrobe City Council;
- the provision of public open space and land for any community facilities;
- any other matter relevant to the provision of public infrastructure required by the responsible authority.

**4.0 Conditions and requirements for permits**

None specified. ~~See the precinct structure plan applying to the land.~~

**5.0 Exemption from notice and review**

None specified.

**Signs**

~~The sign category for the land is the category specified in the zone applied to the land at Clause 2.2 of this schedule.~~

**5.1 Land and home sales signs**

~~Despite the provisions of Clause 52.05, signs promoting the sale of land or homes on the land (or on adjoining land in the same ownership) may be displayed without a permit provided:~~

~~the display area for each sign does not exceed 10 square metres;~~

~~only one sign is displayed per road frontage. Where the property has a road frontage of more than 300 metres multiple signs may be erected provided there is a minimum of 300 metres distance between each sign, with a total of not more than 4 signs per frontage;~~

~~the sign is not animated, scrolling, electronic or internally illuminated sign;~~

~~the sign is not displayed longer than 21 days after the sale (not settlement) of the last lot; and  
the sign is setback a minimum of 750mm from the property boundary.~~

~~A permit may be granted to display a sign promoting the sale of land or homes on the land (or on adjoining land in the same ownership) with an area greater than 10 square metres. The decision guidelines in Clause 52.05-8 apply.~~

### **6.0 Decision guidelines**

Permit applications to increase the retail floor area within the a village / neighbourhood activity centre must address and be assessed against the following decision guidelines:

- The village centre catchment and catchment demand for the proposed increase of retail floor area; and
- The effect on existing and future activity centres within Moe, Newborough and Lake Narracan.

### **7.0 Signs**

The sign category for the land is the category specified in the zone applied to the land at Clause 2.2 of this schedule.

## LATROBE PLANNING SCHEME

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C116latr**SCHEDULE 1 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY**

Shown on the planning scheme map as ESO1.

**URBAN BUFFER****1.0 Statement of environmental significance**

The coal industry is of national and State importance due to its use as the primary energy source for the electricity generating industry in Victoria. The impact on the environment is radical. Buffers protect those elements of the Coal Buffers Policy Area such as urban settlements from the impact of the radical change to the environment from the coal industry.

**2.0 Environmental objective to be achieved**

To ensure that development in the Gippsland Coalfields Policy Area provides mutual protection of urban amenity, ~~and coal resource development, and~~ the continued social and economic productive use of land.

~~To provide for development which~~ and is compatible within a buffer area including reservations and for services ancillary to a Brown Coal Open Cut outside the buffer area.

**3.0 Permit requirement**

A permit is not required to construct the following buildings or to construct or carry out the following works:

Works associated with plantation establishment.

Buildings or works normally associated with farming or forestry (other than a dwelling).

Maintenance or rehabilitation of existing works under the control of public authority.

A building or works which is/are a modification necessary to comply with a direction or licence under the *Dangerous Goods Act 1985* or a Waste Discharge Licence, Works Approval or Pollution Abatement Notice under the *Environment Protection Act 1970*.

Works associated with the construction of the Princes Freeway – Traralgon Bypass carried out by or on behalf of the ~~Roads Corporation~~ Department of Transport.

Remove, destroy or lop native vegetation associated with the construction of the Princes Freeway – Traralgon Bypass carried out by or on behalf of the ~~Roads Corporation~~ Department of Transport, subject to meeting the requirements of the background document *Victoria's Native Vegetation Management – A Framework for Action* (Department of Natural Resources and Environment, 2002) to the satisfaction of the Secretary of the Department of ~~Sustainability and Environment~~ Environment Land Water and Planning.

**4.0 Application requirements**

The following application requirements apply to an application for a permit under Clause 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

~~An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:~~

- A plan to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and purpose of buildings and works on adjoining land.



- Relevant ground levels.
- The layout of existing and proposed buildings and works.
- All driveway, car parking and loading areas.
- Proposed landscape areas.

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- All external storage and waste treatment areas.
- Areas not required for immediate use.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- A landscape layout which includes the descriptions of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.
- A fire management plan for any proposed development within 1000 metres of a mining licence.

#### Development must

- Be compatible with both the adjacent urban and coal related uses of land.
- Provide an opportunity for improvement in the visual amenity of areas surrounding the urban settlements, and the visual protection from the effects of coal resource development on the landscape.
- Be productive within the constraints required from mutual protection, separation and compatibility of adjacent uses.
- Maintain the integrity of the buffer area and discourage any incremental or future pressures for urban or coal related development in the future.

#### Referral of applications

~~Applications of the kind listed below must be referred in accordance with Section 55 of the Act to the referral authority specified in Clause 66.04 or a schedule to that clause:~~

- ~~• To subdivide land which create a lot with an area less than 20 hectares.~~
- ~~• To develop land for:~~
  - ~~— cemetery.~~
  - ~~— educational centre.~~
  - ~~— exhibition centre.~~
  - ~~— function centre.~~
  - ~~— golf course.~~
  - ~~— hospital.~~
  - ~~— industry (other than rural industry).~~
  - ~~— major sports and recreational facility.~~
  - ~~— Plantation~~
  - ~~— shop or office with a floor area exceeding 2,000 square metres.~~
  - ~~— accommodation if the total number of people to be accommodated exceeds 100 or the proposed development results in an increase of greater than 25% to the floor area of an existing accommodation building.~~

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### **Exemption from notice and appeal**

~~An application is exempt from the notice requirements of Section 52(1)(a),(b) and (d), the decision requirements of section 64(1),(2) and (3) and the appeal rights of Section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone or Business 5 Zone, land used for a hospital or school or land in a Public Acquisition Overlay to be acquired for a hospital or school.~~

### **5.0 Decision guidelines**

~~The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:~~

~~Before deciding on an application, in addition to the decision guidelines in Clauses 65, the responsible authority must consider, as appropriate:~~

#### **Buildings and works**

- The movement of pedestrians and cyclist, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking.
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, including outdoor advertising structures, illumination of buildings or their immediate spaces and landscaping of land adjoining a road.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- The availability of and connection to services.
- Any natural or cultural values on or near the land.
- Interface with non-industrial areas.
- Outdoor storage, lighting and storm water discharge.
- The designs of buildings to provide for solar access.
- If an industrial or warehouse development, the effect on nearby existing or proposed residential areas or other uses which are sensitive to industrial off-site effects, having regard to any comments or directions of the referral authorities.
- All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

#### **Subdivision**

- The effect the subdivision will have on the potential of the area to accommodate the uses, which will maintain or enhance its competitive strengths.
  - Any natural or cultural values on or near the land.
  - The interface with adjoining zones, especially the relationship with residential areas.
  - The drainage of the land.
  - The availability of and connection to services.
  - The effect of traffic to be generated on roads.
- The responsible authority must notify and consider the views of any Mining Licence holder who may be affected.

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## LATROBE PLANNING SCHEME

06/06/2019  
C116latr**SCHEDULE 3 TO CLAUSE 43.02 DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO3**.

**PRINCES FREEWAY - TRARALGON BYPASS****1.0 Design objectives**

To ensure that development of land near the future alignment of the Princes Highway - Traralgon Bypass is undertaken with appropriate noise attenuation measures to minimise the impact of traffic noise on noise sensitive activities.

**2.0 Buildings and works**

The following buildings and works requirements apply to an application to construct a building or construct or carry out works:

Any development ~~within the area defined on Maps 58DDO, 59DDO, 60DDO, 61DDO 62DDO, 64DDO, 79DDO, 85DDO, 86DDO, 87DDO~~ which is associated with a land use listed below must include noise attenuation measures to the satisfaction of the ~~Roads Corporation~~Head, Department of Transport. In considering whether any measures proposed are to its satisfaction, the ~~Roads Corporation~~Head, Department of Transport will consider any appropriate Australian Standard in relation to road traffic noise intrusion.

- Accommodation
- Child Care centre
- Education centre
- Indoor recreation facility
- Office
- Place of assembly
- Retail premises
- Warehouse
- Art and craft centre
- Brothel
- Display home
- Funeral parlour
- Hospital
- Research centre
- Veterinary centre
- Winery

**3.0 Subdivision**

None specified.

**4.0 Signs**

None specified.

**5.0 Application requirements**

None specified.

**6.0 Decision guidelines**

The following decision guidelines apply to an application for a permit under Clause 43.02, in addition to those specified in Clause 43.02 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

~~Before deciding on an application, the responsible authority must consider the referral of permit applications under local provisions in the Schedule to Clause 66.04 to~~ Any comments received from the Head, Department of Transport ~~Roads Corporation~~.

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06/06/2019  
C116latr**SCHEDULE 9 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY**Shown on the planning scheme map as **DPO9**.**LOW DENSITY RESIDENTIAL GROWTH AREA – GLENDONALD ROAD, CHURCHILL****1.0 Objectives**

- ~~None specified.~~ To ensure development of the land is occurring in an orderly manner having regard to the timing and staging of the development of the land and provision of essential services, community facilities, open space and roads.
- To ensure the interface between proposed and existing nearby developments, reduces the chance of conflicting developments.
- To minimise access points to designated Category 1 Roads.
- To ensure the design of any proposed subdivision and buildings enhance and reinforce the character of the area.
- To implement the adopted Structure Plans, where relevant.

**2.0 Requirement before a permit is granted**

A permit may be granted to use or subdivide land, construct a building or construct or carry out works before a development plan has been prepared to the satisfaction of the responsible authority

~~A permit may be granted before a development plan has been prepared to the satisfaction of the responsible authority~~ for a minor extension, minor addition or minor modification to an existing building or works that does not prejudice the future orderly development of the general area affected by the Development Plan Overlay.

**3.0 Conditions and requirements for permits**

The following conditions and/or requirements apply to permits:

~~All planning permits to subdivide land must include the following conditions:~~

- Stormwater from each residential lot must be retained and treated on the lot (or within a subdivision-scale integrated stormwater treatment system) to ensure that there are no adverse drainage or stormwater quality impacts on adjoining properties.

If reticulated sewerage cannot be provided the following condition must be included:

- Effluent from each residential lot must be treated, retained and disposed of within each individual lot boundary, in accordance with the background document *Code of Practice – Onsite Wastewater Management* (Environment Protection Authority, July 2016) (as amended).

**~~Decision guidelines for permits~~**

~~Before deciding on an application to subdivide land, construct buildings, or carry out works, the responsible authority must consider, as appropriate:~~

- ~~Whether the development of the land is occurring in an orderly manner having regard to essential services, community facilities, open space and roads.~~
- ~~The potential for future re-subdivision.~~
- ~~The interface between proposed and existing nearby developments, to reduce the chance of conflicting developments.~~
- ~~The need to minimise access points to designated Category 1 Roads.~~
- ~~The design of any proposed subdivision and buildings to enhance and reinforce the~~

#### LATROBE PLANNING SCHEME

~~character of the area.~~

- ~~• The timing and staging of the development of the land.~~
- ~~• The consistency of the proposed development with the approved development plan.~~
- ~~• Consistency of the proposed development with adopted Structure Plans, where relevant.~~

#### 4.0 Requirements for development plan

[A development plan must include the following requirements:](#)

~~In addition to the requirements of Clause 43.04-4, the development plan must show:~~

*Treatment of wastewater and stormwater*

- Effluent from each residential lot must be treated, retained and disposed of within each individual lot boundary, in accordance with the background document *Code of Practice – Onsite Wastewater Management* (Environment Protection Authority, July 2016) (as amended).
- Stormwater from each residential lot must be retained and treated on the lot (or within a subdivision-scale integrated stormwater treatment system) so as to ensure that there are no adverse drainage or stormwater quality impacts on adjoining properties.

#### Land use and subdivision

- The proposed boundaries of the development area and provide the strategic justification for those boundaries. The boundaries of the development area must align with zone boundaries. The re-subdivision of land in the development area must be undertaken in such a way as to not create allotments in two zones. This is to ensure the future orderly development of the general area affected by the Development Plan Overlay.
- The overall subdivision of the area, including the proposed size and density of allotments which provide opportunities for a diverse range of housing types.
- The nominated connection points for stormwater drainage infrastructure.
- The overall pattern of development of the area, including any proposed rezoning of land and proposed land uses.
- Street networks that support building frontages with two way surveillance.
- An accessible and integrated network of walking and cycling routes for safe and convenient travel to adjoining communities (including existing and future areas included in the Development Plan Overlay), local destinations or points of local interest, activity centres, community hubs, open spaces and public transport.
- The provision of any commercial facilities and the extent to which these can be co-located with community and public transport facilities to provide centres with a mix of land uses and develop vibrant, active, clustered and more walkable neighbourhood destinations.

#### Waterways

- Unless otherwise agreed by the relevant Catchment Management Authority, a buffer zone of 30 metres each side of waterways designated under the *Water Act 1989* or a buffer based on a flood study which identifies the 100 year flood extent must be set aside for ecological purposes.
- Unless otherwise agreed by the relevant Catchment Management Authority, the waterway buffer zone must be revegetated to provide for native plant and animal habitat, and improved waterway health and ecological outcomes consistent with the objectives of the background document *West Gippsland Regional Catchment Strategy*. Revegetation must accord with the relevant State Government standards for re-establishment of the relevant Ecological Vegetation Class using only indigenous plant species, to the satisfaction of the relevant State Government department and the responsible authority.

#### Infrastructure services

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- An integrated stormwater management plan that incorporates water sensitive urban design techniques which provides for the protection of natural systems, integration of stormwater treatment into the landscape, improved water quality, and reduction and mitigation of run-off and peak flows, including consideration of downstream impacts.
- The pattern and location of the surrounding road network supported by a traffic impact assessment for the area showing the location and details of any required:
  - Road widening (including but not limited to, Glendonald Road pavement).
  - Intersection concept plans (including but not limited to, a concept plan for the intersection at Glendonald Road and Monash Way).
  - Vehicle access points (showing no through vehicle access to Riga Court and Roberts Road).
  - Pedestrian crossings or safe refuges.
  - Cycle lanes.
  - Bus lanes and stops.
- The pattern and location of any internal road system based on a safe and practical hierarchy of roads including safe pedestrian and bicycle connections and crossing points in accordance with background document *Latrobe City Bicycle Plan 2007-2010* (as amended).
- In consultation with relevant agencies and authorities, provision of public transport stops where appropriate within easy walking distance of residential dwellings and key destinations. Stops should also be located near active areas where possible.
- In consultation with relevant agencies and authorities, plans for works on any Arterial Road intersection must be prepared in accordance with the relevant ~~VicRoads~~ Department of Transport standards.

#### Domestic wastewater

A Land Capability Assessment report must be submitted demonstrating:

- The capability of the site to sustainably manage wastewater within allotment boundaries.
- Compliance with State and local policies on effluent disposal.
- Consideration of all environmental constraints on the site, including but not limited to:
  - Soil profiling.
  - Existing dams.
  - Erosion.
  - Drainage lines and depressions.
  - Water logging.
  - Slopes.
  - Contours.
- The proposed building envelopes and effluent disposal field areas within an indicative lot layout for the overall development plan area
- A Wastewater Management Plan must also be prepared that identifies preferred wastewater systems and a maintenance program to minimise the health and environmental impacts of on-site wastewater.

#### Open space

- The location and size of the proposed open spaces that cater for a range of user groups and provide a variety of functions that perform both an active and passive role for recreation, as appropriate.
- Public open spaces designed to provide:

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- Public spaces of a minimum of 0.5 hectares within a 500 metre walking distance of all residents in accordance with background document *Latrobe City Public Open Space Plan 2013* (as amended).
- The inclusion of pedestrian and cycle paths and play equipment, that encourage active recreational opportunities.
- Opportunities for visual surveillance to promote safety of users, through encouraging active frontages, using buildings and road frontages to frame public and open spaces.
- Improved interface treatment with adjoining land, as appropriate.
- A landscape concept plan for all open space areas, indicating the location of plantings, pathways, shade, shelter and seating at activity areas as well as at intervals along pathways.

**Flora and fauna and landscape values**

- In consultation with relevant agencies and authorities, a flora and fauna assessment including, but not limited to, a plan of all existing natural and ecological features and landscape values and how these have been considered in the design and layout of the development plan and how flora and fauna values will be preserved, if required.
- An assessment of any native vegetation to be removed having regard to the background document ~~Victoria's Permitted-clearing-of-native-vegetation—Biodiversity assessment guidelines (Department of Environment and Primary Industries, September 2013),~~ [Guidelines for the Removal, Destruction or Lopping of Native Vegetation \(Department of Environment, Land, Water and Planning 2017\)](#), including how it is proposed to protect and manage any appropriate native vegetation.
- Regard must be had to the background document *West Gippsland Native Vegetation Plan 2003*.
- Any management plan should take into account that the Strzelecki Bioregion is one of Victoria's most fragmented Bioregions and address this as a consideration.
- Consideration must also be given to adjoining or adjacent properties to the development area that have been identified as having a conservation, heritage or archaeological significance.

**Cultural heritage**

- In consultation with relevant agencies and authorities, a cultural heritage assessment including how cultural heritage values will be managed if required.

**Bushfire risk**

- The location, design and construction of development that considers the need to implement bushfire protection measures.

**Process and outcomes**

Before deciding to approve a development plan, the responsible authority must consult with potentially affected parties. This must include direct notification of the development plan to all adjoining and adjacent landowners, relevant agencies and authorities.

The responsible authority must consider the views of all submitters, agencies and authorities prior to making a decision in respect to the development plan.

An implementation plan must be submitted as part of the development plan, indicating the proposed staging of the entire development plan area.

~~The requirements for the development plan must be addressed to the satisfaction of the responsible authority prior to the issuing of a planning permit, except for matters listed in item 1 of this schedule.~~

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**LATROBE PLANNING SCHEME**

~~he approved development plan may be amended to the satisfaction of the responsible authority.~~

**Decision guidelines for development plan**

~~Before deciding to approve a development plan, the responsible authority must be satisfied that the plan has regard to the following information:~~

- ~~• Latrobe City Healthy Urban Design Good Practice Guideline: Meeting Healthy by Design<sup>®</sup> Objectives, June 2008 (as amended).~~
- ~~• Permitted Clearing of Native Vegetation, Biodiversity Assessment Guidelines (Department of Environment and Primary Industries, September 2013).~~
- ~~• Latrobe Healthy by Design<sup>®</sup> – Background and Issues Report (Beca Pty Ltd, December 2007).~~
- ~~• Healthy by Design: a planners' guide to environments for active living<sup>®</sup> (National Heart Foundation of Australia - Victorian Division, 2004).~~
- ~~• Latrobe City Public Open Space Plan 2013 (as amended).~~
- ~~• Latrobe City Bicycle Plan 2007-2010 (as amended).~~
- ~~• Latrobe City Public Toilet Plan 2010-2014 (as amended).~~
- ~~• Churchill Structure Plan 2007 (as amended).~~
- *Code of Practice – Onsite Wastewater Management* (Environment Protection Authority, July 2016) (as amended).



**SCHEDULE 1 TO CLAUSE 44.03 FLOODWAY OVERLAY**

Shown on the planning scheme map as **FO**.

**1.0 Floodway objectives to be achieved**

None specified.

**2.0 Statement of risk**

- Damage to assets due to flooding
- ~~Increased flood damage due to reduced storage of floodwaters as a result of development~~
- Increased flood damage due to changes in depth, velocity and reduced storage of floodwaters as a result of development
- Risk to life and property due to flooding

**3.0 Permit requirement**

A permit is not required to:

**Buildings**

- For land in an existing urban area, construct a replacement building (excluding non-habitable outbuildings) where:
  - The finished floor level is at or above the Nominal Flood Protection Level specified in written advice by the relevant floodplain management authority
  - The footprint of the replacement building is the same or less than the original building, to the satisfaction of the relevant floodplain management authority
  - A replacement dwelling is constructed within 3 years from the removal of a dwelling from the site or in accordance with written advice from the responsible authority
  - The underfloor area of the building will not restrict the free passage of floodwater, to the satisfaction of the relevant floodplain management authority
  - Safe access to the building by emergency services is adequate during a 1%AEP flood event to the satisfaction of the relevant floodplain management authority
- Construct an upper storey extension to an existing building within the existing building footprint
- Construct the following:
  - A non-habitable building with a floor area that does not exceed 20m<sup>2</sup>
  - A building or structure with permanently open sides
  - A rainwater tanks associated with an existing dwelling, provided that the footprint of all rainwater tanks associated with the dwelling does not exceed 20m<sup>2</sup>
  - A mast, antenna, power pole, light pole, or telecommunication tower

- A pergola, carport, deck, veranda or in-ground swimming pool associated with an existing dwelling, provided that it does not impede the flow of floodwaters, to the satisfaction of the relevant floodplain management authority
- A disabled access ramp
- Open type fencing (excluding paling fencing, colourbond style fencing, brick and concrete walls) and maintenance to existing fencing
- An open sports ground that does not alter the surface by more than 150 mm with no grandstands or raised view areas, playgrounds, open-sided picnic shelters and barbeques

### **Works**

- Carry out works ancillary to an existing building including landscaping and pathways, that do not alter the surface by more than 150 mm
- Carry out earthworks in accordance with a whole farm plan approved by the responsible authority and the relevant floodplain management authority
- For land in a rural zone, carry out earthworks that do not obstruct or impact on natural flow paths, drainage lines or flood flows and that do not raise the level of the land by 150 mm
- Carry out works associated with dams with less than 3,000 cubic metres capacity, where no fill is imported to the site and where no embankment is proposed above natural ground level
- Carry out works associated with vine or horticulture trellises or watering systems
- Carry out routine and maintenance works that do not affect the height, length or location of a levee, embankment or road
- Carry out works associated with any roadside, pathway or access ways (public or private) including construction of driveways, vehicle crossovers, footpaths or bicycle paths if there is no change to existing surface levels up to 150 mm or if the relevant floodplain management authority has advised in writing that the impact on flood storage will be negligible and the flow path will not be obstructed
- Carry out works associated with the Princes Freeway – Traralgon Bypass, carried out by or on behalf of the relevant road authority, subject to the plans for the works being to the satisfaction of the relevant floodplain management authority

### **Buildings and works**

- Buildings and works carried out by a Water Corporation to maintain and replace infrastructure related to sewer and water supply that do not alter existing surfaces.

## **4.0**

### **Application requirements**

—/—/20—

The following application requirements apply to an application for a permit under Clause 44.03, in addition to those specified in Clause 44.03 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Written advice from the relevant floodplain management authority which assesses the viability of the proposed development and specifies the Nominal Flood Protection Level as appropriate
- A plan, drawn to scale, which shows:
  - A location plan showing the boundaries and dimensions of the site, surrounding uses and the layout of existing and proposed buildings and works
  - Elevation plans showing the natural ground level, finished ground level and the floor levels of any proposed buildings in relation to Australian Height Datum, taken by or under direction of a licenced surveyor where requested by the responsible authority or relevant floodplain management authority
  - The 1% AEP flood level as specified in written advice by the relevant floodplain management authority where development is proposed for inland waterways.

- Any additional information required and requested in writing by the relevant floodplain management authority

**5.0 Decision guidelines**

None specified.

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**SCHEDULE 1 TO CLAUSE 44.04 LAND SUBJECT TO INUNDATION OVERLAY**

Shown on the planning scheme map as **LSIO**.

**1.0 Land subject to inundation objectives to be achieved**

--/20--  
None specified.

**2.0 Statement of risk**

- /20--
- Damage to assets due to flooding
  - Increased flood damage due to reduced storage of floodwaters as a result of development
  - ~~Increased flood damage due to changes in depth, velocity and reduced storage of floodwaters as a result of development~~
  - Risk to life and property due to flooding

**3.0 Permit requirement**

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A permit is not required to:

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**Buildings**

- Construct a replacement building (excluding non-habitable outbuildings) where:
  - The finished floor level of the building is at or above the Nominal Flood Protection Level specified in written advice by the relevant floodplain management authority
  - The footprint of the replacement building is the same or less than the original building, to the satisfaction of the relevant floodplain management authority
  - The underfloor area of the building will not restrict the free passage of floodwater, to the satisfaction of the relevant floodplain management authority
  - A replacement dwelling is constructed within 3 years from the removal of a dwelling from the site or in accordance with written advice from the responsible authority
  - Safe access to the building by emergency services is adequate during a 1% AEP flood event to the satisfaction of the relevant floodplain management authority
- Construct an extension to an existing building (excluding a non-habitable outbuilding) where:
  - The finished floor level of the building is at or above the Nominal Flood Protection Level specified in written advice by the relevant floodplain management authority
  - The underfloor area of the building will not restrict the free passage of floodwater, to the satisfaction of the relevant floodplain management authority
  - Safe access to the building by emergency services is adequate during a 1% AEP flood event to the satisfaction of the relevant floodplain management authority
- Construct an upper storey extension to an existing building within the existing building footprint
- Construct the following:
  - A non-habitable building that does not exceed 20m<sup>2</sup>
  - A building with permanently open sides
  - A rainwater tank associated with an existing dwelling, provided the footprint of all rainwater tanks associated with the dwelling does not exceed 20m<sup>2</sup>
  - A mast, antenna, power pole, light pole or telecommunication tower
  - A pergola, carport, deck, veranda or in-ground swimming pool associated with an existing dwelling, provided that it does not impede the flow of floodwaters, to the satisfaction of the relevant floodplain management authority

- A disabled access ramp
- Open type fencing (excluding paling fencing, colourbond style fencing, brick and concrete walls) and maintenance to existing fencing
- An open sports ground that does not alter the surface by more than 150 mm with no grandstands or raised view areas, playgrounds, open-sided picnic shelters and barbeques

#### **Works**

- Carry out works ancillary to an existing building, including landscaping and pathways that do not alter the existing surface by more than 150 mm
- Carry out earthworks in accordance with a whole farm plan approved by the responsible authority and floodplain management authority
- For land in a rural zone, carry out earthworks that do not obstruct or impact on natural flow paths, drainage lines or flood flows and that do not raise the natural surface level of the land by 150 mm
- Carry out works associated with dams with less than 3,000 cubic metres capacity, where no fill is imported to the site and where no embankment is proposed above natural ground level
- Carry out works associated with vine or horticultural trellises or watering systems
- Carry out routine and maintenance works that do not affect the height, length or location of a levee, embankment or road
- Carry out works associated with roads, roadsides or any other access way (public or private) including construction of driveways, vehicle crossovers, footpaths or bicycle paths if there is no change to existing surface levels up to 150 mm or if the relevant floodplain management authority has advised in writing that the impact on flood storage will be negligible and the flow path will not be obstructed
- Carry out works associated with the Princes Freeway – Traralgon Bypass, carried out by or on behalf of the relevant road authority, subject to the plans for the works being to the satisfaction of the floodplain management authority

#### **Buildings and works**

- Buildings and works carried out by a Water Corporation to maintain and replace infrastructure related to sewer and water supply that do not alter existing surfaces

### **4.0 Application requirements**

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The following application requirements apply to an application for a permit under Clause 44.03, in addition to those specified in Clause 44.03 and elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

- Written advice from the relevant floodplain management authority which assesses the viability of the proposed development and specifies the Nominal Flood Protection Level as appropriate
- A plan, drawn to scale, which shows:
  - A location plan showing the boundaries and dimensions of the site, surrounding uses and the layout of existing and proposed buildings and works
  - Elevation plans showing the natural ground level, finished ground level and the floor levels of any proposed buildings in relation to Australian Height Datum, taken by or under direction of a licenced surveyor where requested by the responsible authority or relevant floodplain management authority
  - For inland waterways, the 1% AEP flood level as specified in written advice by the relevant floodplain management authority
  - Any additional information required and requested in writing by the relevant floodplain management authority

**5.0 Decision guidelines**

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None specified.

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## **SCHEDULE TO CLAUSE 74.01 APPLICATION OF ZONES, OVERLAYS AND PROVISIONS**

### **1.0 Application of zones, overlays and provisions**

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This planning scheme applies the following zones, overlays and provisions to implement the Municipal Planning Strategy and the objectives and strategies in Clauses 11 to 19:

- Activity Centre Zone to the Traralgon Activity Centre.
- General Residential Zone, Neighbourhood Residential Zone or the Residential Growth Zone to existing residential areas as identified in the Housing Framework Plans.
- General Residential Zone – Schedule 1 in main towns
- General Residential Zone – Schedule 4 in small/district towns to ‘Future Local Activity Centre or Neighbourhood Activity Centres’ when they have been established.
- Urban Growth Zone to land where a precinct structure plan has been prepared or where a strategy has been prepared which identifies that the land is suitable for future urban development.
- Mixed Use Zone to:
  - areas close to town centres with potential for complementary residential, commercial and industrial activities.
  - local and neighbourhood activity centres in the larger urban centres.
- Township Zone generally to small and district towns, particularly the town centres.
- Low Density Residential Zone to larger residential lots on the fringes of the towns that are not within urban growth corridors.
- Industrial 1 Zone to main industrial estates.
- Industrial 3 Zone to light industrial and service industrial areas, and as a buffer between residential areas and the Industrial 1 Zone areas.
- Commercial 1 Zone to principal shopping and principal office areas excluding the Traralgon Activity Centre.
- Commercial 2 Zone to the peripheral sales areas.
- Farming Zone Schedule 1 to commercial agricultural areas.
- Farming Zone Schedule 2 to mixed farming areas.
- Rural Living Zone to areas committed to rural residential type use, including areas in Jeeralang, Yinnar South, Toongabbie, Glengarry, Tyers, Hazelwood North, Hazelwood South, Callignee and Moe South.
- Public Park and Recreation Zone to public open space areas.
- Schedule to Public Park and Recreation Zone to provide sign requirements for public open space areas based on Latrobe’s open space hierarchy.
- Public Conservation and Resource Zone to scenic, natural feature and conservation reserves, State, Regional and National parks, public forest areas and the like.
- Special Use Zone – Schedule 1 over Category A coalfields.
- Special Use Zone – Schedule 2 over the car sales yards along the Princes Highway in Traralgon.
- Special Use Zone – Schedule 3 to the Gippsland Heritage Park in Moe.
- Special Use Zone - Schedule 7 to the Latrobe Regional Airport.
- Development Plan Overlay and or Development Contribution Plan Overlay (including development contribution plans) to future urban growth areas and large

## LATROBE PLANNING SCHEME

undeveloped tracts of land requiring infrastructure, social services, recreation and open space coordination.

- Design and Development Overlays to:
  - areas requiring specific design solutions.
  - to ensure the safe operations of the Latrobe Regional Airport.
- Environmental Significance Overlay to:
  - areas where amenity buffers for coal, heavy industry or other identified uses are required **to manage amenity issues and land use conflicts**.
  - protect sites, areas and corridors of environmental significance.
- Heritage Overlay to heritage places and precincts.
- Land Subject to Inundation to floodprone areas as identified by the West Gippsland Catchment Management Authority.
- Floodway Overlay to floodprone areas as identified by the West Gippsland Catchment Management Authority.
- Bushfire Management Overlay to bushfire hazard level 2 areas where there is potential for extreme bushfire behaviour, consistent with state hazard criteria and mapping.
- Airport Environs Overlay - Schedule 1 and Schedule 2 to areas impacted by aircraft noise generated by the Latrobe Regional Airport.
- State Resource Overlay – Schedule 1 Gippsland Brown Coalfields to Category B and C areas to identify the balance of the Gippsland coalfields located within the municipality.
- Schedule to Public Open Space Contribution and Subdivision to fund the provision of open space through subdivision levy contributions that are proportionate to the needs of any intensified use resulting from subdivision



*Planning and Environment Act 1987*

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### AMENDMENT C122 – PLANNING POLICY FRAMEWORK TRANSLATION

#### EXPLANATORY REPORT

##### **Who is the planning authority?**

This amendment has been prepared by the Latrobe City Council, which is the planning authority for this amendment.

The amendment has been made at the request of Latrobe City Council.

##### **Land affected by the amendment**

The amendment applies to all land within the Latrobe City Council municipality.

A mapping reference table is attached at Attachment 1 to this Explanatory Report.

##### **What the amendment does**

The amendment proposes to replace the Municipal Strategic Statement (MSS) and the Local Planning Policy Framework (LPPF) at Clause 21 and Clause 22 of the Latrobe Planning Scheme with a Municipal Planning Strategy (MPS), local policies within the Planning Policy Framework (PPF) and revised local schedules to zones, overlays, particular, operational and general provisions, consistent with the structure introduced by Amendment VC148. The Amendment includes recommendations from the Latrobe Valley Planning Scheme Review, Latrobe Valley Economic Policy Strength Review, Mapping Review and Latrobe Valley Zones and Overlay Review. It also updates the background reports and updates to the Heritage Overlay Permit Exemptions and Application Requirements incorporated document. The Amendment deletes Design and Development Overlay Schedule 2 from maps 75 and 76.

Specifically, the amendment proposes to:

##### Municipal Planning Strategy

- Introduce a new MPS at Clause 02 based on content from Clauses 21 and 22 of the LPPF, the Economic Policy Strength in the Economic Growth Zone – Project 2, and the Latrobe Valley Planning Schemes Review.

##### Planning Policy Framework

- Introduce new and revised local policy content into the PPF at Clauses 11 (Settlement), 12 (Environmental and Landscape Values), 13 (Environmental Risks and Amenity), 14 (Natural Resource Management), 15 (Built Environment and Heritage), 16 (Housing), 17 (Economic Development), 18 (Transport) and 19 (Infrastructure) based on content from Clauses 21 and 22 of the LPPF, Economic Policy Strength in the Economic Growth Zone – Project 2, and Latrobe Valley Planning Schemes Review.
- Introduce a 'sunset provision' at Clause 15.01-1L (Urban Design).

##### Local Planning Policy Framework

- Delete Clause 21.01 – 21.10 from the Municipal Strategic Statement and Local Policies at Clause 22.01 – 22.03 as they have been translated into the MPS, PPF and relevant local schedules.

##### Zones

- Amend Clause 35.02s01 (Township Zone) to add neighbourhood character objectives;

- Amend Clauses 32.09s01 (Neighbourhood Residential Zone), 34.01s (Commercial 1 Zone), 36.01s (Public Use Zone), 37.01s01 (Special Use Zone 1), 37.01s06 (Special Use Zone 6) consistent with the Ministerial Direction – Form and Content of Planning Schemes;
- Amend Clause 35.05 (Rural Conservation Zone) to update property details where specific subdivision requirements apply and delete Hakea Court, Glengarry West as an administrative fix-up as the Rural Conservation Zone does not apply to this land following gazettal of Amendment C100;
- Amend Clause 37.01s01 (Urban Growth Zone) consistent with the Ministerial Direction – Form and Content of Planning Schemes and including update the Applied Zone Provisions to be consistent with the Latrobe City Council Housing Strategy and gazetted Amendment C105 (Live Work Latrobe); and
- Amend Clause 37.08s01 (Activity Centre Zone) consistent with the Ministerial Direction – Form and Content of Planning Schemes and to include design and development requirements previously contained in the local planning policy at Clause 21.09 of the LPPF

#### Overlays

- Amend Clauses 42.01s01 (Environmental Significance Overlay – Urban Buffer), 42.01s02 (Environmental Significance Overlay – Water Catchment), 43.02s03 (Design and Development Overlay – Princes Freeway Bypass), 43.02s05 and 06 (Design and Development Overlay – Latrobe Regional Hospital Emergency Medical Services Helicopter Flight Path Protection), 43.04s05 (Development Plan Overlay – Residential Growth Areas), 44.06s01 (Bushfire Management Overlay), 44.07s01 (State Resource Overlay), 45.06s01 (Development Contributions Plan Overlay – Lake Narracan), 45.09s01 (Parking Overlay – Traralgon Activity Centre) and 45.09s02 (Parking Overlay – Morwell CAD) with minor administrative changes and to be consistent with the Ministerial Direction – Form and Content of Planning Schemes;
- Amend 43.01s (Heritage Overlay) to introduce the update Incorporated Document Latrobe City Heritage Overlay Permit Exemptions & Application Requirements, April 2020;
- Amend 43.02s04 (Design and Development Overlay – Morwell East Industrial Precinct) consistent with the Ministerial Direction – Form and Content of Planning Schemes, front setback from 15 metres to 13 metres and delete floor area coverage;
- Amend 43.02s09 (Design and Development Overlay – Morwell East Bulky Goods Precinct and Traralgon East Bulky Goods Precinct) consistent with the Ministerial Direction – Form and Content of Planning Schemes and front boundary setback from 10 metres to 4 meters;
- Amend 43.04s02 (Development Plan Overlay – Flinders Christian Community College, Criagburn Place, Traralgon), 43.04s04 (Development Plan Overlay – Morwell East Bulky Goods Precinct and Traralgon East Bulky Goods Precinct), 43.04s06 (Development Plan Overlay – Residential Growth Areas), 43.04s07 (Development Plan Overlay – Traralgon North Residential Growth Area), 43.04s08 (Development Plan Overlay – Low Density and Rural Living Growth Areas), and 43.04s09 (Development Plan Overlay – Low Density Residential Growth Area – Glendonald Road, Churchill) consistent with the Ministerial Direction – Form and Content of Planning Schemes and include objectives;
- Amend 44.03s01 (Floodway Overlay) and 44.04s01 (Land Subject to Inundation Overlay) to make changes consistent with the review undertaken by Department of Environment Land, Water and Planning in consultation with West Gippsland Catchment Management Authority to ensure consistency where possible with Baw Baw Shire Council;

#### Particular Provisions

- Amend Clause 59.15 (Local VicSmart Applications) to include two new VicSmart provisions into the Latrobe Planning Scheme in accordance with the Latrobe Valley Zones and Overlay Review 2019; and
- Introduce Clauses 59.16s01 (Clause 52.17 Licensed Premises) and 59.16s02 (Clause 52.29 Land Adjacent to a Road Zone Category 1 or a Public Acquisition Overlay for a Category 1 Road) in accordance with the Latrobe Valley Zones and Overlay Review 2019

#### General Provisions

- Amend Clause 66.04s (Referral of Permit Applications Under Local Provisions) to update referral requirements on land identified in the Gippsland Coalfields due to changes at Clause

14.03-1R and referral requirements which were included in the Design and Development Overlay Schedule 5 and 6 which need to be relocated; and

- Amend Clause 66.06s (Notice of Permit Applications under Local Provisions) to include notice requirements in Design and Development Overlay Schedule 5 and 6 which need to be relocated.

#### Operational Provisions

- Amend the Schedule to Clause 72.04 (Documents Incorporated into this Planning Scheme) by revising the title and content of the Incorporated Document 'Latrobe City Heritage Overlay Planning Permit Exemptions and Application Requirements Incorporated Plan April 2020.
- Amend the Schedule to Clause 72.03 (What does this Planning Scheme consist of?) to delete maps 75DDO and 76DDO.
- Amend the Schedule to Clause 72.08 (Background Documents), to update and consolidate the background documents from Clauses 21.10 and 22 of the LPPF.
- Introduce a new Schedule to Clause 74.01s (Application of Zone and Overlays and Provisions) to provide an updated explanation of the relationship between the municipal objectives and strategies and the controls on the use and development of land in the planning scheme, previously contained in Clause 21.10 of the LPPF.
- Introduce a new Schedule to Clause 74.02s (Further Strategic Work) that updates all further strategic work actions previously contained in Clause 21.10 of the LPPF.

#### Maps

- Deletes Design and Development Overlay Schedule 2 from maps 75 and 76 in the Latrobe Planning Scheme

#### **Strategic assessment of the amendment**

#### **Why is the amendment required?**

The amendment is required to implement Stage 3 of the Smart Planning Rules and Policy Program to reform Victoria's planning system and change the Victoria Planning Provisions (VPP) to make planning schemes more efficient, accessible and transparent. The amendment is also required to implement the strategic work resulting from the Victorian Government's 'Planning in the Economic Growth Zone' project.

#### Planning Policy Framework

Amendment VC148 was introduced as part of the Victorian Government's Smart Planning Program to simplify and modernise Victoria's planning policy and rules to make planning schemes more efficient, accessible and transparent. The amendment implemented changes to the Victoria Planning Provisions (VPP) and planning schemes to clarify, simplify and improve their structure, function and operation, and to remove unnecessary regulation on 31 July 2018. More specifically, the amendment:

- introduced a new Planning Policy Framework (PPF),
- enabled the future introduction of a Municipal Planning Strategy (MPS),
- introduced a new state, regional and local integrated policy structure,
- modified the schedules to some existing zones, overlays and provisions to accommodate additional local content,
- created new operational provisions.

The PPF is the policy content of a planning scheme containing state policy (which includes regional policy) and local policy in a thematically integrated form. The PPF is complemented by an MPS at Clause 02 of the planning scheme. The MPS is a succinct expression of the overarching strategic policy directions of the planning authority.

The MPS provides:

- the foundation for the planning scheme's policy based on a municipality's location, regional context, assets and strengths, opportunities and challenges,
- an understanding of the matters that are important to the municipality from a planning perspective,
- the context for the local and relevant state policies in Clauses 10-19,
- an outline of what planning outcomes the municipality seeks to achieve, which are then implemented through controls and policy within the planning scheme.

The amendment adopts the new policy format to ensure the better alignment and integration of local planning policy with state planning policy.

Significant duplication is proposed to be removed, existing objectives and strategies clarified, statistical data updated, and administrative corrections made to improve the operation of local planning policy. Content is also proposed to be moved into local schedules to overlays, particular, general and operational provisions, as appropriate.

New local policy content has been drafted in accordance with the principles set out in *A Practitioner's Guide to Victorian Planning Schemes* to ensure policy content is:

- within the scope of the *Planning and Environment Act 1987* and strategically justified,
- clear in its application, proportional to the intended planning outcome and consistent with relevant parent provisions, practice notes, advisory notes and ministerial directions issued by the Minister for Planning, and
- drafted to be clear and unambiguous.

#### Planning in the Economic Growth Zone

In 2016, the Victorian Government declared the Latrobe Valley (Baw Baw Shire, Latrobe City Council and Wellington Shire) as an economic growth zone, following the closure of the Hazelwood Power Station and mine. The government provided \$266 million of funding to stimulate the economy by supporting new and existing businesses and create new jobs. Part of this initiative was the establishment of the Planning in the Economic Zone (PEGZ) project. PEGZ is a collaboration between the Department of Environment, Land, Water and Planning, the three councils and other agencies working together to create efficiencies and improvements to the planning system to achieve the collective goal of boosting economic development.

One of the key outputs of the PEGZ project is a comprehensive review of the Baw Baw, Latrobe and Wellington Planning Schemes. The key purpose of the review is to update and align consistent policies and directions across the three schemes, particularly those relating to settlements, economic development and extractive industry, to help facilitate development in the economic growth zone. A number of strategic projects have been undertaken to support this review, including:

- Economic Policy Strength in the Economic Growth Zone – Project 1 and Project 2, Urban Enterprise (2019).
- Flood Controls Review, Department of Environment, Land, Water and Planning (2020).
- Latrobe Valley Planning Schemes Review, Mesh (2018).
- Latrobe Valley Planning Scheme Review – Zones and Overlays, Glossop Town Planning (2019).
- Mapping update, Mesh (2019)

The amendment is required to implement the recommendations of the above strategic work, as part of the PEGZ project.

#### **How does the amendment implement the objectives of planning in Victoria?**

The amendment implements the following objectives of planning in Victoria, set out in section 4(1) of the *Planning and Environment Act 1987*:

- To provide for the fair, orderly, economic and suitable use, and development of the land.*
- To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*

f) To facilitate development in accordance with the objectives of planning in Victoria.

g) To balance the present and future interests of all Victorians.

The amendment proposes to update the Latrobe Planning Scheme with revised policy content which reflects the key strategic directions for the municipality. This will in turn provide for the orderly use and development of the municipality, consistent with the objectives of planning in Victoria.

#### **How does the amendment address any environmental, social and economic effects?**

The amendment is expected to have positive environmental, social and economic effects for businesses, industry and the community by:

- Improving the clarity of local policy content in the MPS, PPF and local schedules which will result in greater certainty for users of the system.
- Strengthening Latrobe's economic policy and tourism policies.
- Reducing unnecessary costs to applicants and councils by removing unclear and overly onerous planning requirements.
- Improving planning outcomes by removing errors, inconsistencies and incompatibility in local policy content in the MPS, PPF and local schedules.
- Improving consistency between the three planning schemes in the economic growth zone (Baw Baw, Latrobe and Wellington Planning Schemes), to help facilitate economic growth and development across the three municipal areas.

#### **Does the amendment address relevant bushfire risk?**

The amendment is not expected to result in any increase to the risk to life as a priority, property, community infrastructure and the natural environment from bushfire. Rather, it proposes to meet the objective and give effect to the strategies to address bushfire risk in the PPF by:

- Addressing bushfire risk in the MPS at Clause 13.02 as a key land use theme in the municipality and providing a brief overview and strategic directions in this regard, based on content previously contained in the LPPF at Clause 21.

#### **Does the amendment comply with the requirements of any Minister's Direction applicable to the amendment?**

The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* under Section 7(5) of the *Planning and Environment Act 1987*.

The amendment has been prepared in accordance with the strategic considerations set out in *Ministerial Direction No. 11 Strategic Assessment of Amendment* made under section 12 of the *Planning and Environment Act 1987*.

The amendment is consistent with Ministerial Direction 15 – the planning scheme amendment process, pre-set planning panel hearing dates have been sought.

The amendment is consistent with Ministerial Direction 18 – Victorian Planning Authority Advice on Planning Scheme Amendments which advice on the proposed changes to the Urban Growth Zone was sought on 18 May 2020.

#### **How does the amendment support or implement the Planning Policy Framework and any adopted State policy?**

The amendment introduces a new MPS at Clause 02 and local planning policies included at Clauses 11, 12, 13, 14, 15, 16, 17, 18 and 19. The new structure is summarised below:

New Clauses	Content and Proposed Change in the amendment
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11 Settlement	Introduces local policy relating to settlement, activity centres and structure planning in Latrobe City Council from content previously contained in the LPPF at 21.02 (Housing and Settlement) and Clauses 21.09 (Local Areas)
12 Environmental and Landscape Values	Introduces local policies relating to biodiversity and rivers and waterways from content previously contained in the LPPF at Clauses 21.03 (Environment and Landscapes), 21.05 (Natural Resource Management) and 21.09 (Local Areas).
13 Environmental Risks and Amenity	<p>Introduces local policies relating to bushfire planning, floodplain management, land use compatibility from content previously contained in the LPPF at 21.04 (Environmental Risk), 21.07 (Economic Development), 21.09 (Local Areas), 22.02 (Rural Dwelling and subdivision in the Farming Zone) and 22.03 (Rural Tourism in a Farming Zone).</p> <p>Updates policy in relation to land use compatibility of the Amenity Lifestyle Investigation Area. This policy was introduced as part of Amendment C87 (Traralgon Growth Areas Review), the policy has been updated to reflect the intent of this strategy.</p>
14 Natural Resource Management)	Introduces local policy relating to agricultural land, intensive agriculture, forestry and timber production and coal resources from content previously contained in the LPPF at Clauses 21.04 (Environmental Risk), 21.05 (Natural Resource Management), 21.09 (Local Areas), 22.01 (Intensive Agriculture), 22.02 (Rural Dwelling and subdivision in the Farming Zone) and 22.03 (Rural Tourism in a Farming Zone).
15 Built Environment and Heritage	<p>Introduces local policy relating to urban design, subdivision design, neighbourhood character, design for rural areas, energy and resource efficiency, heritage conservation from content previously contained in the LPPF at Clauses 21.02 (Housing and Settlement), 21.04 (Environmental Risk), 21.06 (Built Environment and Heritage), 21.08 (Transport and Infrastructure), 21.09 (Local Areas), 22.02 (Rural Dwelling and subdivision in the Farming Zone) and 22.03 (Rural Tourism in a Farming Zone).</p> <p>Introduces a 'sunset provision' at Clause 15.01-1L (Urban Design) to allow for further work to be undertaken to insert relevant urban design policy and design guidelines from the policy document into the Clause in accordance with the principles set out in the <i>A Practitioner's Guide to Victorian Planning Schemes</i>.</p>
16 Housing	<p>Introduces local policy relating to location of residential development, housing diversity, rural residential development and residential aged care facilities from content previously contained in the LPPF at 21.02 (Housing and Settlement), 21.06 (Built Environment and Heritage) and Clauses 21.09 (Local Areas)</p> <p>Introduces new policy in relation to residential aged care facilities this change relates to policy that was introduced with Amendment C105 (Live Work Latrobe) to reflect the intent of the Housing Strategy.</p>
17 Economic Development	Introduces local policy relating to diversified economy, innovation and research, business, out of centre development, sustainable industry and tourism from content previously contained in the LPPF at Clauses 21.02 (Housing and Settlement), 21.07 (Economic Development), Clauses 21.09 (Local Areas), 22.02 (Rural Dwelling and subdivision in the Farming Zone) and 22.03 (Rural Tourism in a Farming Zone).

	Introduces new policy relating to innovation and research, sustainable industry, and major attractions and commercial tourism, to implement strategic work from the Economic Policy Strength in the Economic Growth Zone – Project 1 and Project 2, Urban Enterprise (2019).
18 Transport	Introduces local policy relating to transport system, sustainable personal transport, road system, Latrobe Regional Airport and freight links from content previously contained in the LPPF at Clauses 21.02 (Housing and Settlement), 21.07 (Economic Development) and 21.08 (Transport and Infrastructure).
19 Infrastructure	Introduces local policy relating to pipeline infrastructure, health facilities, education facilities, social and cultural infrastructure, open space, infrastructure and design provision and integrated water management from content previously contained in the LPPF at Clauses 21.02 (Housing and Settlement), 21.03 (Environment and Landscapes), 21.04 Environmental Risk, 21.05 Natural Resource Management, Settlement, 21.07 (Economic Development) and 21.08 (Transport and Infrastructure).  Introduces policy in relation to open space that was previously contained in the Public Open Space Strategy to reflect the intent of this Strategy.

#### How does the amendment support or implement the Municipal Planning Strategy?

The amendment introduces a new MPS at Clause 02 of the Latrobe Planning Scheme. The new content is summarised below:

New Clauses	Content and Proposed Change in the amendment
02.01 Context	Provides a general overview of the municipality based on content previously contained in the LPPF at Clauses 21.01 Introduction: (Municipal Strategic Statement), 21.03 (Environment and Landscapes) and 21.05 (Natural Resource Management).
02.02 Vision	Provides the vision for the municipality based on content previously contained in the LPPF at Clause 21.01 (Introduction: Municipal Strategic Statement).
02.03 Strategic Directions	Addresses the key land use themes based on the PPF and provides a brief overview and strategic directions for each theme, based on content previously contained in the LPPF at 21.02 Housing and Settlement, 21.03 Environment and Landscapes, 21.04 Environmental Risk, 21.05 Natural Resource Management, 21.06 Built Environment and Heritage, 21.07 Economic Development, 21.08 Transport and Infrastructure, 21.09 Local Areas, 22.01 Intensive Agriculture, 22.02 Rural Dwelling and subdivision in the Farming Zone and 22.03 Rural Tourism in a Farming Zone.
02.04	Includes Strategic plans which should be read in conjunction with 02.03 strategic directions, includes new maps Economic Strategy Plan and Settlement Plan. All maps have been updated into the same format as part of the Mapping Review.

The policy content in the MPS outlines the strategic directions for the municipality and underpins the policy content in the PPF.

#### Does the amendment make proper use of the Victoria Planning Provisions?

The amendment introduces local policy and associated local policy content consistent with Amendment VC148 and the *Ministerial Direction - The Form and Content of Planning Schemes*.

Where appropriate, local policy content has been relocated to local schedules. For example, the relevant local policy content relating to the Traralgon Activity Centre (currently at Clause 21.09) has been placed in Schedule 1 to Clause 37.08 (Activity Centre Zone).

Where local schedules have been amended, the form of the schedule has been modified to accord with the current *Ministerial Direction - The Form and Content of Planning Schemes*.

The Practitioners Guide to the Victorian Planning Scheme has also been used when updating the PPF, Zones, Overlays and other content.

The Amendment is consistent with the following Planning Practice Notes:

- Planning Practice Note 13 – Incorporated and Background Documents
- Planning Practice Note 32 – Review of Planning Schemes; and
- Planning Practice Note 77 – Pre-setting panel hearing dates

All incorporated and background reports have been consistent with the Planning Practice Note. Only an update to an incorporated document has occurred. One new inclusion to the Background Report is the *Tourism and Events Strategy 2018-2022*.

The Latrobe Valley Planning Scheme Review was conducted in accordance with the Planning Practice Note.

Pre-setting panel dates have been sought and will be provided on this explanatory report prior to exhibition.

The Amendment is consistent with the following Planning Advisory Notes:

- Planning Advisory Note 48 – Ministerial Direction 15 – The Planning Scheme Amendment Process
- Planning Advisory Note 71 – Planning Policy Framework

The Amendment will be consistent with all requirements in planning advisory note 48 as the Amendment moves through the process.

#### **How does the amendment address the views of any relevant agency?**

The amendment makes administrative changes to the Latrobe Planning Scheme following approval of VC148. Various government agencies and other entities were involved in the identification or preparation of particular changes as part of the wider Smart Planning consultation.

The amendment makes policy changes and implements strategic projects undertaken as part of the PEGZ project. The PEGZ project has involved extensive consultation and collaboration with government agencies and councils, including Latrobe City Council, Baw Baw Shire Council, Wellington Shire Council, Department of Jobs, Precincts and Regions, Melbourne Water, and the West Gippsland Catchment Management Authority.

All relevant agencies will be consulted as part of exhibition of the amendment.

#### **Does the amendment address relevant requirements of the Transport Integration Act 2010?**

The amendment will not have a significant impact on the transport system as defined by the *Transport Integration Act 2010*.

#### **Resource and administrative costs**



- **What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?**

The amendment is not expected to impose additional resource or administrative costs on the responsible authority. Introducing revised local policy content in the form of the MPS and PPF is expected to create a clearer and more navigable policy framework, where state and local policy build on each other to allow policy to achieve its intended outcome.

Refinement of schedule provisions is expected to reduce workloads. This should have the effect of reducing the burden on the responsible authority of creating and administering local policy and other content in the scheme. Ultimately, the amendment will provide a clear set of planning guidelines and provisions that deliver a greater level of certainty to the community and other stakeholders within the municipality.

#### **Where you may inspect this amendment**

The amendment is available for public inspection, free of charge, during office hours at the following places:

Corporate Headquarters  
141 Commercial Road  
Morwell VIC 3840

Moe Service Centre  
1 – 29 George Street  
Moe VIC 3825

Churchill Service Centre  
9-11 Phillip Parade  
Churchill VIC 3842

Traralgon Service Centre  
34-38 Kay Street  
Traralgon VIC 3844

Also, Latrobe City Councils website at: <https://www.latrobe.vic.gov.au/HaveYourSay> and [https://www.latrobe.vic.gov.au/Property/Development/Planning\\_Scheme\\_Amendments/Current\\_Planning\\_Scheme\\_Amendments](https://www.latrobe.vic.gov.au/Property/Development/Planning_Scheme_Amendments/Current_Planning_Scheme_Amendments)

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at [www.planning.vic.gov.au/public-inspection](http://www.planning.vic.gov.au/public-inspection).

#### **Submissions**

Any person who may be affected by the amendment may make a submission to the planning authority. Submissions about the amendment must be received by 3 August 2020.

A submission must be sent to:

Latrobe City Council  
Strategic Planning Department  
PO Box 264,  
Morwell VIC 3840

Or

Attention: Strategic Planning  
[latrobe@latrobe.vic.gov.au](mailto:latrobe@latrobe.vic.gov.au)

#### **Panel hearing dates**

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: Week of Monday, 26 October 2020
- panel hearing: Week of Monday 30 November 2020

**ATTACHMENT 1 - Mapping reference table**

<b>Location</b>	<b>Land /Area Affected</b>	<b>Mapping Reference</b>
Latrobe Planning Scheme	141 Commercial Road, Morwell	Latrobe C122latr 001d-ddoMaps75_76 Exhibition

**Agenda Item: 14.2**

**Agenda Item:** Development of land with two (2) additional dwellings on a lot and a three (3) lot subdivision at 14 High Street, Moe

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

**Council Plan Objective:** Improve the liveability and connectedness of Latrobe City.

**Status:** For Decision

### **MOTION**

**Moved:** Cr Gibson

**Seconded:** Cr Law

**That Council issues a Notice of Decision to Refuse to Grant a Permit, for the development of land with two (2) additional dwellings on a lot and a three (3) lot subdivision at 14 High Street, Moe (CP 168949) on the following grounds:**

- 1. The proposal is inconsistent with the Planning Policy Framework in relation to urban design and neighbourhood character, which aim to ensure that infill development respects the neighbourhood character of an area and that the form and scale of new development enhances the public realm.**
- 2. The proposal is inconsistent with the purpose and decision guidelines of the General Residential Zone, which seeks to encourage development that respects the neighbourhood character of the area.**
- 3. The proposal fails to satisfy some of the standards contained within Clause 55 (Two or more dwellings on a lot) of the Latrobe Planning Scheme, and does not achieve an acceptable outcome in terms of neighbourhood character and infrastructure, site layout and building massing, on-site amenity and facilities and detailed design.**
- 4. The proposal does not comply with the decision guidelines of Clause 65 (Decision Guidelines) of the Latrobe Planning Scheme, including the purpose of the zone, the orderly planning of the area, namely visual amenity when considering the existing and preferred neighbourhood character and the density of the development.**

**CARRIED UNANIMOUSLY**

**Executive Summary:**

A planning permit application has been received which seeks to develop land with two (2) additional dwellings on a lot and a three (3) lot subdivision, each containing a single dwelling, at 14 High Street, Moe. The subject site is located within the General Residential Zone – Schedule 1 and is not affected by any overlays.

Following advertising of the application, eight objections were received to the application, raising the following concerns:

- The proposal does not fit with existing neighbourhood character/streetscape;
- The proposal will impact on the heritage value of the area;
- Increase in density as a result of the proposed development;
- Relocation of easements and NBN infrastructure;
- Reduction in property values;
- Reduction of natural light to the existing dwelling;
- accessibility of dwellings to people with disabilities;
- Removal of existing timber shed clad in asbestos;
- Impact on safety in regards to the dwellings being rented out;
- Safety regarding traffic and access to the proposed development; and
- Increase in traffic in the area

The applicant provided an individual response to each objection received which was circulated to the objectors. In response, no objections have been withdrawn.

The proposal has been considered against the relevant provisions of the Latrobe Planning Scheme (the Scheme) and the objections received to date and is not considered to have satisfied the purpose and decision guidelines of the General Residential Zone - Schedule 1. Overall, it is considered that the proposal is inconsistent with the relevant objectives and decision guidelines of the Scheme and the objectives of the relevant standards of Clause 55 of the Scheme.

It is therefore recommended that a Notice of Decision to Refuse to Grant a Permit be issued.

**Background:**

**Summary**

Land: 14 High Street, Moe, known as land in Plan of Consolidation  
168949T

Proponent: Pierre Dubois  
Zoning: General Residential Zone – Schedule 1  
Overlay: None affecting the subject land

A Planning Permit is required to subdivide land and for the construction of two or more dwellings on a lot in the General Residential Zone in accordance with Clause 32.08-3 and 32.08-6 of the Scheme.

### ***Proposal***

The application is for the development of land with two (2) additional dwellings on a 838 m<sup>2</sup> lot and a three (3) lot subdivision at 14 High Street, Moe.

Proposed lot 1 will retain the existing two bedroom single storey weatherboard dwelling with a pitched tin roof and include the addition of a new single carport and crossover along the High Street frontage. This proposed lot will be 418 m<sup>2</sup> with the existing dwelling being setback approx. 6 m from the frontage.

Proposed lot 2 will be 212 m<sup>2</sup> and contain a proposed two bedroom single storey dwelling (i.e. proposed dwelling 1) with a frontage to Moondarra Street. Proposed dwelling 1 will be setback approximately 4 m from the Moondarra Street frontage. The single storey dwelling is to be of brick construction with a pitched metal roof. The two bedroom dwelling will be provided with an attached single car garage. A secluded private open space area of approximately 26.12 m<sup>2</sup> is to be provided for the residents of this dwelling with an overall private open space area of approximately 62 m<sup>2</sup>. However, it is noted that the secluded private open space is proposed to be provided within the front setback of the property so as to enable easy access to living areas as well as northern light.

Proposed lot 3 will be 208 m<sup>2</sup> and contain a proposed two bedroom single storey dwelling (i.e. proposed dwelling 2) with a frontage to Moondarra Street and vehicle access via a new crossover to Bentley Street. Proposed dwelling 2 will be setback approximately 4 m from the Moondarra Street frontage with an attached single car garage proposed directly along the Bentley Street property boundary. The single storey dwelling is to be of brick construction with a pitched metal roof. A secluded private open space area of approximately 30.35 m<sup>2</sup> is to be provided for the residents of this dwelling with an overall private open space area of approximately 70 m<sup>2</sup>. However, it is noted that the secluded private open space is proposed to be provided within the front setback of the property so as to enable easy access to living areas as well as northern light.

Each dwelling will be provided with a new 3 m wide crossover achieving vehicle access via three separate streets (i.e. High Street, Moondarra Street & Bentley Street).

A copy of the development plans and site plan can be viewed in Attachment 1 of this report.

### ***Subject Land***

The subject site is irregular in shape and has a total area of 838 m<sup>2</sup>. The site is relatively flat and contains an existing single storey weatherboard dwelling. The subject land is mostly clear of vegetation with the existing vegetation being located primarily around the existing dwelling on the site. The nearest designated waterway is located approximately 260 m north-east of the subject land. There is an existing 3 m wide water easement managed by Gippsland water that traverses the subject land from east to west. It is noted that the applicant's discussion with Gippsland Water has resulted in this easement being extended by 1 m on the north side.

The subject land is located within an existing and well-established residential area of Moe. The surrounding and nearby properties are predominantly comprised of larger lots containing single dwellings and outbuildings with some smaller development of units evident throughout the neighbourhood.

### ***Surrounding Land Use***

North: Single storey dwellings in the GRZ1

South: Double storey dwelling in the GRZ1

East: Single & double storey dwellings in the GRZ1

West: Single storey dwelling in the GRZ1

A site context plan showing the location of the development can be viewed in Attachment 2 of this report.

### **Reasons for Proposed Resolution:**

The proposal is considered to be:

- Inconsistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Inconsistent with the 'Purpose', 'Decision Guidelines' & 'Neighbourhood character objectives' of the General Residential Zone – Schedule 1;
- Inconsistent with some of Clause 65 (Decision Guidelines); and
- The objection(s) received has been considered against the provisions of the Latrobe Planning Scheme and the relevant planning concerns have been considered.

### **Issues:**

#### ***Strategy Implications***

Strategy 9 of the Council Plan 2017-2021 seeks to "Implement a town planning regime which facilitates appropriate urban growth, industry diversification, liveability and connectivity of Latrobe City". An objective to achieve this strategy is to "Provide a connected, engaged and safe community environment, which is improving the well-being of all Latrobe City citizens".

## **Communication**

### ***Notification:***

The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987. Notices were sent to all adjoining and adjacent landowners and occupiers and a site notice was displayed on the site frontages for 14 days.

Following advertising of the application, eight submissions in the form of written objections were received.

A copy of the objections can be viewed at Attachment 3 of this report, a copy of the Applicants response to those objections can be viewed at Attachment 4 of this report and the location of objectors properties can be viewed at Attachment 5 of this report.

The following issued were raised in the objections:

1. The proposal does not fit with existing neighbourhood character/streetscape;

Comment:

It is considered that the proposal is inconsistent with the Planning Policy Framework in relation to urban design and neighbourhood character, specifically Clauses 15.01-1S, 15.01-2S and 15.01-5S, which aim to ensure that infill development respects the neighbourhood character of an area and that the form and scale of new development enhances the public realm. The proposal results in dwellings presenting unacceptable bulk and visual dominance to the streetscape, poor articulation that increases the visual bulk to Moondarra and Bentley Streets and poor integration with the existing streetscape.

The proposal is inconsistent with the purpose and decision guidelines of the General Residential Zone, which seeks to encourage development that respects the neighbourhood character of the area.

The proposal also fails to meet the standards and objectives of standard B1 (Neighbourhood character) as the proposed dwellings do not respect the existing or preferred neighbourhood character of the area, by:

- Presenting to the streetscape with excessive visual bulk;
- Providing minimal articulation and protrusions that increases visual bulk where present;
- Requiring solid front fencing, resulting in a presentation to Moondarra and Bentley Streets as visual mass, solid wall, car parking spaces and garage.

2. The proposal will impact on the heritage value of the area;

Comment:

The subject site is not affected by a Heritage Overlay and is not with an area of cultural heritage sensitivity. As such, this is not a relevant planning consideration.



3. Increase in density as a result of the proposed development;

Comment:

When assessing the proposal against the relevant provisions of the Planning Scheme and the local and state policy, the proposed development is considered to be an overdevelopment of the site. This is due to a combination of the number and design of additional dwellings and the size and shape of the lot which contribute to the visual bulk and massing of the proposal.

4. Relocation of easements and NBN infrastructure;

Comment:

It is noted that the widening of the existing water easement has been done at the request of Gippsland Water and will not impact on adjoining properties. Additionally, the application seeks to relocate the existing NBN cabinet located within the High Street nature strip to a new location within the nature strip in order to enable the construction of a new crossover. This relocation of the existing NBN service box is something that will require the written consent of NBN Co. and Council's Engineering team have listed that consent from NBN Co. is as a condition of any permit that may be issued.

5. Reduction in property values;

Comment:

A decrease in property values is not a relevant planning consideration.

6. Reduction of natural light to the existing dwelling;

Comment:

It is noted that the living room window of the existing dwelling on the site is already undercover due to the porch. As a result, the proposed carport for lot 1 will not reduce or alter the natural light to this window.

7. Accessibility of dwellings to people with disabilities;

Comment:

It is noted that the proposal in its current form does not comply with the B25 standard (Accessibility) as the proposed dwellings do not consider the needs of people with limited mobility in the design, by providing dwellings that have two steps at each entry point.

8. Removal of existing timber shed clad in asbestos;

Comment:

The removal and proper disposal of asbestos from any construction works is not a relevant planning consideration. Any construction work would need to be in strict compliance with the Occupational Health and Safety Act 2004 and the related regulations.

9. Impact on safety in regards to the dwellings being rented out;

Comment:

The renting of properties is not a relevant planning consideration. Furthermore, it is noted that any matters relating to criminal behaviour are to be referred to Victoria Police.

10. Safety regarding traffic and access to the proposed development; and

Comment:

The proposal including the provision of new crossovers and access to the dwellings has been considered by Council's Engineering team who have not raised any concerns regarding the traffic or safety issues for residents entering and exiting the site. However, it is noted that Engineering have requested that the proposed crossover for lot 1 be relocated or the fencing be shown to taper down in order to provide adequate site distances.

11. Increase in traffic in the area.

Comment:

The addition of two additional dwellings within a residential area of Moe is not considered to result in any unreasonable increase to traffic in the area. Furthermore, it is noted that the application was referred to Council's Engineering team who did not raise any concerns regarding traffic.

***External:***

The application was referred to the following authorities under Section 55 of the Act Gippsland Water, SP AusNet and APA Group who had no objection to the granting of a permit subject to the inclusion of relevant conditions on any permit issued for the proposal.

***Internal:***

The application was referred internally to Council's Engineering team.

The Engineering team provided conditional consent to the granting of a Planning Permit. A number of these conditions will require amendments to the plans prior to the commencement of any works or prior to the certification of the plan of subdivision (whichever is earlier), predominantly around achieving site distances for lot 1 as well as the provision of concrete footpaths for pedestrian access.

***Financial Implications***

Additional resources or financial cost will only be incurred should the planning permit application require determination at the Victorian Civil and Administrative Tribunal (VCAT). The anticipated time required for a Council Officer to prepare a VCAT submission and collate all relevant documentation is 7 business days with an additional three days required to attend and present at the appeal, totalling 10 business days.

This equates to a financial cost in the order of \$4,000. This cost would be far greater if a consultant is required to attend on Council's behalf and would likely be in excess of \$8,000.

*Risk Analysis*

<b>Identified risk</b>	<b>Risk likelihood*</b>	<b>Controls to manage risk</b>
<p><b>Reputational Risk</b></p> <p>Supporting an application which has received eight submissions which raise concerns including neighbourhood character, density, disability accessibility and amenity, etc.</p>	3 - Possible	The proposal has been considered against the Latrobe Planning Scheme and it is considered to be inconsistent with the relevant provisions.
<p><b>Reputational Risk &amp; Financial Risk</b></p> <p>Not supporting the application and the applicant seeking review of the decision at VCAT.</p>	3 - Possible	To manage and limit the potential risk the recommendation has been considered against the Planning Policy Framework and Municipal Planning Strategy.

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

**Legal and Compliance**

***Latrobe Planning Scheme***

The Planning Policy Framework (PPF) and Local Planning Policy Framework (LPPF) have been considered as part of the assessment of this application.

The following clauses are relevant to the consideration of this application.

***State Planning Policy Framework***

Clause 15.01-1S – Urban Design

Clause 15.01-2S – Building Design

Clause 15.01-3S – Subdivision Design

Clause 15.01-5S – Neighbourhood Character

Clause 16.01-1S – Integrated Housing

Clause 16.01-2S – Location of Residential Development

Clause 16.01-3S – Housing Diversity

Clause 16.01-4S – Housing Affordability

***Local Planning Policy Framework***

Clause 21.02-1 – Settlement

Clause 21.02-10 – Housing

Clause 21.02-13 – Limited Change Areas

Clause 21.06-1 – Urban Design & Neighbourhood Character

Clause 21.09-4 – Moe-Newborough

***Zoning***

The subject site is currently located within the General Residential Zone – Schedule 1. The purpose and decision guidelines of the zone have been considered as part of the assessment of the application as well as the purpose and guidelines of the Urban Design Guidelines.

***Overlay***

No overlays apply to the subject land.

***Particular Provisions***

Clause 53.01 Public Open Space Contribution and Subdivision:

A public open space contribution of 5 % is required for infill residential subdivision.

Clause 52.06 Car Parking:

Each two bedroom dwelling is provided with a single car garage that meets the dimension requirements specified in the Scheme.

Clause 55 Two or More Dwellings on a Lot:

The objectives of the relevant standards of Clause 55 have been considered as part of the assessment of the application. The proposal is considered to be inconsistent with the objectives of the relevant standards of Clause 55. A detailed assessment of the proposal against the requirements and standards of Clause 55 has been completed. The proposal fails to meet the standards and objectives of the following Clause 55 requirements:

- Clause 55.02-1 (Neighbourhood character objectives) the proposed dwellings do not respect the existing or preferred neighbourhood character of the area, by:
  - Presenting to the streetscape with excessive visual bulk;
  - Providing minimal articulation and protrusions that increases visual bulk where present; and

- Requiring solid front fencing, resulting in a presentation to Moondarra and Bentley Streets as visual mass, solid wall, car parking spaces and garage.
- Clause 55.02-5 (Integration with the street objective) the proposed dwellings fail to adequately integrate with the streetscape, by:
  - Requiring high, solid fencing along Moondarra and Bentley Streets in order to provide for SPOS within the front setbacks of the development.
- Clause 55.03-7 (Safety objective) the entrance to both proposed dwelling 1 and 2 will be visible from the street. However, it is noted that both entrances will be partially obscured when viewing them from an angled position due to the provision of a 1.95 m paling fence around the proposed secluded private open space located at the front of the properties. This will be further exacerbated by the landscaping that is proposed along the accessways that range from 1-3 m in height.
- Clause 55.03-9 (Access objective) the proposed access to lot 1 is not designed to allow safe movement, by:
  - Proposing a new crossover within 1 m of the side boundary in addition to the existing 1.8 m high fencing running along this boundary.
- Clause 55.01-1( Accessibility objective) the proposed dwellings do not consider the needs of people with limited mobility in the design, by:
  - Providing dwellings that have two steps at each entry point.
- Clause 55.06-1 (Design detail objective) although the dwellings are modest in size and are sympathetic to the surrounding area in terms of form, eaves and material the fencing around the site obscures the dwellings and results in the garages for the dwellings being visually prominent from the streets.
- Clause 55.06-2 (Front fences objectives) Schedule 1 to the GRZ requires a front fence height of 1.2 m. Whilst the proposal does propose to erect a 1.2 m metal railing fence along the majority of the property frontage, a 1.95 m high timber paling fence is also proposed around the secluded private open space in the front of the property. It is noted that this 1.95 m high fence will be setback approximately 1 m from the front property boundary at most places, with a 3.97 m section along of proposed lot 3 directly on the front boundary. The presence of high front fencing exacerbates the visual dominance of the proposed dwellings in the streetscape. The Moondarra, Railway Crescent and High Street frontages generally comprises low scale picket/open and/or brick fencing, such that the proposal will not form a continuation of other fencing in the area or be consistent with the streetscape setting.

Clause 56 Residential Subdivision:

The objectives and standards of Clause 56 have been considered through the Clause 55 assessment of the proposed development.

**Decision Guidelines** (Clause 65):

Clause 65.01 and 65.02 sets out the decision guidelines to be considered before deciding on any application.

**Incorporated Documents** (Clause 81):

- Australian Standard AS/NZS 2890.1:2004, Parking Facilities – Off-street car parking, Standards Australia 2004.
- Design Vehicles and Turning Path Templates, Austroads, 1995 (AP-34/95)

**Strategic direction of the State and Local Planning Policy Frameworks:**

The key elements of the Planning Policy Framework and Municipal Planning Strategy have been considered in the assessment of the application.

The proposal is inconsistent with the Planning Policy Framework in relation to urban design and neighbourhood character, specifically Clauses 15.01-1S, 15.01-2S and 15.01-5S, which aim to ensure that infill development respects the neighbourhood character of an area and that the form and scale of new development enhances the public realm. The proposal results in dwellings presenting unacceptable bulk and visual dominance to the streetscape, poor articulation that increases the visual bulk to Moondarra and Bentley Streets and poor integration with the existing streetscape.

Additionally, the proposal is considered to be inconsistent with clause 15.01-3S which seeks *'to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods'* and does not align with the strategy of *'being accessible to people with disabilities'*. Clause 21.02-12 has the objective to *'encourage higher density housing in the form of townhouses, units and dual occupancies, appropriate to the surrounding context'*. The proposal is not considered to be appropriate when taking into account the surrounding context and is inconsistent with the below strategies:

- Support new medium density development that provides a sensitive and appropriate interface with adjoining streetscapes, buildings and residential areas.
- Facilitate the development of streetscape character that contains private gardens in front yards, space between buildings, views to local landmarks and natural shade.

The proposal has also been assessed against the relevant Latrobe City Urban Design Guidelines (UDG) as referenced in Clause 21.06-1 and is found to be inconsistent with the street setback and presentation, vehicle access and garages, side setbacks and walls on boundaries and private open space and garden area requirements.

- Street setback and presentation

The purpose of this consideration is *'to ensure new dwellings complement the existing residential pattern and improves outlook to the street'*. Given that the

proposal includes the provision of solid high fencing within the front setbacks of the proposed development in order to accommodate private open space within the front setbacks, the proposal is not considered to align with this purpose.

- Vehicle access and garages

The UDG requires that the driveway length can accommodate 1 parked car (within encroaching onto footpath). It is noted that proposed dwelling 2 does not provide any driveway. Instead the proposal includes the provision of a garage that is sited directly on the property boundary.

- Side setbacks and walls on boundary

The UDG require that a minimum of 4 m rear setback should be achieved to ensure adequate space for private open space and landscaping. The two new proposed dwellings only have a rear setback of 1.5 m.

- Private open space and garden area

The UDG require that private open space is located to the rear or side of dwellings. The proposal includes the provision of the majority of private open space and secluded private open space within the front setback of the proposed dwellings. This is achieved by providing solid high fencing within the front setbacks.

***'Purpose' and 'Decision Guidelines' of the General Residential Zone – Schedule 1:***

The land is zoned General Residential Zone – Schedule 1 where a permit is required for the subdivision of land and the development of land with two or more.

The zone seeks *'to encourage development that respects the neighbourhood character of the area'*. Furthermore, the neighbourhood character objectives of Schedule 1 to the General Residential Zone seeks *'to ensure new medium density development provides a sensitive and appropriate interface with adjoining streetscapes, buildings and residential areas'* and *'to encourage the retention and planting of canopy trees in the front setback and encourage low or open style front fences'*. The proposed development is considered to result in dwellings presenting unacceptable bulk and visual dominance to the streetscape, poor articulation that increases the visual bulk to Moondarra and Bentley Streets and poor integration with the existing streetscape and surrounding neighbourhood. The surrounding area and neighbourhood is dominated by larger lots containing older detached dwellings and large private open space located to the rear of the dwellings with low and/or no front fencing. Additionally, the proposed subdivision which will create three small lots (two of which will be less than 212 m<sup>2</sup> does not align with the pattern of subdivision within the wider area.

Overall the proposal is considered to be inconsistent with the relevant objectives and decision guidelines of the Scheme and the objectives of the relevant standards of Clause 55 of the Scheme.

**Clause 65 (Decision Guidelines):**

Clause 65.01 and 65.02 sets out the decision guidelines to be considered before deciding on an application or plan or an application to subdivide land. Following an assessment against the relevant decision guidelines, the proposal is considered to be inconsistent with the following decision guidelines:

- The Municipal Planning Strategy and the Planning Policy Framework
- The purpose of the zone, overlay or other provision.
- Any matter required to be considered in the zone, overlay or other provision
- The orderly planning of the area.
- The effect on the amenity of the area
- The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.
- The density of the proposed development.
- The area and dimensions of each lot in the subdivision.
- The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.

**Options**

Council has the following options in regard to this application:

1. Issue a Notice of Decision to Grant a Permit; or
2. Issue a Notice of Decision to Refuse to Grant a Permit

Council's decision must be based on planning grounds, having regard to the provisions of the Latrobe Planning Scheme.

**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 1989*.

**Supporting Documents:**

Nil

**Attachments**

1. [Development Plans and Site Plan](#)
2. [Site Context Plan](#)
3. Copies of Objections (Published Separately)



This attachment 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. Contains objectors letters and their personal information

4. Copies of Applicants' Response to Objections (Published Separately)

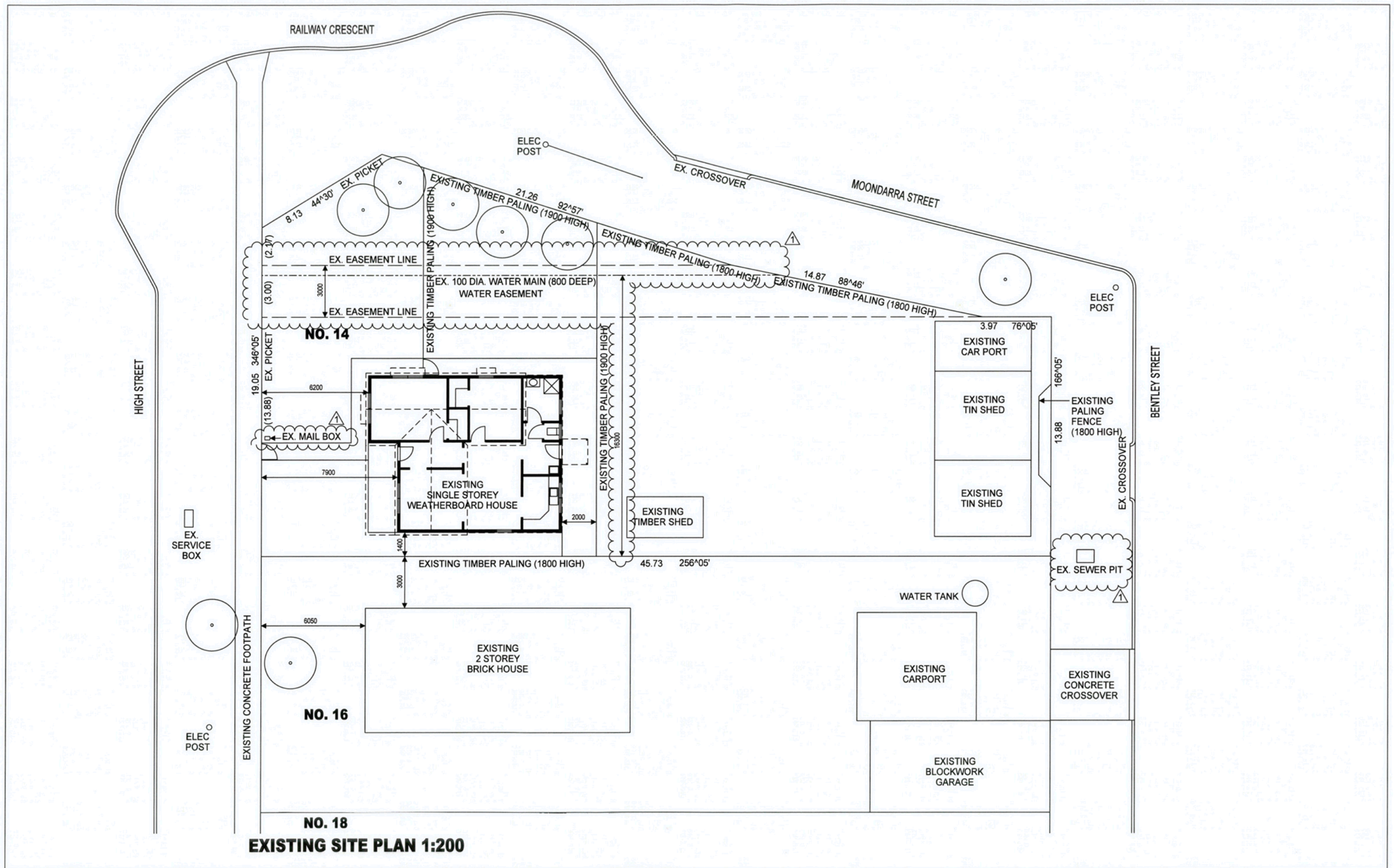
This attachment is designated as confidential under subsection (f) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. Contains applicants' response to objections

5. Location of Objectors' Properties

## **14.2**

### **Development of land with two (2) additional dwellings on a lot and a three (3) lot subdivision at 14 High Street, Moe**

<b>1</b>	<b>Development Plans and Site Plan .....</b>	<b>178</b>
<b>2</b>	<b>Site Context Plan .....</b>	<b>188</b>
<b>5</b>	<b>Location of Objectors' Properties .....</b>	<b>189</b>



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#	Revisions	Date	Drawn
0.	Town Planning Issue	21.08.2019	PD
1.	LCC Comments	07.02.2020	PD

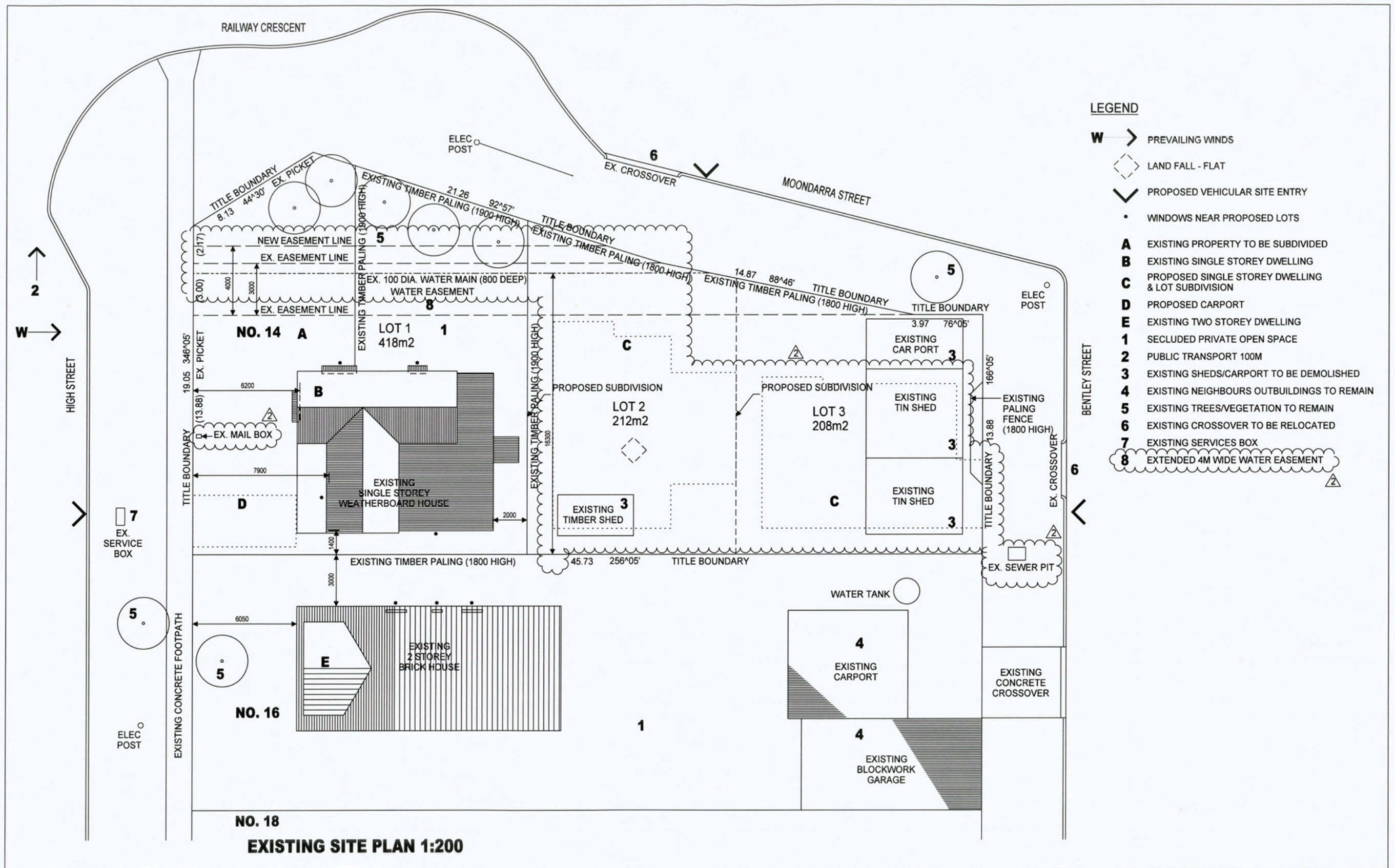


**RESIDENCE, 14 HIGH ST, MOE**  
**EXISTING CONDITIONS** **TOWN PLANNING ISSUE**

PROJECT NUMBER	DRAWING NUMBER	REVISION	
1901	TP01	1	
DATE	DRAWN	CHECKED	SCALE
30-04-2019	PD	PD	AS SHOWN@A3

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- LEGEND**
- W** → PREVAILING WINDS
  - ◇ LAND FALL - FLAT
  - ∨ PROPOSED VEHICULAR SITE ENTRY
  - WINDOWS NEAR PROPOSED LOTS
  - A** EXISTING PROPERTY TO BE SUBDIVIDED
  - B** EXISTING SINGLE STOREY DWELLING
  - C** PROPOSED SINGLE STOREY DWELLING & LOT SUBDIVISION
  - D** PROPOSED CARPORT
  - E** EXISTING TWO STOREY DWELLING
  - 1** SECLUDED PRIVATE OPEN SPACE
  - 2** PUBLIC TRANSPORT 100M
  - 3** EXISTING SHEDS/CARPORT TO BE DEMOLISHED
  - 4** EXISTING NEIGHBOURS OUTBUILDINGS TO REMAIN
  - 5** EXISTING TREES/VEGETATION TO REMAIN
  - 6** EXISTING CROSSOVER TO BE RELOCATED
  - 7** EXISTING SERVICES BOX
  - 8** EXTENDED 4M WIDE WATER EASEMENT

**EXISTING SITE PLAN 1:200**

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#	Revisions	Date	Drawn
0.	Town Planning Issue	21.08.2019	PD
1.	Updates to plan of subdivision	25.11.2019	PD
2.	LCC Comments	07.01.2020	PD

**RESIDENCE, 14 HIGH ST, MOE**

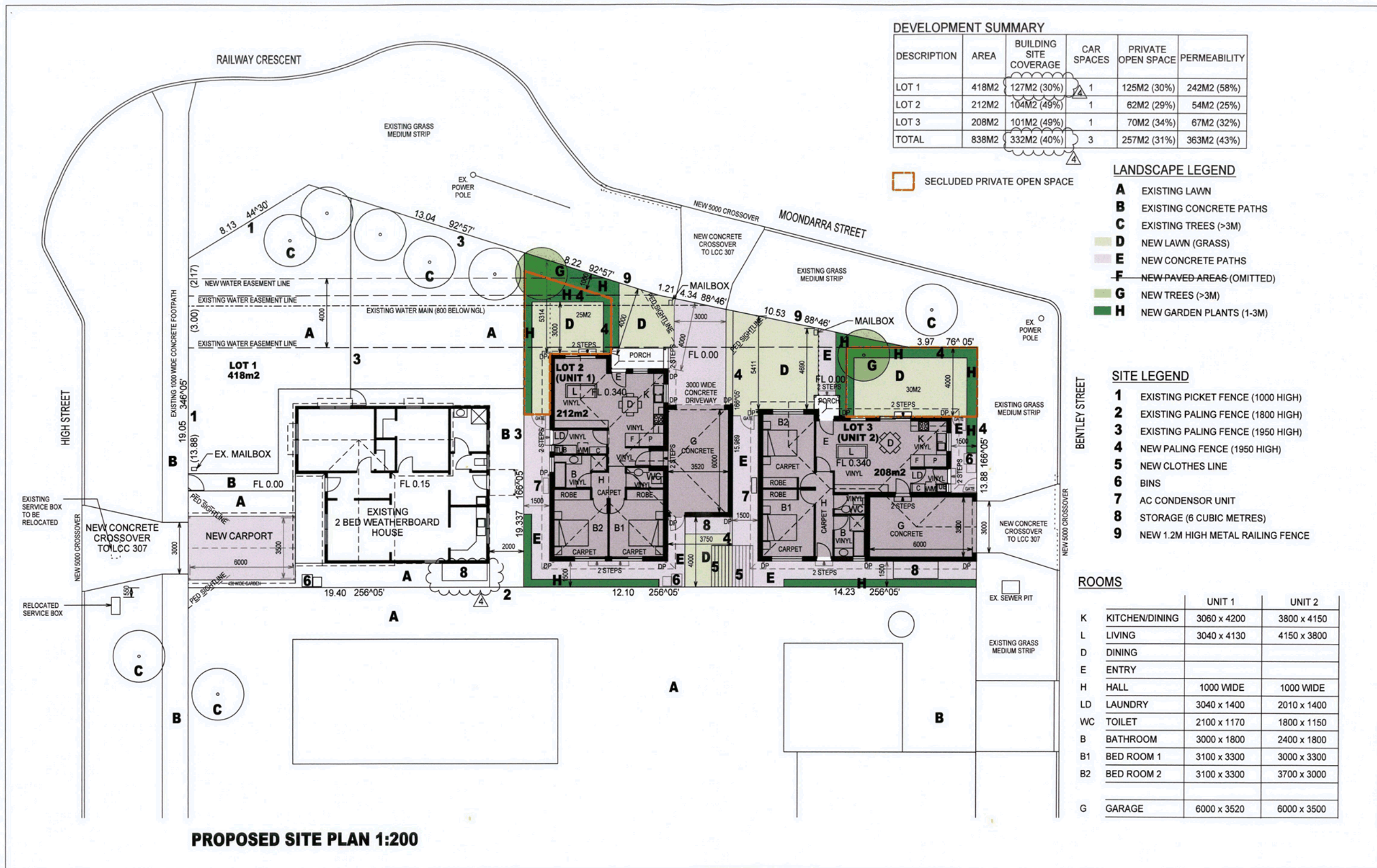
**SITE ANALYSIS**

**TOWN PLANNING ISSUE**

PROJECT NUMBER	DRAWING NUMBER	REVISION	
1901	TP02	2	
DATE	DRAWN	CHECKED	SCALE
30-04-2019	PD	PD	AS SHOWN@A3

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#	Revisions	Date	Drawn
1.	Town Planning Issue	21.08.2019	PD
2.	Updates to plan of subdivision	25.11.2019	PD
3.	LCC Comments	07.02.2020	PD
4.	LCC Comments - No.2	20.04.2020	PD



RESIDENCE, 14 HIGH ST, MOE

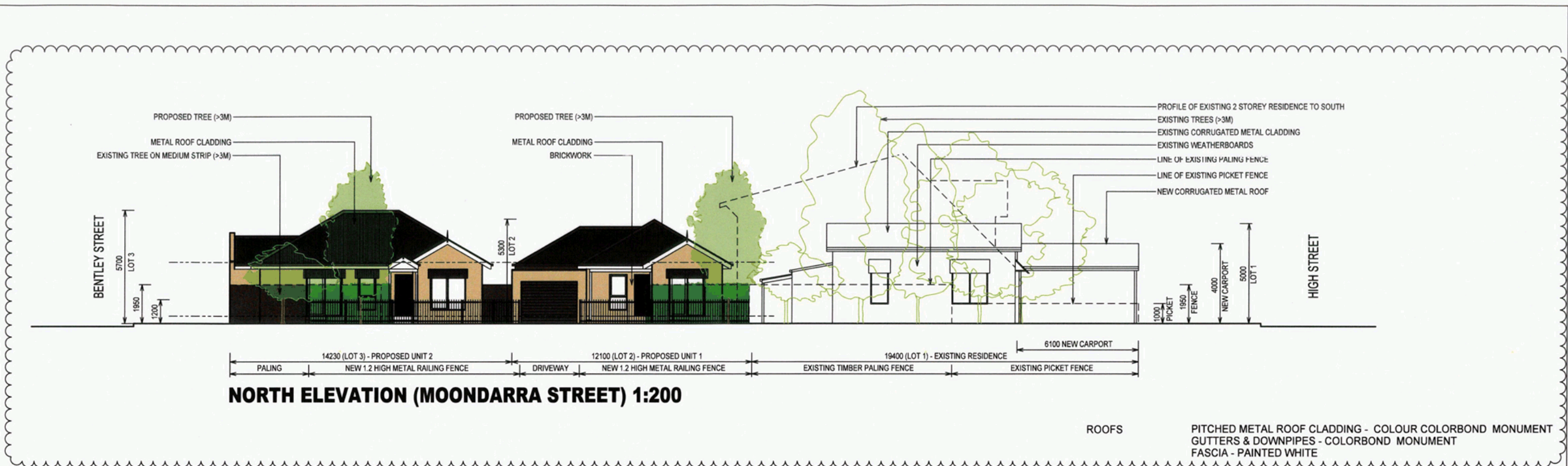
PROPOSED PLANS & LANDSCAPE PLAN

TOWN PLANNING ISSUE

PROJECT NUMBER	DRAWING NUMBER	REVISION	
1901	TP03	4	
DATE	DRAWN	CHECKED	SCALE
30-04-2019	PD	PD	AS SHOWN@A3

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#	Revisions	Date	Drawn
1.	Town Planning Issue	21.08.2019	PD
2.	LCC COMMENTS	07.02.2020	PD

**RESIDENCE, 14 HIGH ST, MOE**

**PROPOSED ELEVATIONS**

**TOWN PLANNING ISSUE**

PROJECT NUMBER	DRAWING NUMBER	REVISION	
1901	TP04	2	
DATE	DRAWN	CHECKED	SCALE
30-04-2019	PD	PD	AS SHOWN@A3

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#	Revisions	Date	Drawn
1.	Town Planning Issue	21.08.2019	PD
2.	LCC COMMENTS	07.02.2020	PD
3.	LCC COMMENTS No. 2	20.04.2020	PD

**RESIDENCE, 14 HIGH ST, MOE  
PROPOSED ELEVATIONS**

**TOWN PLANNING ISSUE**

PROJECT NUMBER	DRAWING NUMBER	REVISION
1901	TP05	3
DATE	DRAWN	CHECKED
30-04-2019	PD	PD
		SCALE
		AS SHOWN@A3

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- GARAGES/CARPORTS/SHEDS LESS THAN 1.5M SETBACK OR ON TITLE BOUNDARIES
- VEHICLE ACCESS

**ALLOTMENT/AERIAL PLAN 1:1000**

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#	Revisions	Date	Drawn



**RESIDENCE, 14 HIGH ST, MOE  
SITE STUDY - SHEET 1**

**TOWN PLANNING ISSUE**

PROJECT NUMBER	DRAWING NUMBER	REVISION	
1901	TP07	0	
DATE	DRAWN	CHECKED	SCALE
30-04-2019	PD	PD	AS SHOWN@A3

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**NO.22**                      **NO.20**                      **NO.18**                      **NO.16**                      **NO.14**  
**FIGURE 1. BENTLEY STREET (LOOKING EAST)**



**FIGURE 2. BENTLEY STREET (LOOKING WEST)**



**OPPOSITE NO.14**  
**FIGURE 3. MOONDARRA STREET (LOOKING NORTH)**

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#	Revisions	Date	Drawn

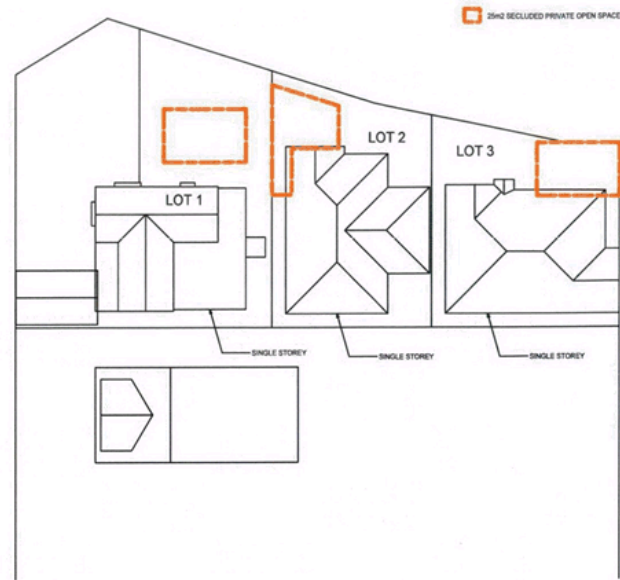
**RESIDENCE, 14 HIGH ST, MOE**  
**SITE STUDY - SHEET 2**

**TOWN PLANNING ISSUE**

PROJECT NUMBER <b>1901</b>	DRAWING NUMBER <b>TP08</b>	REVISION <b>0</b>
DATE 30-04-2019	DRAWN PD	CHECKED PD
		SCALE AS SHOWN@A3

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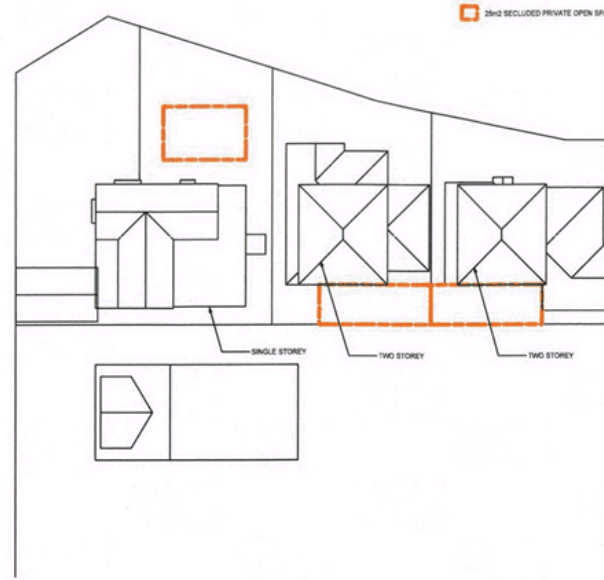
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**PROPOSED - NEW SINGLE STOREY UNITS  
SECLUDED PRIVATE SPACE LOCATION**

**PROPOSED - FRONT OF DWELLING**

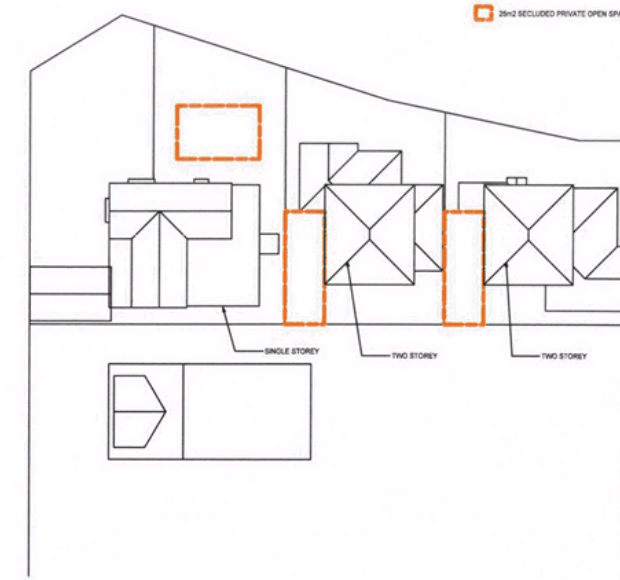
1. SECLUDED PRIVATE OPEN SPACE LOCATED TO MAXIMISE NORTH SUNLIGHT
2. NEW SECLUDED PRIVATE SPACE LOCATED OFF LIVING AREAS FOR GOOD DESIGN
3. NEW UNITS RETAINED AS SINGLE STOREY DWELLINGS SUITABLE FOR ELDERLY
4. PRIVATE OPEN SPACE TO FRONTAGES NOT UNUSUAL IN MORE URBAN COMMUNITIES
5. SECLUDED PRIVATE OPEN SPACE MAXIMISES DAYLIGHT AND NATURAL SUNLIGHT
6. SECLUDED PRIVATE OPEN SPACE MATCHES LOT 1 MAXIMISING NORTH SUNLIGHT
7. SECLUDED PRIVATE OPEN SPACE DOES NOT IMPACT LOCAL RESIDENCES
8. PROPOSAL IS THE PREFERRED PLANNING OUTCOME.



**AT REAR - NEW 2 STOREY UNITS**

**REAR OF DWELLING**

1. SECLUDED PRIVATE OPEN SPACE LOCATED TO SOUTH (REAR OF NEW DWELLING)
2. SECLUDED PRIVATE SPACE NOT LOCATED OFF LIVING AREAS
3. NEW UNITS MUST BECOME TWO STOREY DWELLINGS DUE TO SETBACKS
4. TWO STOREY UNITS IS NOT PREFERRED FOR ELDERLY RESIDENTS
5. OVERSHADOWING OF SECLUDED PRIVATE SPACE. SEE TP10.
6. NO NATURAL SUNLIGHT FOR MOST OF EACH DAY. POOR DESIGN. SEE TP10.
7. POOR DESIGN OUTCOME FOR NEW RESIDENTS
8. PROPOSAL IS A POOR PLANNING OUTCOME.



**AT SIDES - NEW 2 STOREY UNITS**

**SIDE OF DWELLING**

1. SECLUDED PRIVATE OPEN SPACE LOCATED TO WEST (SIDE OF NEW DWELLING)
2. SECLUDED PRIVATE SPACE NOT LOCATED OFF LIVING AREAS
3. NEW UNITS MUST BECOME TWO STOREY DWELLINGS DUE TO SETBACKS
4. TWO STOREY UNITS IS NOT PREFERRED FOR ELDERLY RESIDENTS
5. OVERSHADOWING OF SECLUDED PRIVATE SPACE. SEE TP10.
6. NO NATURAL SUNLIGHT FOR MOST OF EACH DAY. POOR DESIGN. SEE TP10.
7. SECLUDED PRIVATE OPEN SPACE POORER FOR SUNLIGHT ON EAST SIDE
8. POOR DESIGN OUTCOME FOR NEW RESIDENTS
9. PROPOSAL IS A POOR PLANNING OUTCOME.

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#	Revisions	Date	Drawn



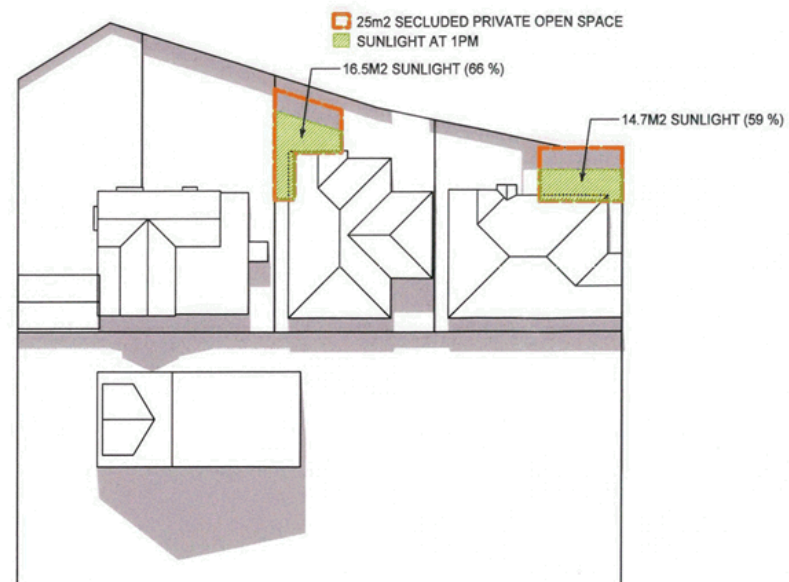
**RESIDENCE, 14 HIGH ST, MOE  
SITE STUDY - SHEET 3**

**TOWN PLANNING ISSUE**

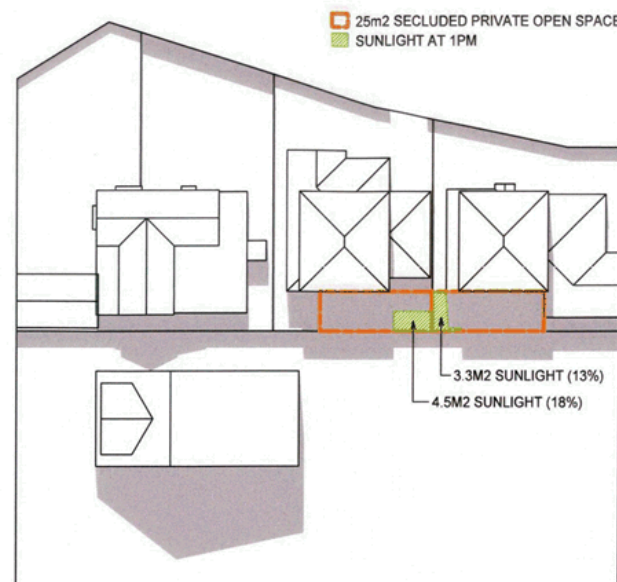
PROJECT NUMBER	DRAWING NUMBER	REVISION	
1901	TP09	1	
DATE	DRAWN	CHECKED	SCALE
30-04-2019	PD	PD	AS SHOWN@A3

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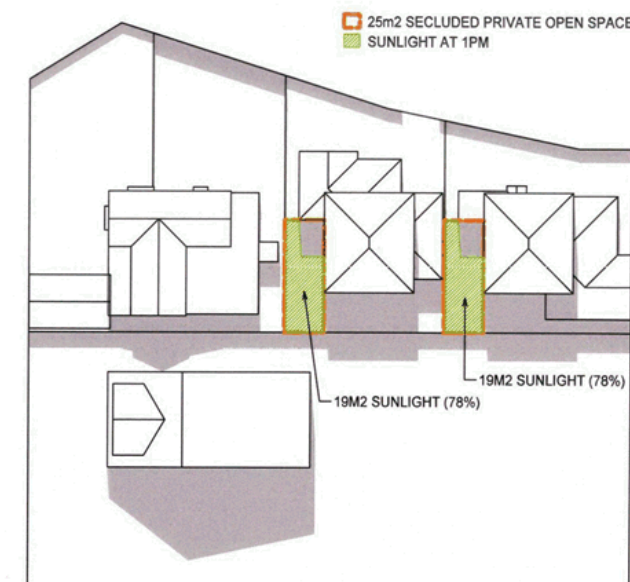
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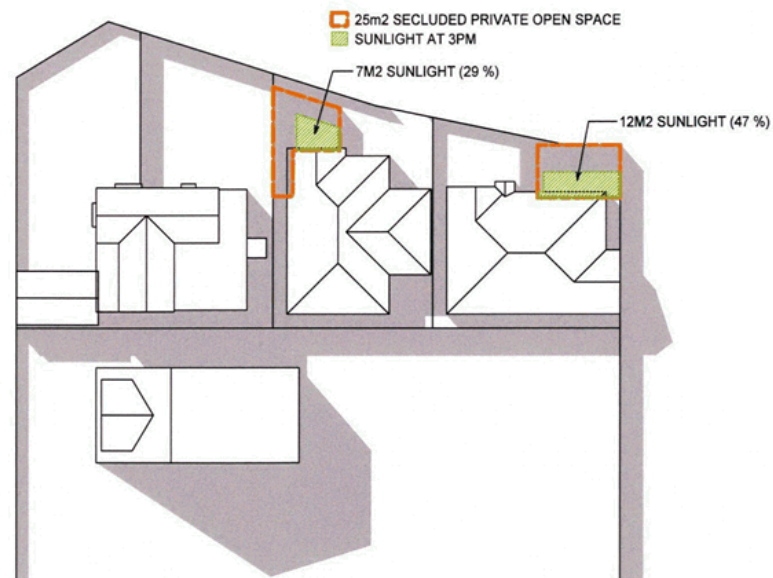
SECLUDED PRIVATE SPACE SHADOW DIAGRAMS - 22 SEPTEMBER - 1PM  
PROPOSED - SINGLE STOREY UNITS



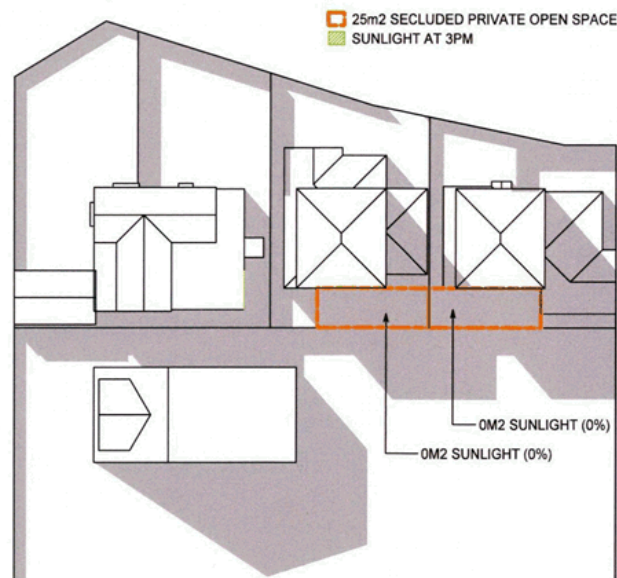
AT REAR - 2 STOREY UNIT



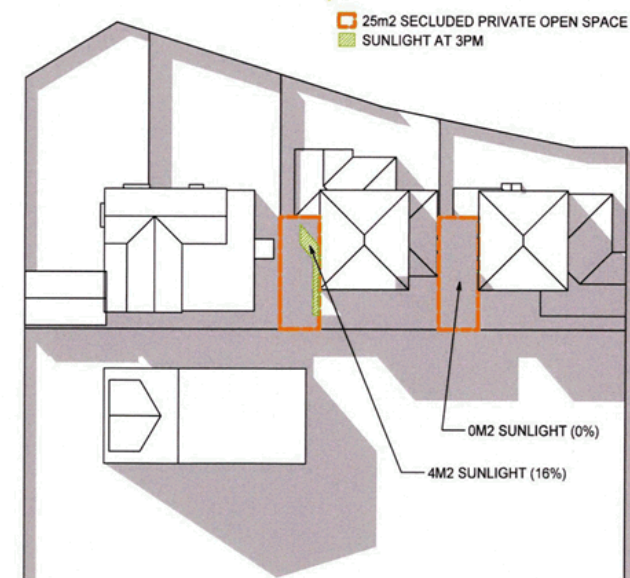
AT SIDES - 2 STOREY UNIT



SECLUDED PRIVATE SPACE SHADOW DIAGRAMS - 22 SEPTEMBER - 3PM  
PROPOSED - SINGLE STOREY UNITS



AT REAR - 2 STOREY UNIT



AT SIDES - 2 STOREY UNIT

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#	Revisions	Date	Drawn



RESIDENCE, 14 HIGH ST, MOE

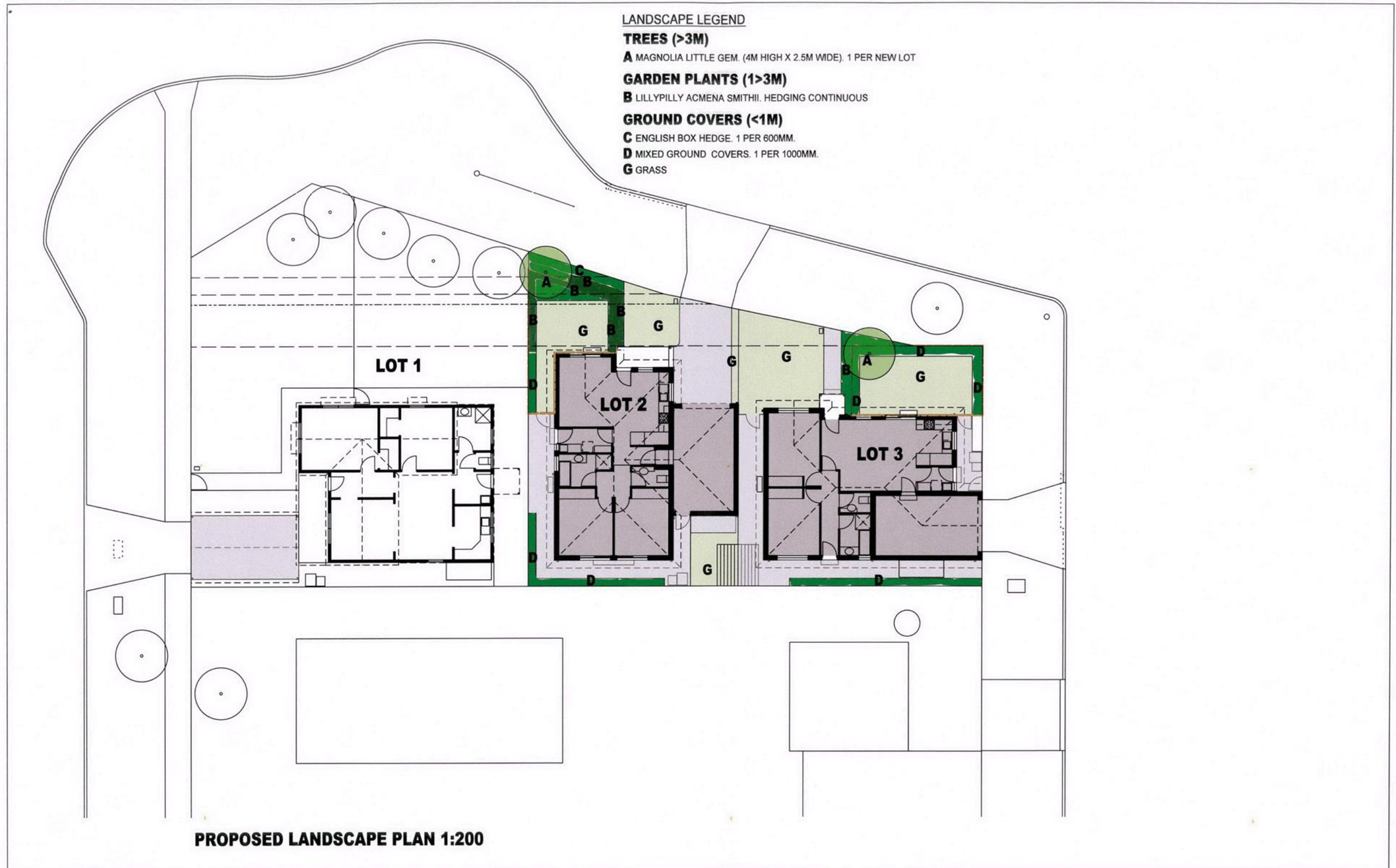
SITE STUDY - SHEET 4

TOWN PLANNING ISSUE

PROJECT NUMBER	DRAWING NUMBER	REVISION	
1901	TP10	1	
DATE	DRAWN	CHECKED	SCALE
30-04-2019	PD	PD	AS SHOWN@A3

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#	Revisions	Date	Drawn

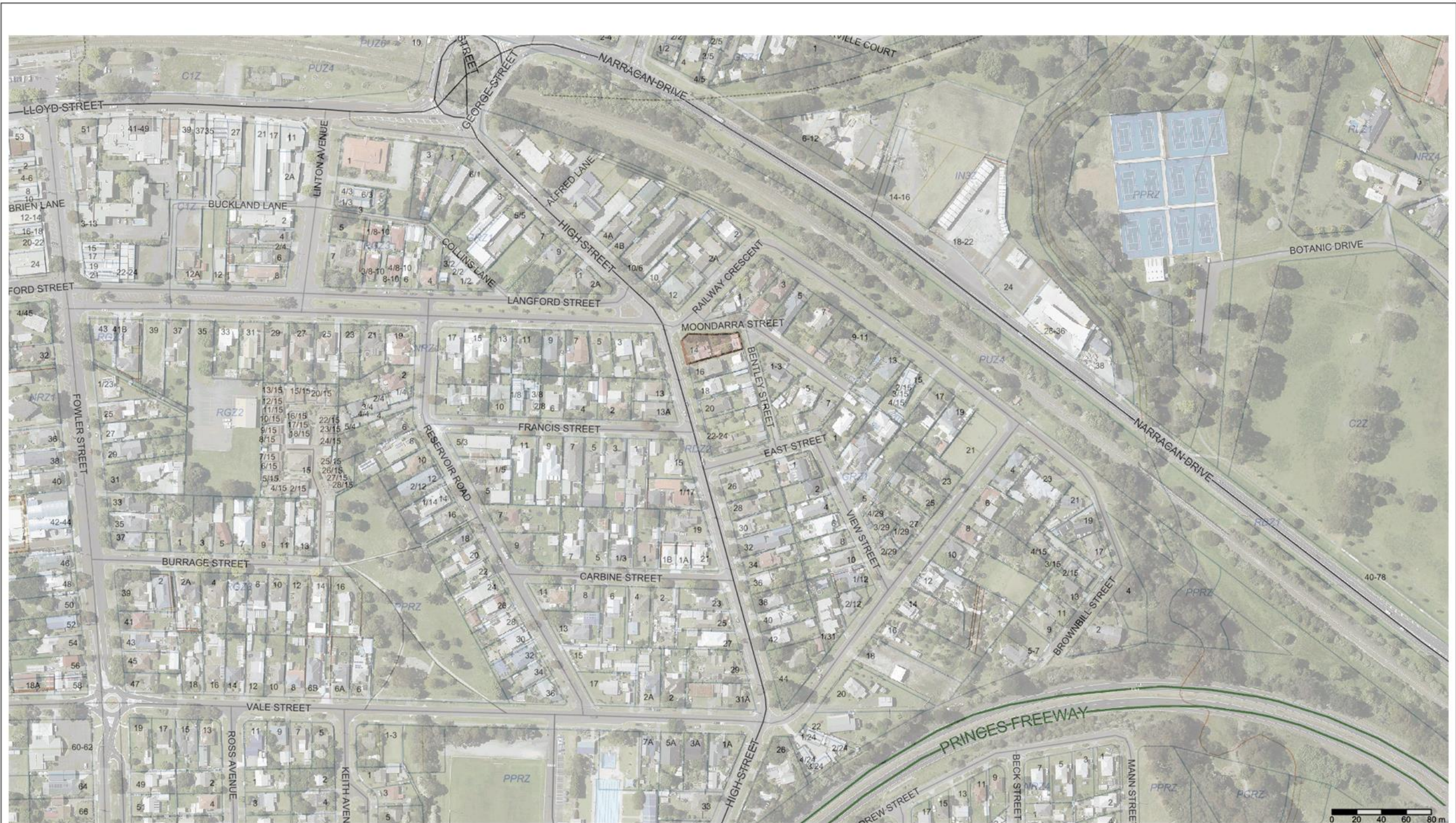


**RESIDENCE, 14 HIGH ST, MOE**  
**PROPOSED LANDSCAPE DETAIL PLAN** **TOWN PLANNING ISSUE**

PROJECT NUMBER	DRAWING NUMBER	REVISION	
1901	TP11	-	
DATE	DRAWN	CHECKED	SCALE
30-04-2019	PD	PD	AS SHOWN@A3

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**Note**  
 The information shown on this map is derived from a variety of sources including, but not limited to, Vicmap Data, other State and Local Government Agencies data and Latrobe City Data.

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2019/242 - Site Context Plan

5/08/2020

Scale 1:3000





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			<p>1:1250</p>	

# **ASSETS AND PRESENTATION**

## 15. ASSETS AND PRESENTATION

Agenda Item: 15.1

Agenda Item: Inter-Township Trail Network

Sponsor: General Manager, Assets and Presentation

Council Plan Objective: Improve the liveability and connectedness of Latrobe City.

Status: For Decision

Proposed Resolution:

That Council:

1. Endorses the Draft Inter-Township Trail Network Plan in principle;
2. Approves of the Inter-Township Trail network and associated information being incorporated into the Tracks Trails and Paths Strategy; and
3. Notes the stages identified to progress the Draft Inter-Township Trail Network Plan towards implementation.

### ALTERNATE MOTION

Moved: Cr Middlemiss

Seconded: Cr Gibson

That Council:

1. Endorses this Draft Inter-Township Trail Network Plan in principle, noting that proposed routes and associated commentary are indicative only.
2. Approves of the Inter-Township Trail network and associated information being incorporated into the Tracks, Trails and Paths Strategy as a separate section entitled, 'Inter-Township Shared Path Network'.
3. Notes the stages identified to progress the Draft Inter-Township Shared Path Network Plan towards implementation and notes that an even higher level stage aimed at Government Grant submissions may be required.
4. Prioritises implementation of the Network Plan as, (a) Boolarra-Yinnar (b) Traralgon Internal (c) Morwell-Yallourn North-Yallourn (d) Yinnar-



**Churchill-Morwell (e) Remaining proposals.**

5. That part, or full funding of preparation of the 'Inter Township Shared Path Network' proposal to a level suitable for Government grant funding applications be submitted each year for consideration in the Council Budget process. Budget submissions to align with the priorities above.

**CARRIED UNANIMOUSLY**

**MOTION**

**Moved:** Cr Harriman

**Seconded:** Cr Howe

**EXTENSION OF TIME**

That Council grants an extension of time to Cr Middlemiss.

**CARRIED UNANIMOUSLY**

**Executive Summary:**

Responding to the Council resolution of 6 June 2020 Council Officers have developed a draft network of trails to connect the major townships and regional trails. This was based on a simple high level desktop analysis using previous experience to estimate the feasibility and practicality of developing each trail linkage.

This draft network is Attachment 1 of this report.

Council has recently completed the Traralgon to Morwell Shared Path and from this work Council Officers have refined the process to ensure success for future major shared path/trail construction.

As these trails will cost several millions of dollars each, it is important that the process from planning to construction is undertaken substantially as follows:

- *'Desktop Analysis'* for either individual routes or several routes at a time to help guide route selection and identify the basic Regulatory, Physical, and Operational impediments.
- *'Field Analysis'* to quantify and expand on the identified impediments. A funding application for construction may be possible following this stage but a functional design will be required if there are aspects that may prevent construction.
- *'Functional Design'* of the preferred route(s) to confirm buildability and better estimate the costs to allow confident when applying for funding for detailed design and construction. This stage will allow costing estimates to be

sufficient to submit for grant funding to construct the route.

- *'Detailed Design'* to allow construction or funding applications for construction. This stage will allow costing estimates to within 10% accuracy.

The notable routes in the draft network are shown in Table E-1, which includes concept costs (i.e. plus or minus 50%)

Table E1 – notable routes and concept costs.

Route	Concept cost	
	Planning (Desktop and Field)	Design and Construction
Boolarra - Yinnar	\$ 60,000	\$ 4.2 m
Yinnar - Morwell	\$ 80,000	\$ 6.5 m
Churchill - Hazelwood	\$ 40,000	\$ 3.3 m
Morwell - Moe	\$ 80,000	\$ 8.2 m
Morwell - Yallourn North	\$ 80,000	\$ 6.8 m
Tyers - Traralgon	\$ 100,000	\$ 8.0 m
Yallourn North - Tyers	\$ 70,000	\$ 5.0 m
Tyers - Glengarry	\$ 80,000	\$ 4.5 m

Assuming that Council supports progressing the development of an Inter-Township Trail Network, and that the draft Inter-Township Trail Network is incorporated into an approved Tracks Trails and Paths Strategy, Council Officers consider that progressing towards implementation should be in the following stages:

1. To assess in further detail the impediments already identified and any other alternate routes to establish a likely priority of trail implementation (e.g. the routes that are most feasible and provide most community benefit);
2. To assess the likely impact to the operating budget (e.g. maintenance and operational costs) of providing a trail network;
3. Engage with stakeholders such as the private landowners and mine operators in respect of access to their land. While this may not be on what is identified as a high priority route, it is an important step that may take years to finalise and negotiate an agreement;

4. To complete detailed planning (Desktop and Field Analysis) of at least the higher priority routes to initial feasibility;
5. To complete the Functional Design of at least the high priority routes to confirm construction feasibility, address regulatory barriers, and to provide a good estimate of construction costs for funding applications;
6. To complete the Detailed Design of at least the high priority routes to confirm construction feasibility and a good estimate of construction costs; and
7. Construction.

**Background:**

At the 6 June 2020 Council meeting Council resolved:

*That Council requests:*

1. *Officers prepare a report for the August 2020 Ordinary Council Meeting that would inform Council in any consideration of a proposal to adopt a Master Plan for a Shared Path Network connecting existing and currently proposed Shared Paths and Rail Trails. That is, a Network within Latrobe City with connections to existing Paths/Rail Trails to Stratford and Mirboo North;*
2. *The report is to be what is termed a 'high level' or 'desk top study' and provide broad detail covering indicative costs and connection options for such a Network. Other matters that would be required to be considered in developing such a Network should also be listed; and*
3. *Officers preparing this report are guided by the schematic diagram of the existing, proposed and future connections suggested as being required as part of such a Network attached to this document and amended to include the following Paths:*

*Yallourn North to Tyers*

*Traralgon to Tyers Path*

*Tyers to Glengarry*

It is understood that the intention of this resolution was to create a plan showing a network of trails which connected the existing trails and shared paths already within Latrobe City, to form the basis for funding applications to develop the plan further and/or in support of progressing individual routes towards construction if funding opportunities became available.

Attachment 1 of this report provides a Draft Inter-Township Trail Network plan in response to this resolution.

This Draft Inter-Township Trail Network is well aligned the ‘*Gippsland Tracks and Trails Feasibility Study*’ undertaken by a consortium of Gippsland Councils under the guidance of the Gippsland Local Government Network and Destination Gippsland. This high level project focused on ‘Signature Trails’ such as iconic beach and mountain trails, as well as ‘Regional Trails’ such as the Grand Ridge Rail Trail (Mirboo North to Boolarra) and the Gippsland Plains Rail Trail (Stratford to Traralgon).

Council has the Tracks Trails and Paths Strategy (TTPS) adopted in 2016 that not only looks to fill gaps in the urban street pathway network and ensure links to destinations, but also examines ways to promote greater use of the entire pathway network within Latrobe City. The TTPS does not however consider inter-township shared trails in any practical way.

It is however, an appropriate document to host the Inter-Township Trail Network and so is proposed that the network as shown in Attachment 1 and a summary of the following information in detail on each route should be incorporated into the TTPS through its next review. The next review is planned to be completed within the next two years.

When it comes to planning and constructing large inter-township paths/trails/tracks, Council Officers learned a great deal in delivering the Traralgon to Morwell Shared path (T2M). While the path was several years in planning, a lot of the detailed planning did not progress beyond a high level desktop review, leaving actual detailed investigation (Desktop Analysis and Field Analysis) until after funding was obtained.

As a result, the T2M encountered a number of hurdles which threatened to stop the process entirely or severely hampered the delivery of the path. This included for example the authority to cross the Australia Paper railway line, impacts on areas of cultural heritage sensitivity that were fortunately not as high impact as they could have been, material supply and suitability, and the impact of biodiversity (rare grasses on the proposed route) to name a few.

The T2M experience has particularly highlighted the importance of detailed planning to ensure success for future major shared path/trail construction.

This is particularly important as these paths/trails cost several millions of dollars each to construct and are of significant interest to the community. The operating and maintenance costs are still being determined.

#### Stages to Route design

Therefore it is considered that development of future paths/trails should be progressed as per the following stages for either individual routes or several routes at a time.

1. ‘*Desktop Analysis*’, to help guide route selection and identify the basic regulatory, physical, and operational impediments as well as ongoing maintenance costs for Council. This stage will allow costing estimates to within 40% accuracy.

2. *'Field Analysis'*, to quantify and expand on the identified impediments. A funding application for construction may be possible at this stage but a functional design will be required if there are aspects that may prevent construction. This stage will allow costing estimates to within 25% accuracy.
3. *'Functional Design'*, of the preferred route(s) to confirm buildability and better quantify costs to allow surety of funding applications for design and construction. This stage will allow costing estimates to within 15% accuracy and is sufficient to submit for grant funding to construct the route.
4. *'Detailed Design'*, to allow construction or funding applications for construction. This stage will allow costing estimates to within 10% accuracy.

A more detailed description of these is included in Attachment 2 of this report.

Council Officers therefore consider that the next step, should Council wish to develop a network of inter-township trails would be to engage a consultancy to review all of the connection routes identified at a detailed desktop level to help prioritise the most appropriate/feasible/sustainable routes for which to seek funding to progress to the planning stage (Desktop and Field analysis).

Building and taking over some 40km of trails will introduce a significant annual maintenance cost. At this stage Council does not have a service against which to estimate this cost other than the annual maintenance grant provided to the Gippsland Rail Trail and the Grand Ridge Rail Trail.

However, these organisations rely heavily on volunteers and funding from other sources. So, while the grants give an indication of the maintenance and operating costs it is anticipated that in addition to prioritising the routes the consultant would help Council develop a good understanding of these costs.

#### Individual route reviews and cost estimates:

Attachment 3 of this report provides some more detail to the overall network plan shown in Attachment 1. It identifies most of the individual routes, provides high level cost estimates and identifies the apparent impediments most likely to impact these routes feasibility and/or actual costs of construction.

The estimated costs for the various components are concept only at this stage, as only a high level desktop review has been completed and annual maintenance costs are based on the per kilometre annual maintenance grant provided to existing rail trails. It is known that Council cannot rely on volunteers to reduce costs and a higher standard of compliance and maintenance is often obliged of councils.

Additionally, there are many possible routes available and while care has been taken to apply logic to the identification of the most practical routes (Attachment 1), a good understanding of the feasibility of delivering these routes will not be known until a Field Analysis is complete.

Further establishing the costs and final confirmation that the route is feasible relies on a Functional design, that includes undertaking or assessing the Cultural Heritage,

Native Title, basic engineering (such as geotechnical assessments and catchment analyses for example).

Assuming that Council supports progressing the development of an Inter-Township Trail Network, and that the draft Inter-Township Trail Network is incorporated into an approved Tracks Trails and Paths Strategy, Council Officers consider that progressing towards implementation should be in the following stages:

1. To assess in further detail for the entire network, the impediments already identified and any other alternate routes, to determine a likely priority of implementation (e.g. the routes that are most feasible and provide most community benefit);
2. To assess the likely impact to the operating budget (e.g. maintenance and operational costs) of providing a trail network;
3. Engage with stakeholders such as the private landowners and mine operators in respect of access to their land. While this may not be what is identified as a high priority route, it is an important step that may take years to finalise and negotiate an agreement. This must be done before seeking construction funding;
4. To complete detailed planning (Desktop and Field Analysis) of at least the higher priority routes to initial feasibility;
5. To complete the Functional Design of at least the high priority routes to confirm construction feasibility, address regulatory barriers, and to provide a good estimate of construction costs for funding applications;
6. To complete the Detailed Design of at least the high priority routes to confirm construction feasibility and a good estimate of construction costs; and
7. Construction.

**Issues:**

*Strategy Implications*

The development of a masterplan/strategy to help guide the development of an inter-township trail network is consistent with Council Plan Strategic Objective 3: *Improve the liveability and connectedness of Latrobe City.*

*Communication*

No communication was undertaken in the preparation of this report. It is a high level desktop assessment and no time was available to engage with any stakeholders.

*Financial Implications*

It is important to note that the estimated costs within this report are not founded on a strong history of building and delivering trail networks. In particular the estimated cost of maintaining is derived from Rail Trail maintenance grants that may not be accurate for a Council maintained trail network.

Any proposed expenditure arising from the masterplan/strategy would be subject to the normal budget process.

*Risk Analysis*

There are no risks associated with the resolution in itself. Although the report does consider financial risks, it does not explore any risks of providing a trail network.

*Legal and Compliance*

There are no legal or compliance implications associated with this report.

*Community Implications*

There are no community implications associated with this report.

*Environmental Implications*

There are no environmental implications associated with this report.

*Consultation*

No consultation has been undertaken as a part of this report.

*Other*

It is noted that there is considerable interest from some community groups.

**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 1989*.

**Supporting Documents:**

Latrobe City Tracks Trails and Paths Strategy.

**Attachments**

- 1 [↓](#). Draft Inter-Township Trail Network Plan
- 2 [↓](#). Detail of the planning process for Major Trail development
- 3 [↓](#). Notable routes - Detail and Estimated costs

# 15.1

## Inter-Township Trail Network

1	Draft Inter-Township Trail Network Plan .....	200
2	Detail of the planning process for Major Trail development .....	201
3	Notable routes - Detail and Estimated costs .....	204



# DRAFT Inter-township Trail Network

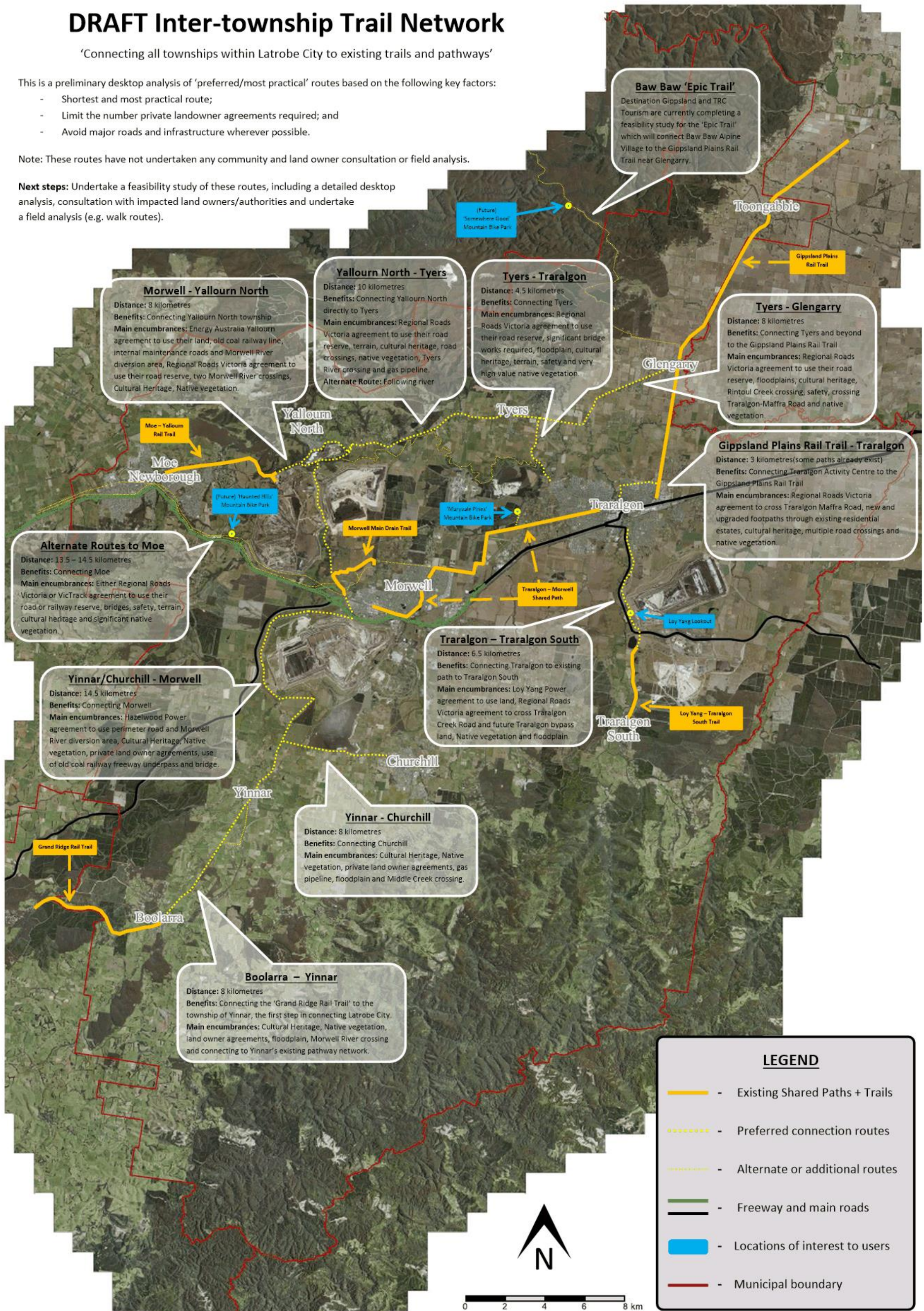
'Connecting all townships within Latrobe City to existing trails and pathways'

This is a preliminary desktop analysis of 'preferred/most practical' routes based on the following key factors:

- Shortest and most practical route;
- Limit the number private landowner agreements required; and
- Avoid major roads and infrastructure wherever possible.

Note: These routes have not undertaken any community and land owner consultation or field analysis.

**Next steps:** Undertake a feasibility study of these routes, including a detailed desktop analysis, consultation with impacted land owners/authorities and undertake a field analysis (e.g. walk routes).



## ATTACHMENT 2 Inter-Township Trail Network

Detail of the steps required to ensure a successful major trail project. Due to the limited experience in designing and constructing trails all cost estimates are concept level only.

### **Desktop Analysis:**

The first step is to complete a remote desktop analysis, to review all information and data available to Council Officers and identify:

- potential routes;
- land ownership and impact;
- location of floodplains, waterways and vegetated areas etc;
- location of existing infrastructure including roads, pipelines and cables etc; and
- preliminary negotiations likely required with impacted land owners and agencies.

At this level stage the ability to deliver the project is, say typically 75% confirmed accurate and the costs are estimated such that a contingency of 40% is required subject to the potential impediments identified and the complexities of the route.

### **Field Analysis:**

The next step is to undertake an analysis “in the field” to identify other impediments not discovered in the remote desktop analysis, to investigate the varying degrees of identified impediments to either overcome them or to quantify them, and to get better estimates of the eventual cost.

The costs for cultural heritage assessments and any archaeology work is not included in the estimates in the main body of the report.

This stage would involve tasks such as:

- Agree with stakeholders on commitments to access lands or cross infrastructure such as easements, fencing, and maintenance requirements;
- Assess the true grades and at least a visual assessment of ground conditions and drainage requirements;
- Identify previously unidentified requirements such as retaining walls and overhead clearance issues;
- Assess the practicality of crossing specific waterways, potentially including geotechnical investigations for larger structures;
- Engage with relevant agencies over the route, and potentially undertake assessments for/with:
  - West Gippsland Catchment Management Authority'
  - Native Title assessment; and

- Cultural Heritage reports.
- Undertake a Native Vegetation Assessment and estimate the offset requirements;
- Negotiate with Road and Rail authorities (as necessary) any access or crossing requirements and prepare and seek approval based on a functional design if at all possible; and
- Identify any services impacts or requirements.

The Field Analysis will identify the majority of these potential impediments, confirm the feasibility of the route and further refine the estimated potential cost.

### **Functional Design:**

If the serious impediments are resolved or shown that they can be resolved, the next step is to select a final route to be estimated. The step includes

- High level engineering such as catchment analysis of creeks and waterways to determine flows and bridge or boardwalk sizes, geotechnical analysis;
- Legal and land survey of creek, road and rail crossings and easements required;
- Undertake any outstanding assessments such as:
  - Cultural Heritage;
  - Native Vegetation; and
  - Native title.
- Finalise outstanding negotiations and secure key easements;
- Arrange electricity supply if required for any lighting or control items; and
- Design any Arterial Road and Railway crossings and secure agreements with all regulatory authorities.

At this level the ability to deliver the project could be almost 100% confirmed if all of the serious impediments such as landholder agreements are secured in some manner, and the costs are estimated such that a contingency of approximately 15% is required.

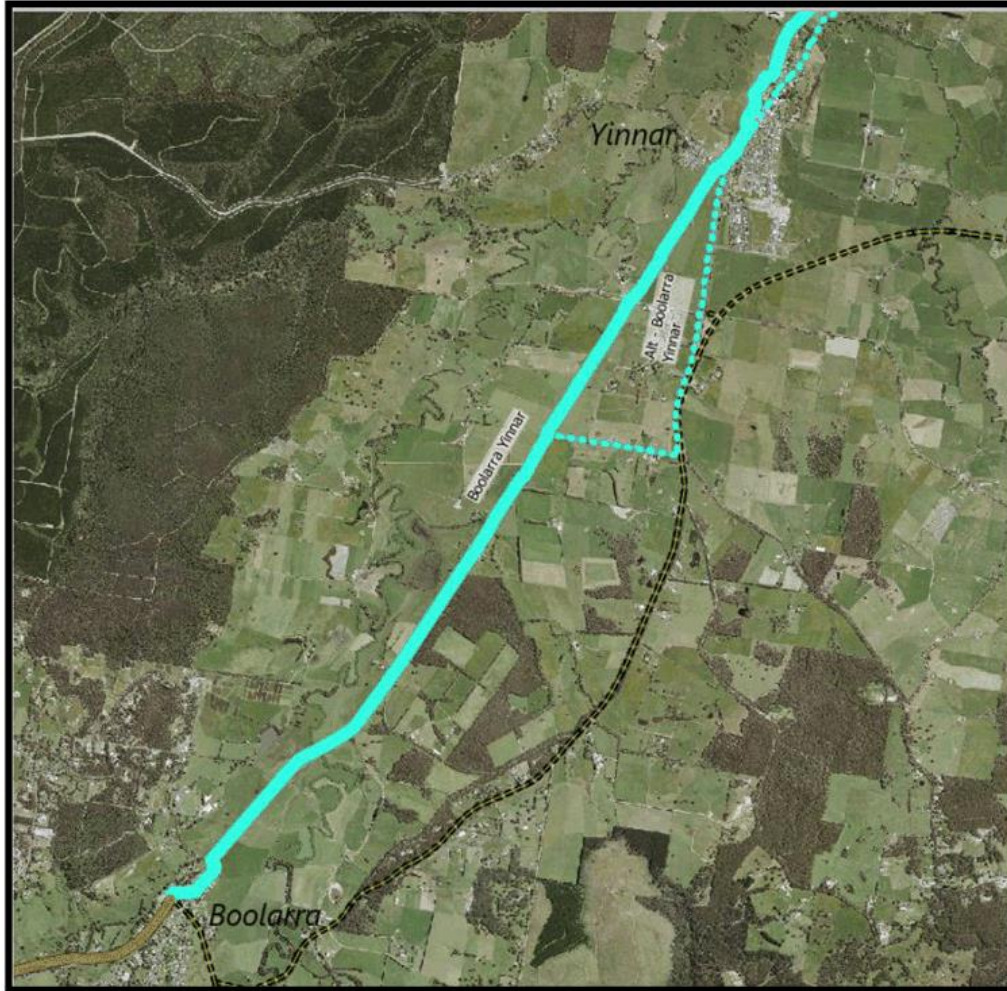
A cultural heritage assessment near a watercourse can cost between \$100,000 and \$200,000. If the assessment finds strong evidence of artefacts, preserving and protecting these will cost substantially more. Council Officers have not been involved in this as the most recent sites, while finding some artefacts did not trigger this activity, and this cannot estimate the costs.

### **Detailed Design:**

Once a route has been determined, the required infrastructure identified, landholder agreements negotiated and documented in a manner such as a binding contract or secured easements. Detailed design can be undertaken to provide surety of deliverability and cost to within typically 10%.

The cost of Detailed Design for all of the routes in Attachment 1 depends greatly on the level of detail in the Functional Design and the detail in the route.

Designing a bridge could cost \$200,000, designing a rail crossing with signals up to \$200,000. Surveying and designing a simple path (excluding such specific items such as bridges) could be in the order of \$30,000 per km.

**BOOLARRA TO YINNAR****Map:****Distance:** 8 kilometres

**Main encumbrances:** Cultural Heritage, Native vegetation, land owner agreements, floodplain, Morwell River crossing and connecting to Yinnar's existing pathway network.

**Concept estimated costs: Boolarra to Yinnar**

Desktop Analysis	\$20,000
Field Analysis	\$40,000
Regulatory costs	\$500,000
Functional and Detailed design	\$125,000
Construction	\$3,500,000
Annual Maintenance	\$11,000

**YINNAR – MORWELL**

**Map:**



**Distance:** 16 kilometres

**Main encumbrances:** Hazelwood Power agreement to use perimeter road and Morwell River diversion area, Cultural Heritage, Native vegetation, private land owner agreements, use of old coal railway freeway underpass and bridge.

**Concept estimated costs:** Yinnar to Morwell:

Desktop Analysis	\$30,000
Field Analysis	\$50,000
Regulatory costs	\$400,000
Functional and Detailed design	\$200,000
Construction	\$6,000,000
Annual Maintenance	\$22,000

**HAZELWOOD- CHURCHILL**

**Map:**



**Distance:** 8 kilometres

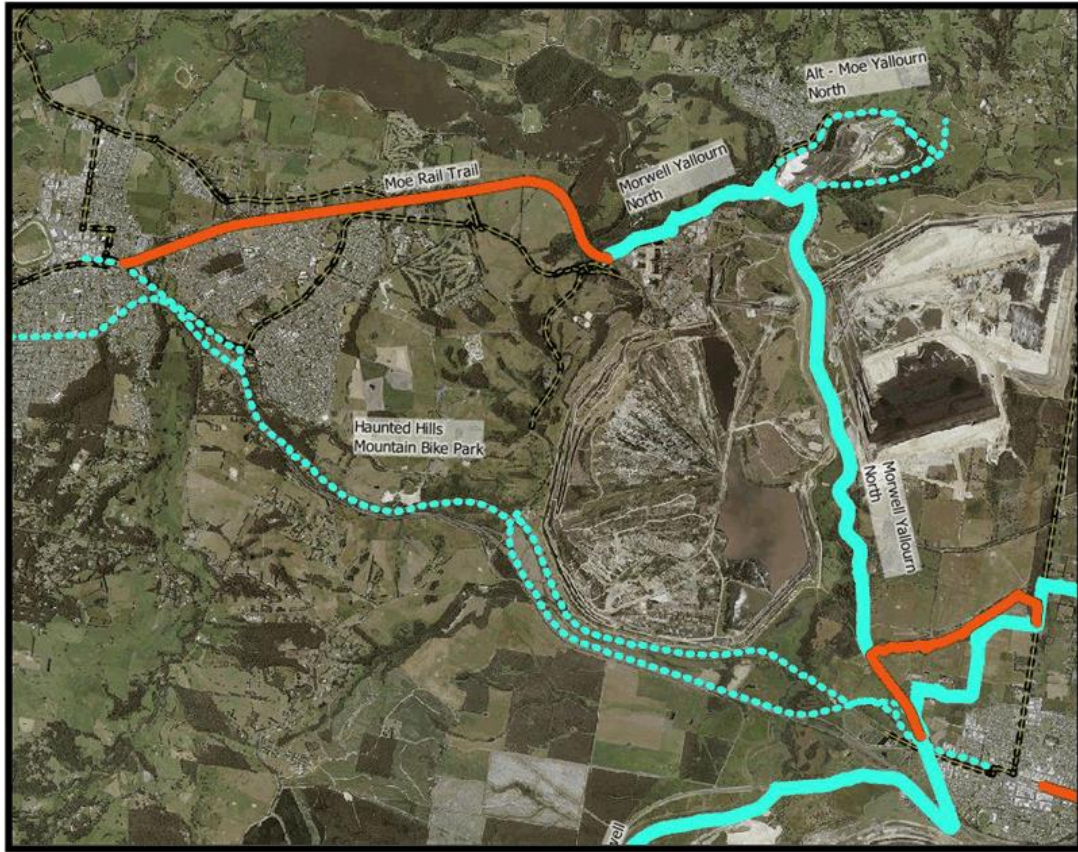
**Main encumbrances:** Cultural Heritage, Native vegetation, private land owner agreements, gas pipeline, floodplain and Middle Creek crossing

**Concept estimated costs:** Churchill to Hazelwood

Desktop Analysis	\$20,000
Field Analysis	\$20,000
Regulatory costs	\$200,000
Functional and Detailed design	\$100,000
Construction -	\$3,000,000
Annual Maintenance	\$11,000

**MORWELL - MOE**

**Map:**



**Distance:** 14 kilometres along a combination of either freeway and railway

**Main encumbrances:** Either Regional Roads Victoria or VicTrack agreement to use their road or railway reserve, bridges, safety, terrain, cultural heritage and significant native vegetation

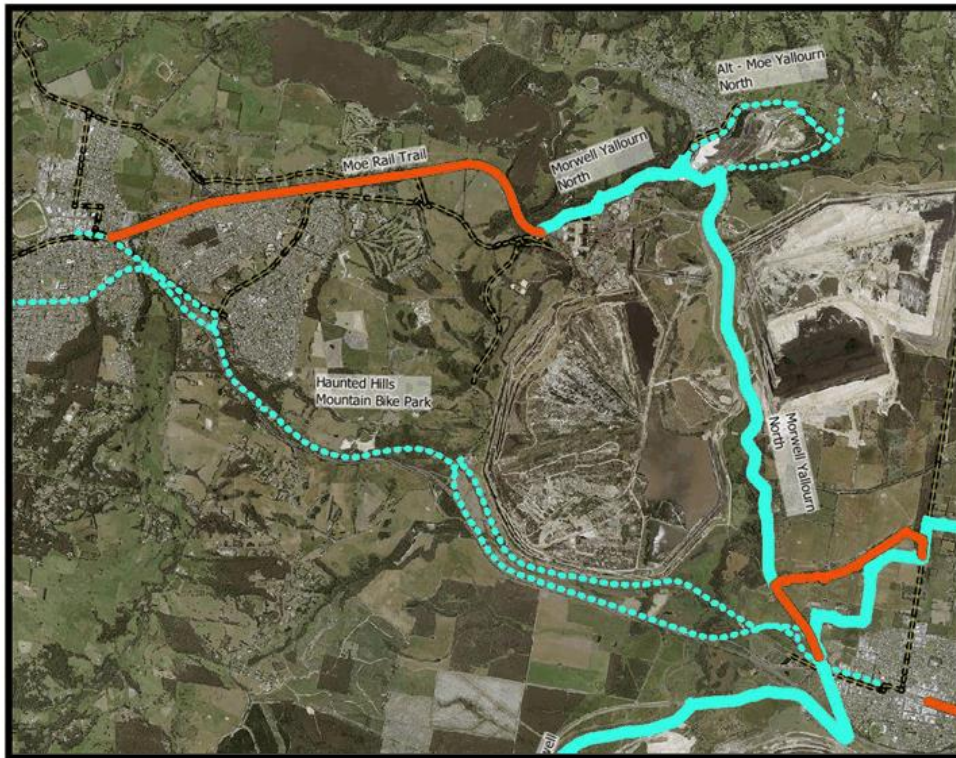
**Concept estimated costs:** Morwell - Moe

Desktop Analysis	\$20,000
Field Analysis	\$60,000
Regulatory costs	\$800,000
Functional and Detailed design	\$500,000
Construction	\$7,000,000
Annual Maintenance	\$20,000



**MORWELL - YALLOURN NORTH**

**Map:**

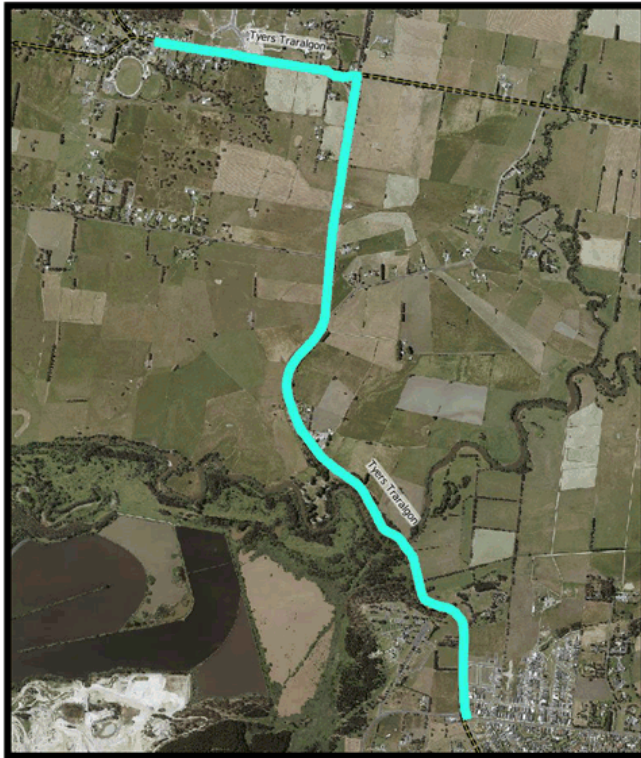


**Distance:** 8 kilometres

**Main encumbrances:** Energy Australia Yallourn agreement to use their land, old coal railway line, internal maintenance roads and Morwell River diversion area, Regional Roads Victoria agreement to use their road reserve, two Morwell River crossings, Cultural Heritage, Native vegetation.

**Concept estimated costs:** Morwell - Yallourn North

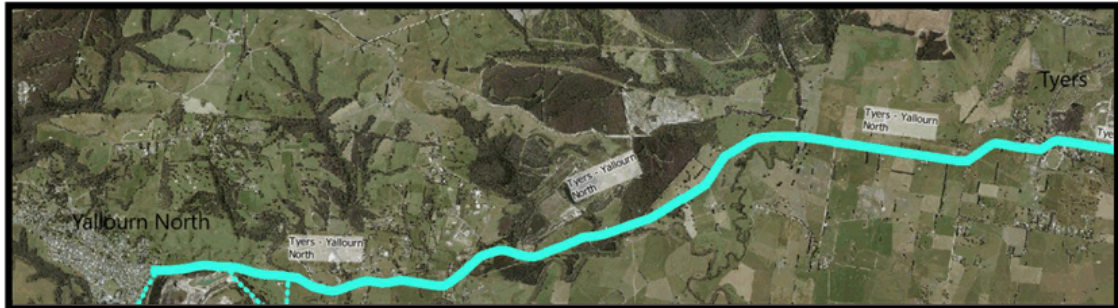
Desktop Analysis	\$20,000
Field Analysis	\$60,000
Regulatory costs	\$300,000
Functional and Detailed design	\$500,000
Construction	\$7,500,000
Annual Maintenance	\$11,000

**TYERS – TRARALGON****Map:****Distance:** 5 kilometres

**Main encumbrances:** Regional Roads Victoria agreement to use their road reserve, significant bridge works required, floodplain, cultural heritage, terrain, safety and very high value native vegetation. A crossing of the Latrobe River is required

**Concept estimated costs:** Tyers – Traralgon

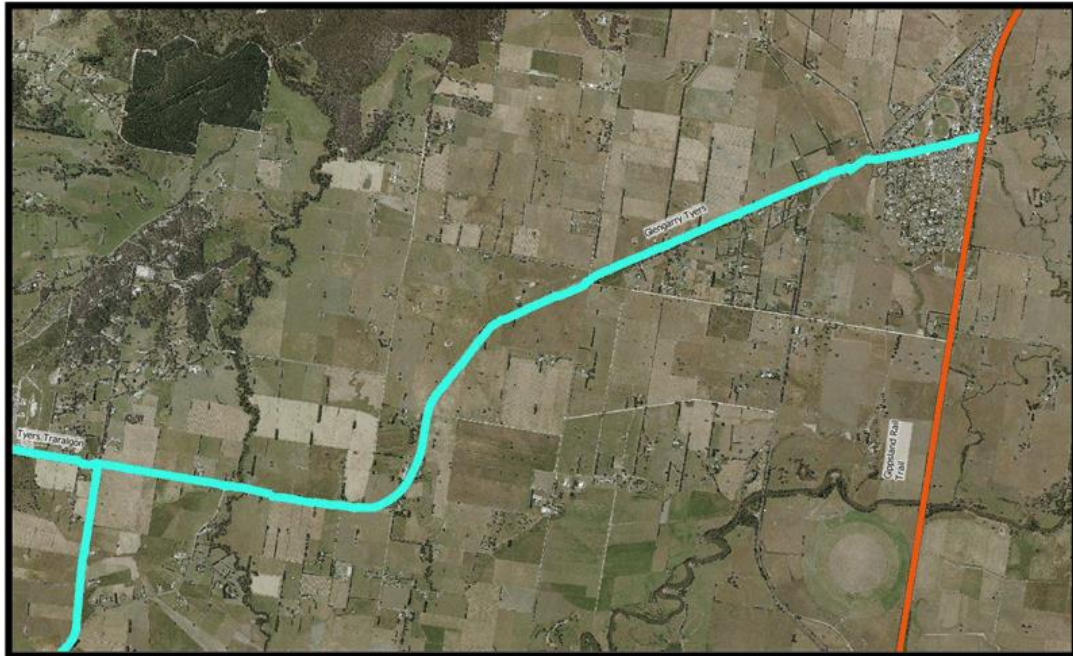
Desktop Analysis	\$20,000
Field Analysis	\$60,000
Regulatory costs	\$300,000
Functional and Detailed design	\$500,000
Construction (no major bridges)	\$6,000,000
Annual Maintenance	\$7,000

**TYERS - YALLOURN NORTH****Map:****Distance:** 10 kilometres

**Main encumbrances:** Regional Roads Victoria agreement to use their road reserve, significant bridge works required, floodplain, cultural heritage, terrain, safety and very high value native vegetation.

**Concept estimated costs:** Tyers – Yallourn North

Desktop Analysis	\$20,000
Field Analysis	\$80,000
Regulatory costs	\$500,000
Functional and Detailed design	\$600,000
Construction (no major bridges)	\$6,000,000
Annual Maintenance	\$14,000

**TYERS - GLENGARRY****Map:****Distance:** 8 kilometres

**Main encumbrances:** Regional Roads Victoria agreement to use their road reserve, floodplains, cultural heritage, Rintoul Creek crossing, safety, crossing Traralgon-Maffra Road and native vegetation.

**Concept estimated costs:** Tyers – Glengarry

Desktop Analysis	\$20,000
Field Analysis	\$60,000
Regulatory costs	\$400,000
Functional and Detailed design	\$600,000
Construction (no major bridges)	\$2,000,000
Annual Maintenance	\$11,000

**Agenda Item: 15.2**

**Agenda Item: Hazelwood Pondage - Progress Update**

**Sponsor: General Manager, Assets and Presentation**

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

**Status: For Decision**

**MOTION**

**Moved: Cr White**

**Seconded: Cr McFarlane**

**That Council:**

- 1. Undertake a high level desk top feasibility that seeks to better quantify the immediate and long term costs associated with managing and operating Hazelwood Pondage and its associated surrounds and infrastructure; and**
- 2. Seek to understand the potential uses for the waterway and surrounds and identify the community and commercial user groups; and**
- 3. Write to Engie seeking their approval to delay the demolition of the Aquatic Centre and Yacht Club buildings until the study is complete; and**
- 4. Inform the public as to the status of the negotiations to date and the proposed process to undertake a desk top study**

**CARRIED UNANIMOUSLY**

**Executive Summary:**

On 30 July 2020 Council received a letter (see attachment) from the Minister Jaclyn Symes in response to a letter from the Mayor requesting financial assistance to undertake a feasibility study into the potential options for the long term future of Hazelwood Pondage.

The response declined any preparedness of the Victorian Government to financially support a review and suggested that Latrobe City Council had the means to undertake the study itself if it so desired.

The subcommittee of Councillors including Cr Clancey, Cr White, Cr Middlemiss

and Cr McFarlane met on 14 August 2020 with officers Piasente, Sengstock, Burgess and Misiurka. The key points and actions from that meeting are as follows.

- Resolved to continue to explore ways to save the waterway for community use into the future.
- Engie will retain the water in the pondage for approximately five more years while they complete their demolition and rectification processes.
- There is no guarantee at this stage that Engie will defer the demolition of the Yacht Club and Aquatic Club buildings. Suggested that Council write to Engie to seek a deferral of the timing for demolition.
- Need to bring it to the attention of the public – including the group chaired by Don Duthie – that the Victorian Government has declined to fund the study and that Council is still looking for ways to keep the waterway.
- Bring a request to Council for officers to undertake a broad-scoped desktop study. This study would be a reasonably high level cost and risk analysis that seeks to better understand the potential operational costs per year to maintain the waterway and surrounds, the cost to provide access to the water, the potential users of the waterway given its lower water levels along with other investigations.
- The desk top review would provide Council with a more robust and tangible argument to take to the Government to seek their long term financial support.
- Council would seek support from Destination Gippsland for financial contributions and advocacy .

Seek a resolution from Council to undertake the desktop study and write to both the Government and Engie notifying them of its development.

### **Background:**

There have been numerous discussions and exchanges of correspondence between Council and the Victorian Government and Engie over a number of years looking for options to retain the use of the waterway of Hazelwood Pondage.

The most recent was the letter written to the Hon Jaclyn Symes, Minister for Regional Development, Agriculture and Resources requesting financial support to undertake a feasibility study to better understand the economic options and viability for Hazelwood Pondage.

A response was received on 30 July 2020 (see attached) stating that the Government was not prepared to fund any studies and that Latrobe City Council had the means to do so if it so desired.

The subcommittee of Councillors met to discuss the Minister's letter and formulated some ideas to be brought back to Council for formal discussion and direction if agreed.

Engie have stated that they need to keep the water (at its lower level) for approximately five years while it completes its works on the mine and power station. Therefore there is some time before a final decision needs to be made.

However the proposed demolition of all built infrastructure around the pondage is due in the coming weeks/months and there needs to be some discussion with Engie on how that may be delayed while further solutions are sought.

A community group led by Mr Don Duthie has been waiting for further outcomes from the negotiations with the Minister and the subcommittee felt it necessary to provide his group and the wider community with a status report.

All of these points are subject to discussion and further direction.

**Issues:**

This briefing paper supports all objectives of the Council Plan in varying ways.

***Communication***

No external communication has been necessary to date however a well-developed communication plan may be necessary to inform and engage the community as a result of any resolutions.

***Financial Implications***

The cost to undertake a desktop review as proposed is expected to be absorbed within current human resources.

***Risk Analysis***

<b>Identified risk</b>	<b>Risk likelihood*</b>	<b>Controls to manage risk</b>
<p><b>Service Delivery Risk</b></p> <p>The expertise to undertake the study is not contained in the existing staff resource</p>	Possible	Some expertise may need to be engaged and funded to ensure the information is credible
<p><b>Financial Risk</b></p> <p>The cost to undertake the study and give it the credibility it requires is not within budgets</p>	Possible	Identify a budget allocation that may be used if/only required

<p><b>Reputational Risk</b></p> <p>The outcome of the study may not be practical to deliver</p>	<p>Possible</p>	<p>Ensure expectations are monitored and managed</p>
-------------------------------------------------------------------------------------------------	-----------------	------------------------------------------------------

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

***Legal and Compliance***

NA

***Community Implications***

It is understood that the retention of the Hazelwood Pondage supports the general sentiment of the broader community however, this paper seeks to further understand if that retention is possible at an acceptable financial cost.

***Environmental Implications***

To be developed in future reports

**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 1989*.

**Supporting Documents:**

Nil

**Attachments**

1 [↓](#). Response Letter from Min Symes



## **15.2**

### **Hazelwood Pondage - Progress Update**

- 1 Response Letter from Min Symes ..... 217**

**From:** Minister Symes (DJPR)  
**Sent:** 30 Jul 2020 08:56:46 +1000  
**To:** latrobe@latrobe.vic.gov.au  
**Subject:** Hazelwood Pondage Waterway  
**Attachments:** CMIN-2-20-2771 - Reply letter.pdf

Dear Cr Clancey,

Please find attached correspondence from Jaclyn Symes MP.

Kind regards

**Office of Jaclyn Symes MP**

Minister for Regional Development  
Minister for Agriculture  
Minister for Resources

121 Exhibition Street, Melbourne VIC 3000  
Ph: (03) 8392 2261



**\*DO NOT REPLY TO THIS EMAIL\***

Please direct your correspondence to [jaclyn.symes@parliament.vic.gov.au](mailto:jaclyn.symes@parliament.vic.gov.au)



Jaclyn Symes MP

Minister for Regional Development  
Minister for Agriculture  
Minister for Resources

121 Exhibition Street  
Melbourne, Victoria 3000 Australia  
Telephone: +61 3 8392 2261  
DX 210074

Ref: CMIN-2-20-2771

Cr Dan Clancey  
Mayor  
Latrobe City Council  
PO Box 264  
MORWELL VICTORIA 3840  
latrobe@latrobe.vic.gov.au

29 July 2020

Dear Cr Clancey

#### **HAZELWOOD PONDAGE WATERWAY**

Thank you for your letter of 29 April 2020 regarding the Hazelwood Pondage. As per my previous correspondence with Latrobe City Council of 14 October 2019, I recognise that the Hazelwood Pondage supported the activities of several recreational community groups.

The Hazelwood Pondage sits entirely within ENGIE's freehold land. Any decisions regarding the future of this waterway and associated assets are ultimately ENGIE's as the landowner.

That said, I have, as you are aware, previously written to ENGIE encouraging full and comprehensive consideration of options that may allow the Pondage to be retained as a recreational waterway. I encouraged ENGIE to do this in an open and transparent manner, working with the Latrobe City Council and Hazelwood Pondage user groups.

In your letter, you state that ENGIE has told Latrobe City Council that it would not oppose the retention of the Hazelwood Pondage as a waterway for community use. As the previous waterway manager, Council is well placed and free to pursue this course of action with ENGIE to become owner and manager of the Hazelwood Pondage. I consider that Latrobe City Council has the necessary financial resources to undertake – should you wish – a feasibility study to better understand the future maintenance costs.

I am advised that while the Pondage now has an acceptable risk profile under the Australian National Committee on Large Dams (ANCOLD) Guidelines (by virtue of its lowered water level), ENGIE maintains that on-water activities cannot be safely accommodated due to its varied depth, in particular the risk posed by shallow pockets within the Pondage.

Repairs to the Pondage walls to a standard that would be both ANCOLD compliant and allow for on-water activities have been estimated at several tens of millions of dollars. I do not consider this to be the highest priority for future investments in the region by our government.

Yours sincerely

Jaclyn Symes MP



# **COMMUNITY HEALTH AND WELLBEING**

## **16. COMMUNITY HEALTH AND WELLBEING**

**Agenda Item: 16.1**

**Agenda Item: Hazelwood House - The next steps**

**Sponsor: General Manager, Community Health and Wellbeing**

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

**Status: For Decision**

### **MOTION**

**Moved: Cr White**

**Seconded: Cr O'Callaghan**

**That Council approves undertaking an Expression of Interest process for the sale of Hazelwood House.**

**CARRIED UNANIMOUSLY**

### **Executive Summary:**

On April 6 2020 Council passed the resolution:

*That Council exercises the first right of refusal to purchase the Hazelwood House property for \$1 and removes the restrictive covenant (that the land shall not be used for any purpose other than aged care accommodation) and explores alternative options for the use of the facility.*

- The purchase of Hazelwood House was completed on 7 July 2020.
- The process of removing the restrictive covenant has been initiated.
- A number of entities have expressed interest in Hazelwood House and the surrounding land for re-development. Many of these redevelopments align with the original intent of the facility and provide local employment opportunities.
- Selling the facility will ensure that it is activated expediently, and minimise any maintenance costs to Council.
- Allocating money earned from the sale in to Churchill community projects that align with Council strategies and plans, acknowledges the community

contribution made to the establishment of the facility.

**Background:**

In December 2019, Benetas offered Council first right of refusal to purchase the Churchill based, former residential Aged Care facility, Hazelwood House for \$1. Benetas has relocated Hazelwood House residents in late 2019 as operating the facility as residential aged care was no longer viable.

Hazelwood House was developed as an initiative commenced by the Churchill Community and Council officers consulted with the Community regarding the Benetas decision to ensure that the rationale for their decision was understood.

On April 6 2020 Council passed the resolution:

*That Council exercises the first right of refusal to purchase the Hazelwood House property for \$1 and removes the restrictive covenant (that the land shall not be used for any purpose other than aged care accommodation) and explores alternative options for the use of the facility.*

The purchase of Hazelwood House was completed on 7 July 2020.

The process of removing the restrictive covenant has been initiated.

When it became known that Hazelwood House was no longer in use, a number of organisations expressed an interest in the Hazelwood House facility and surrounding grounds. The proposed uses of the site have ranged from short term residential services for families needing early infant assistance, residential services for younger people with a disability who are currently in residential aged care facilities, and a retirement village.

Each of these options is congruent with the original intentions the Churchill community had in establishing Hazelwood House which included the capacity for people to age in community and local employment associated with this.

**Issues:**

*Strategy Implications*

Council Officers have considered the options of an Expression of Interest (EOI) process to either lease or sell Hazelwood House. Sale is the recommended option to:

- minimise any potential financial burden associated with the maintenance of the property;
- encourage investment on the site and by extension in to the township; and

- allocate revenue in to agreed Churchill community projects that align with Council strategies and plans.

*Communication*

Community consultation relating to the sale will be undertaken and encompass rationale for the sale and allocation of revenue in to community projects.

*Financial Implications*

The costs associated with the purchase and the EOI sale of Hazelwood House will be covered by the sale.

The Purchaser of Hazelwood House will be determined in accordance with procurement policy and therefore not solely based on attaining maximum price but also value to the local community that the purchase would elicit.

*Risk Analysis*

<b>Identified risk</b>	<b>Risk likelihood*</b>	<b>Controls to manage risk</b>
<p><b>Financial Risk</b></p> <p>There is no response to the EOI</p>	2	<p>Informal discussions prior to the purchase identified a number of interested organisations.</p> <p>The purchase price of \$1 and associated legal costs is easy to recoup.</p>
<p><b>Reputational Risk</b></p> <p>The Churchill community is dissatisfied with the proposed actions</p>	3	<p>Consultation to emphasise the benefits to the community of reinvesting revenue in to community projects</p>
<p><b>Legal/Regulatory Risk</b></p> <p>Sale is delayed to by the legislative requirements associated with Council sale of land.</p>	3	<p>Council Solicitor to be engaged in the sale and EOI processes</p>

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

*Legal and Compliance*

The EOI process will be undertaken in accordance with Council policy and the legislative requirements associated with Council sale of property.

*Community Implications*

The Churchill Community will benefit through allocation of revenue in to local community projects determined through community consultation and the Council budget process.

*Environmental Implications*

Nil

*Consultation*

Engagement to commence upon adoption of the reports recommendation

**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 1989*.

**Supporting Documents:**

Nil

**Attachments**

Nil



**Agenda Item: 16.2**

**Agenda Item: 2020/21 Community Grant and Sponsorship Program  
Recommendations**

**Sponsor: General Manager, Community Health and Wellbeing**

**Council Plan Objective: Improve the liveability and connectedness of Latrobe City.**

**Status: For Decision**

**MOTION**

**Moved: Cr Middlemiss**

**Seconded: Cr Harriman**

**That Council:**

- 1. Approves 131 applicants in the amounts stated as set out in the Attachment A – 2020-21 Community Grants Program - Final Recommendations - No Conflicts of Interest in the Community Wellbeing, Community Events Minor, Community Events Major, Minor Equipment and Minor Capital Works categories of the 2020/21 Community Grants Program; and**
- 2. Approves one applicant in the amounts stated as set out in in the Attachment B – 2020-21 Community Sponsorship Program – Final Recommendations – No Conflicts of Interest in the Community Sponsorship Major category of the Community Sponsorship Program.**

**CARRIED UNANIMOUSLY**

**MOTION**

**Moved: Cr Gibson**

**Seconded: Cr McFarlane**

**That Council:**

- 1. Approves four applicants in the amount stated as set out in the Attachment C – 2020-21 Community Grants Program - Final Recommendations - Conflict of Interest in the Community Events Significant, Minor Equipment and Minor Capital Works of the 2020/21 Community Grants and Sponsorship Programs.**

**CARRIED UNANIMOUSLY**

**MOTION**

**Moved:** Cr Middlemiss  
**Seconded:** Cr Howe

**That Council:**

- 1. Approves one applicant in the amount stated as set out in the Attachment D – 2020-21 Community Grants Program - Final Recommendations - Conflict of Interest in the Community Sponsorship Major Program of the 2020/21 Community Sponsorship Program.**

**CARRIED UNANIMOUSLY**

**MOTION**

**Moved:** Cr Middlemiss  
**Seconded:** Cr Howe

**That Council:**

- 1. Approves one applicant in the amount stated and declines two applications as set out in the Attachment E – 2020-21 Community Grants Program - Final Recommendations - Conflict of Interest in Community Events Significant and Minor Equipment of the 2020/21 Community Grants Program.**

**CARRIED UNANIMOUSLY**

Cr Dale Harriman left the meeting, the time being 7.28pm

Cr Darrell White left the meeting, the time being 7.30pm

Cr Dale Harriman returned to the meeting, the time being 7.30pm

Cr Darrell White returned to the meeting, the time being 7.31pm

Mayor Clancey left the meeting, the time being 7.32pm

The Deputy Mayor assumed the Chair.

Mayor Clancey returned to the meeting, the time being 7.34pm and assumed the Chair.

**Executive Summary:**

- Applications for round one of the 2020/21 Community Grant and Sponsorship Programs were accepted from 13 July 2020 to 17 August 2020 for the following program categories, Minor Capital Works, Minor Equipment, Community Wellbeing, Community Events Minor, Community Events Significant and Community Sponsorship Major.
- Council received 171 applications. 136 applications have been recommended for funding.
- Of the 35 applications that were not recommended for funding, four were assessed as ineligible, two are receiving funding through another avenue, 28 were not supported by the panel and one application was withdrawn.
- The total annual budget for the Community Grants Program is \$496,000. The budget is divided into each program category:
  - \$330,000 – Minor Capital Works
  - \$30,000 – Minor Equipment
  - \$35,000 – Community Wellbeing
  - \$36,000 - Community Events Minor
  - \$65,000 - Community Events Significant
- The total budget for round one of the Community Grants Program is \$297,600. The budget is divided into each program category:
  - \$198,000 – Minor Capital Works
  - \$18,000 – Minor Equipment
  - \$21,000 – Community Wellbeing
  - \$21,600 - Community Events Minor
  - \$39,000 - Community Events Significant
- The total annual budget for Community Sponsorship Major is \$73,000. The round one allocation is \$43,800.
- Applications have been reviewed for eligibility and have undergone assessment by staff Subject Matter Expert panels. Assessments were completed in line with the Grant Governance Policy and applications were reviewed using the assessment criteria for each grant program.
- Assessment meetings were held with Councillors, separated by Ward. The assessment panel comments were provided to Councillors to assist in making

a final funding decision.

- The total amount of funding applied for in the Community Grant Programs was \$741,740.95, with the total amount recommended being \$489,073.79.
- The total amount of funding applied for in the Community Sponsorship Program was \$98,000, with the total amount recommended being \$30,000.
- Supporting all recommendations will result in \$6,926.21 of the annual budget remaining for round two the Community Grant Program rounds, although officers will review any remaining funding left from the COVID Community Support and Recovery Package, and look at other options any possible options for additional funding.
- If needed, a further report will be presented to Council on the available options to support additional funding for round two of the Community Grants Programs.

### **Background:**

The Community Grant and Sponsorship Programs represent a significant contribution by Latrobe City Council to local projects. Grant funding is a way of acknowledging the contribution that individuals and groups make to the Latrobe City community life.

Applications for the 2020/21 Community Grant and Sponsorship Programs were accepted from 13 July 2020 to 17 August 2020 for the following program categories, Minor Capital Works, Minor Equipment, Community Wellbeing, Community Events Minor, Community Events Significant and Community Sponsorship Major.

Applications were assessed against a list of criteria that was provided to the applicants in each of the Grant and Sponsorship Program Guidelines. The following criteria was used for each program:

- The applicant's capacity of delivering the project - This includes any quotes, budget information and plans in support of the application. (30)
- The application address a community need and describes how the community will benefit from the project/activity. (30)
- The application demonstrates other contributions e.g. monetary, voluntary services or in-kind support as part of the proposal. (25)
- The application is consistent with the Council Plan, Municipal Health & Wellbeing plan and other strategic documents. (15)

Using the assessment criteria, panel members completed an individual assessment. The individual assessment comments and scoring was collated to provide overall commentary and a total assessment score for each application. These comments and scores formed the basis for discussion and forming of a final recommendation for each application.

In some cases applications have been recommended for Part Funding or had additional funding conditions applied. Funding conditions will be supplementary to the Funding Agreement and compliance will be required to achieve a successful acquittal.

The panel recommendations were then reviewed by Councillors to develop a final recommendation. Ward Councillors attended an assessment meeting with Council Officers, with the ability to change the recommendations.

### **Minor Capital Works Grant**

Financial assistance provided to community groups who wish to develop community facilities for accessibility improvements, renovations, repairs and built in or fixed equipment purchases.

There is \$198,000 available for round one of the Minor Capital Works Grant program in 2020/21. An additional \$116,718.49 could be allocated from round two funding available from the Minor Capital Works Program.

Applications	Number of Applications	Total Funding
<b>Received</b>	84	\$446,134.59
<b>Recommended</b> (includes part funding)	62	\$314,718.49
<b>Not Recommended</b>	22	\$131,416.10

### **Minor Equipment**

Financial assistance provided to community groups who wish to purchase non fixed equipment.

There is \$18,000 available for round one of the Minor Equipment Grant program in 2020/21. The additional could be allocated from round two funding available from the Community Grants Programs.

Applications	Number of Applications	Total Funding
<b>Received</b>	46	\$87,446.38
<b>Recommended</b> (includes part funding)	41	\$69,854.30
<b>Not Recommended</b>	5	\$9,992.00

### Community Wellbeing

Community Wellbeing grants are to provide assistance to community groups for a broad range of community development programs, services, and activities.

There is \$21,000 available for round one of the Community Wellbeing Grant program in 2020/21. The remaining funds will be allocated to another category within the Community Grants Program.

Applications	Number of Applications	Total Funding
<b>Received</b>	16	\$29,443.00
<b>Recommended</b> (includes part funding)	13	\$19,793.00
<b>Not Recommended</b>	3	\$6,000.00

### Community Events Minor

Assistance to conduct conferences, deliver special events of significance or to develop an existing event. Events must include local and regional participation. This could include carnivals, festivals and cultural events.

There is \$21,600 available for round one of the Community Events Minor Grant program in 2020/21. An additional \$14,400 could be allocated from round two funding available from the Community Events Minor Program.

Applications	Number of Applications	Total Funding
<b>Received</b>	15	\$63,648.00
<b>Recommended</b> (includes part funding)	13	\$36,708.00
<b>Not Recommended</b>	2	\$10,000.00

### Community Events Significant

Assistance to conduct larger conferences, deliver special events of significance or to develop an existing event. Events must include local and regional participation. This could include carnivals, festivals and cultural events.

There is \$39,000 available for round one of the Community Events Significant Grant program in 2020/21. An additional \$9,000 could be allocated from round two funding available from the Community Events Significant Program.

Applications	Number of Applications	Total Funding
<b>Received</b>	10	\$93,500.00
<b>Recommended</b> (includes part funding)	7	\$48,000.00
<b>Not Recommended</b>	3	\$30,000.00

### Community Sponsorship Major

Community Sponsorship provides assistance to community groups for a broad range of community programs, services, and activities.

There is \$42,000 available for round one of the Community Sponsorship Major program in 2020/21.

Applications	Number of Applications	Total Funding
<b>Received</b>	5	\$98,000.00
<b>Recommended</b> (includes part funding)	1	\$15,000.00
<b>Not Recommended</b>	4	\$78,000.00

### Recommendations by Ward

Ward	Amount Applied - Assessed	Recommended Amount
<b>Central</b>	\$185,760.19	\$128,318.19
<b>East</b>	\$285,644.58	\$178,417.52
<b>South</b>	\$114,534.00	\$81,496.00
<b>West</b>	\$155,802.18	\$100,842.08
<b>TOTAL</b>	<b>\$741,740.95</b>	<b>\$489,073.79</b>

**Issues:**

***Strategy Implications***

Council strategic objective three of the Council Plan aims to improve the liveability and connectedness of Latrobe City.

***Communication***

Following a decision from Council, applicants will be notified of their grant outcome by Monday 14 September 2020. Successful applicants will be provided an offer of funding and will be asked to enter into a Funding Agreement. Funding Agreements will be required to be completed and returned by Wednesday 16 November 2020.

Unsuccessful applicants will be provided with feedback and supported to prepare future submissions where possible.

A media release will be developed, promoting Council's financial contribution to community projects, demonstrating community support.

***Financial Implications***

If the recommendations are endorsed, 136 applications will be supported with a recommended total value of \$489,073.79. There is sufficient funding in the annual budget to support all recommended applications.

Supporting all recommendations will result in \$6,926.21 of the annual budget remaining for round two the Community Grant Program rounds, although officers will review any remaining funding left from the COVID Community Support and Recovery Package, and look at other options any possible options for additional funding. If needed, a further report will be presented to Council on the options.

***Risk Analysis***

<b>Identified risk</b>	<b>Risk likelihood*</b>	<b>Controls to manage risk</b>
<b>Financial Risk</b> Misuse of Council Funding	Unlikely	Acquittal and accountability process as set out in the Grants Governance Policy.

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

The Grants Governance Policy (the Policy) addresses standardised governance arrangements for the conditions and management of Council's outgoing grants.

The Policy assists Councillors and Council employees to achieve consistency in the governance of the grants when developing, assessing, monitoring, acquitting and evaluating applications. Applicants have been assessed in line with the Policy



### ***Legal and Compliance***

Applications received as part of the 2019/20 funding round have been received and assessed against the grant program guidelines and Grant Governance Policy.

Assessments were completed by Subject Matter Expert staff from across the organisation who have formed funding recommendations to be considered by Council.

### ***Community Implications***

The community implications will vary on whether an application is successful or not. Officers will endeavour to minimise the negative community implications by working with the unsuccessful applicants to amend their applications to resubmit in round two of the Grant and Sponsorship Programs.

### ***Environmental Implications***

There are no environmental implications expected as an outcome of providing funding. Some projects support improved environmental sustainability at a minor local level.

### ***Consultation***

Whilst the Community Grant and Sponsorships Programs were open, staff were available to provide one on one support to applicants to prepare a submission.

Public information sessions were held in online to provide applicants with an overview of the program and the requirements for completing a submission.

### **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 1989*.

### **Supporting Documents:**

2020/21 Community Grants Program Guidelines

2020/21 Community Sponsorship Guidelines

### **Attachments**

1. Attachment A - 2020-21 Community Grants Program - Final Recommendations - No Conflicts of Interest (Published Separately)

This attachment is designated as confidential under subsection (h) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

2. Attachment B - 2020-21 Community Sponsorship Program - Final Recommendations - No Conflicts of Interest (Published Separately)

This attachment is designated as confidential under subsection (h) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

3. Attachment C - 2020-21 Community Grants Program - Final Recommendations - Conflicts of Interest (Published Separately)

This attachment is designated as confidential under subsection (h) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

4. Attachment D - 2020-21 Community Sponsorship Program - Final Recommendations - Conflicts of Interest (Published Separately)

This attachment is designated as confidential under subsection (h) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

5. Attachment E - 2020-21 Community Grants Program - Final Recommendations - Conflicts of Interest (Published Separately)

This attachment is designated as confidential under subsection (h) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to confidential meeting information, being the records of meetings closed to the public under section 66(2)(a).

**Agenda Item: 16.3**

**Agenda Item: Reconciliation Action Plan Endorsement**

**Sponsor: General Manager, Community Health and Wellbeing**

**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**

**MOTION**

**Moved:** Cr O'Callaghan

**Seconded:** Cr Gibson

**That Council endorses the Reconciliation Action Plan and releases the plan to the public.**

**CARRIED UNANIMOUSLY**

**Executive Summary:**

- At the 4 May 2020 Council Meeting, Council endorsed the submission of the draft Reconciliation Action Plan (RAP) to Reconciliation Australia for conditional endorsement.
- Reconciliation Australia has provided conditional endorsement of the draft RAP. Final design work has been completed and Reconciliation Australia has approved the final document.
- The RAP outlines actions Latrobe City Council will undertake between its endorsement and May 2022. The four key focus areas of the RAP are: Relationships, Respect for Culture, Opportunities and Governance.

**Background:**

The Latrobe City Council RAP has been in development for several years. The plan aligns with and strengthens Council's Statement of Commitment to Reconciliation.

The RAP has four key focus areas: Relationships, Respect for Culture, Opportunities and Governance. It incorporates 19 actions, each with a number of deliverable items.

The Relationships focus area concentrates on establishing and maintaining relationships with the local Aboriginal and Torres Strait Islander community. This will be achieved through working with the community and Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC); the celebration of Reconciliation Week; promoting reconciliation in the community; promoting positive race relations and continuing to employ an Aboriginal Liaison Officer.

The Respect for Culture focus area concentrates on building understanding and recognition of Aboriginal and Torres Strait Islander culture. This will be achieved by undertaking cultural learning; celebrating and promoting Aboriginal and Torres Strait Islander visual and performing arts; developing and implementing public cultural education initiatives; observing cultural protocols and celebrating NAIDOC week.

The Opportunities focus area concentrates on building opportunities for Aboriginal and Torres Strait Islander people to improve social and economic outcomes. This will be achieved by improving employment outcomes for Aboriginal and Torres Strait Islander people; supporting initiatives that improve the health, wellbeing, economic and educative position of Aboriginal and Torres Strait Islander people; providing culturally relevant services and programs and increase Aboriginal and Torres Strait Islander supplier diversity to support improved economic outcomes.

The Governance focus area concentrates on the governance of the RAP. This will be achieved through the establishment of a RAP Working Group; providing support for the implementation of RAP commitments; maintain the Braiakaulung Advisory Committee; reporting on RAP achievements, challenges and learnings and developing our next RAP.

Development and consultation of the RAP

<p>Key stakeholders, Braiakaulung Advisory Committee members and community members invited to participate in development of the RAP</p>	<p>Consultation promoted:</p> <ul style="list-style-type: none"> <li>• At community events, including Reconciliation Week and NAIDOC Week events</li> <li>• On Council website, in the LV Express and on Gippsland FM</li> <li>• To local networks.</li> </ul> <p>90 people registered for email updates on the development of the plan.</p>
<p>Ten planning meetings held</p>	<p>Meetings attended by key stakeholders, Braiakaulung Advisory Committee members, community members and Latrobe City Council officers.</p>
<p>Initial draft RAP developed</p>	

Consultation session with the Elders Planned Activity Group	
Presentation to Councillors	Officers presented the draft RAP to Councillors and provided an update on the development process.
Initial draft provided to GLaWAC for informal feedback	
Updated draft RAP provided to Reconciliation Australia for initial feedback	Feedback received from Reconciliation Australia and incorporated into draft RAP.
Consultation with Latrobe City Council staff to finalise actions in the draft RAP	
Updated draft provided to Reconciliation Australia for feedback	Feedback received from Reconciliation Australia and incorporated into draft RAP.
Draft provided to GLaWAC for formal feedback	GLaWAC provided formal feedback on the draft RAP. Officers met with GLaWAC to discuss feedback.
Draft RAP provided to Braiakaulung Advisory Committee members	Updates on the development of the RAP were a standing agenda item of the Braiakaulung Advisory Committee throughout the whole development. Feedback was provided throughout the development process.
Updated draft provided to Reconciliation Australia for feedback	Reconciliation Australia provided feedback on the draft and notification that the RAP template had changed and additional actions were required to align with current practice.
Draft RAP updated to new template and consultation undertaken with LCC staff regarding the required additional actions	
Updated draft provided to Reconciliation Australia for feedback	Reconciliation Australia provided feedback and indicated that once incorporated the draft RAP was ready for conditional endorsement.

Updated draft incorporating Reconciliation Australia feedback provided to GLaWAC	Officers met with GLaWAC CEO to confirm approval for submitting to Reconciliation Australia for conditional endorsement.
Council approved Draft RAP to be submitted to Reconciliation Australia for conditional endorsement	4 May 2020 Council Meeting.
Reconciliation Australia provided conditional endorsement of the Draft RAP. Final design work completed and approved by Reconciliation Australia	

**Issues:**

***Strategy Implications***

The development of the RAP aligns with Latrobe City Council's Statement of Commitment to Reconciliation, endorsed in 2012.

It also aligns with the Council Plan Strategy 7 to *Enhance Council's engagement with the community to better understand the community's priorities.*

***Communication***

Communication on the RAP has been with GLaWAC, the Braiakaulung Advisory Committee and Reconciliation Australia.

***Financial Implications***

A number of actions in the RAP are not funded under BAU. Budget allocations would need to be sought through either the annual budget process or a surplus budget bid.

- Cultural Awareness Training for Councillors: approximately \$1,500.
- Purchase of Street Banners for display during Reconciliation Week: approximately \$2,000.
- Acknowledgement of Country plaques: approximately \$800 for four plaques.
- Welcome to Country at significant events: \$550 per event.

***Risk Analysis***

<b>Identified risk</b>	<b>Risk likelihood*</b>	<b>Controls to manage risk</b>
<b>Reputational Risk</b> Reputational damage from not having a RAP	3	Council endorse the RAP
<b>Reputational Risk</b> Reputational damage if the actions are not completed	2	Ensure all actions are completed on time. RAP Working Group will monitor and ensure this.

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

***Legal and Compliance***

No legal or compliance issues have been identified.

***Community Implications***

There is an expectation from the Aboriginal and Torres Strait Islander community that we should have a RAP.

***Environmental Implications***

No environmental implications have been identified.

***Consultation***

Details of the consultation undertaken in the development of the RAP are provided in the Background Information 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 1989*.

***Supporting Documents:***

Latrobe City Council Statement of Commitment to Reconciliation.

***Attachments***

1 [↓](#). Reconciliation Action Plan 2020 - 2022

## 16.3

### Reconciliation Action Plan Endorsement

1	Reconciliation Action Plan 2020 - 2022 .....	240
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LatrobeCity

# RECONCILIATION ACTION PLAN

OCTOBER 2020 TO  
OCTOBER 2022



RECONCILIATION  
ACTION PLAN

INNOVATE



LatrobeCity  
a new energy

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*To obtain this information in languages other than English, or in other formats, please contact Latrobe City Council on 1300 367 700.*

*Date of publication: [August, 2020].*

# Acknowledgement of Country

Latrobe City Council acknowledges that our business operates on the traditional lands of the Braiakaulung Clan of the Gunaikurnai Nation and pays respect to their Elders past and present.

*The front cover image is by Gunaikurnai artist, Ronald Edwards-Pepper. The image is about reconciliation and sharing and building culture for future generations.*

*The hands represent everyone supporting each other in building the future for our next generation. The meeting places are for people to join as one to share culture with the Aboriginal and Torres Strait Islander people of Gippsland and there are walking tracks leading towards the shield which is the main meeting place where everyone meets to yarn for different reasons. There are Aboriginal and Torres Strait Islander people walking and being leaders and role models for each other and teaching and passing on cultural ways. The two main meeting places represent places for men's and women's business and other cultural practices.*

Innovate Reconciliation Action Plan

3

# Message from the Mayor



Latrobe City Council is very proud of our achievements towards reconciliation. I feel honoured to represent a Council with such a strong commitment to achieving the goals outlined in this document. The relationships we have built with the local Aboriginal and Torres Strait Islander community over many years are very important to us and we will continue to build on these over the life of the Reconciliation Action Plan.

A handwritten signature in black ink, which appears to read 'Dan Clancey'. The signature is fluid and cursive, with a long horizontal stroke at the end.

**Cr Dan Clancey**  
Latrobe City Mayor

# Our Business

Latrobe City Council (LCC) is the local government body serving the Latrobe City municipality. It offers a range of services to the public as well as administering rates and local laws.

Latrobe City Council's headquarters are located at 141 Commercial Road in Morwell. There are also public service centres in Moe, Traralgon and Churchill.

Latrobe City Council currently employs 1018 people with a full time equivalent of 633.04.

Of these 1018 staff, ten identify as Aboriginal and/or Torres Strait Islander people. This equates to 1 percent. This includes four full time permanent, one full time temporary, two casual and three part time permanent staff.

## Developing our RAP

The key focus of the RAP is to fulfil the intent of the adopted Statement of Commitment to Reconciliation. It is a clear acknowledgement and demonstration of the work that is required to improve the economic, social, environmental, cultural, health and educational outcomes for Aboriginal and/or Torres Strait Islander people.

Our RAP is championed by Suzanne Miller General Manager Community Health and Wellbeing Latrobe City Council.

### Our RAP Working Group Members

#### Latrobe City Staff

Suzanne Miller  
General Manager Community Health and Wellbeing (RAP Champion)

Belinda Crawford  
Early Childhood Leader-Aboriginal Programs

Bruce Connolly  
Manager Business Development

Liam Bantock  
Coordinator Safe and Inclusive Communities

Chelsea Stewart  
Aboriginal Liaison Officer

Kate Kerslake  
Manager Family Services

Rebecca Cole  
Director Creative Arts

Hanna Steevens  
Manager Governance

Helen Taylor  
Manager Aged Care

Victoria Whelan  
Coordinator Libraries and Customer Service

Lee Cochrane  
Acting Manager People and Culture

Lauren Carey  
Manager Engagement and Customer Focus

#### External Members

Representative from Gunaikurnai Land and Waters Aboriginal Corporation

*Image: Kalidjah Walsh dancing with The Boorun Boys*



# Our Vision for Reconciliation

Latrobe City Council's vision for reconciliation is to deepen our collaboration with the local Aboriginal and Torres Strait Islander community.

We will broaden our relationship with the local Aboriginal and Torres Strait Islander community, a relationship underpinned by respect for the rich and complex nature of local Aboriginal and Torres Strait Islander cultures.

We are committed to ensuring equal access to a fair system which protects the rights of individuals and is responsive to community needs.

We will consult with the local Aboriginal and Torres Strait Islander community, and include them in our decision making processes.

We will work in partnership with the local Aboriginal and Torres Strait Islander community to ensure that their culture is respectfully maintained and promoted.

# Traditional Owners of Latrobe City

**The Gunaikurnai nation are the Traditional Owners of Latrobe City. Today there are approximately 3000 Gunaikurnai people across the region, and their traditional lands cover the coastal and inland areas of Gippsland to the southern slopes of the Victorian Alps.**

The Gunaikurnai nation is made up of five major clans. These are the Brabrälung Clan in Central Gippsland, Brataulung Clan in South Gippsland, Krauatungalung Clan near the Snowy River, Tatungalung Clan near Lakes Entrance and the Brayakaulung (Braiäkaulung) Clan whose traditional territory covers the Latrobe City municipality.

Latrobe City Council acknowledges and respects the special contributions made to our community by our Traditional Owners.

Latrobe City Council appreciates Traditional Owner representation on Council's committees and groups.

Latrobe City Council respects the role of the Traditional Owners and its' corporation in matters related to country, culture and Native Title.

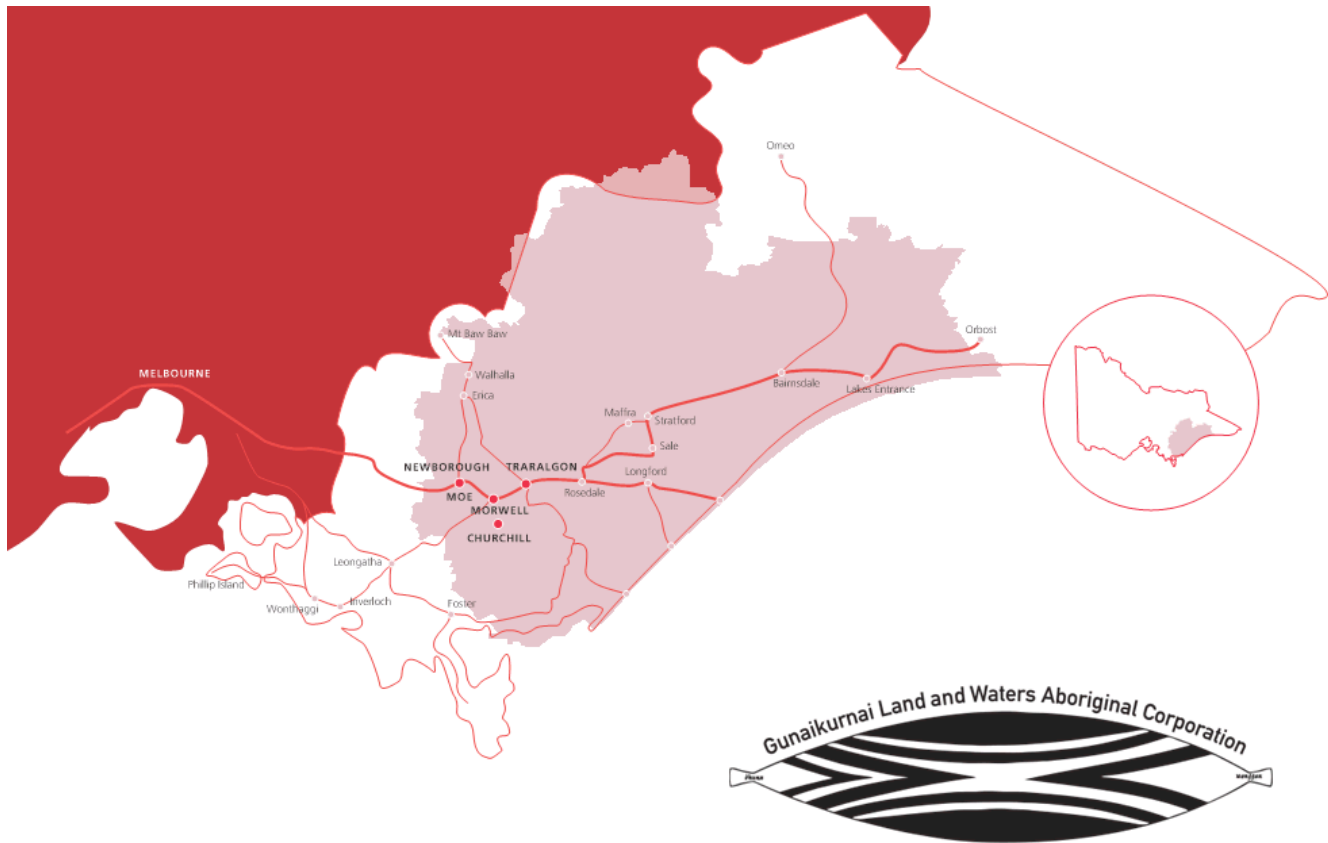
Latrobe City Council understands the history of dispossession and movement of Aboriginal and Torres Strait Islander peoples across Gippsland and the impact this has had to the cultural lore of the Traditional Owners.

## Gunaikurnai Creation Story

The first Gunaikurnai came down from the mountains in Victoria's north-west carrying his canoe on his head. He was Borun, the pelican. He crossed over a deep river at what is now known as Sale, and walked on alone to Tarra Warackel (Port Albert) in the west. As he walked, he heard a constant tapping sound, but could not identify it. When he reached the deep water of the inlets, Borun put down his canoe and much to his surprise, there was a woman in it. She was Tuk, the musk duck. He was happy to see her and she became his wife and the mother of the Gunaikurnai people. They are the parents of the five Gunaikurnai clans.



Image: Borun and Tuk by Ronald Edwards Pepper



## Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC)

**Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) represents Traditional Owners from the Brataualung, Brayakaulung, Brabralung, Krauatungalung and Tatalung family clans, who were recognised in the Native Title Consent Determination, made under the new Traditional Owner Settlement Act 2010, the first such agreement under that Act.**

GLaWAC is the Prescribed Body Corporate (PBC) for the Gunaikurnai people and claim area, as outlined in the agreement, providing joint management of 10 parks and reserves within the State.

GLaWAC is the Registered Aboriginal Party for the Gunaikurnai claim area, as decided by the Victorian Aboriginal Heritage Council under the Aboriginal Heritage Act, 2006.

GLaWAC has a membership of more than 600 Traditional Owners, all of whom have proven their ancestral links to one of 25 Apical Ancestors registered in the Native Title Consent Determination.



# Latrobe City's Aboriginal and Torres Strait Islander Community

**As well as Traditional Owners from the Gunaikurnai Nation, Latrobe City is home to Aboriginal and/or Torres Strait Islander peoples from many different areas of Australia.**

Latrobe City's Elders and Community Members are very highly regarded and respected among the wider community. Their leadership within their community as well as the wider contribution to the community is significant and valued, as is their representation on the Braiakaulung Advisory Committee and other special and advisory committees.

Latrobe City has a vibrant, proactive and well-connected Aboriginal and/or Torres Strait Islander community who work together to deliver regular sporting, cultural and community strengthening events and projects.

## **Braiakaulung Advisory Committee**

Latrobe City's Braiakaulung Advisory Committee is a Council Committee established in 1998 to acknowledge the Traditional Owners of the land, and to advise on issues associated with reconciliation. It meets six times per year to discuss issues relating to the local Aboriginal and/or Torres Strait Islander community.

### **The aims of the Committee are to:**

- Advise Council on policies and how they relate to the local Aboriginal and/or Torres Strait Islander community
- Advise Council on reconciliation
- Facilitate major events including local Aboriginal and/or Torres Strait Islander input and participation
- Promote recognition and awareness of local Aboriginal and/or Torres Strait Islander cultures in Council and the wider community
- Ensure information sharing about Council strategies, policies and programs
- Maximise the promotion of opportunities for people through Council and other programs including training and employment for young people
- Encourage the promotion of positive messages about local Aboriginal and/or Torres Strait Islander initiatives and achievements



- Assist in the development of strategies for tackling identified problems
- Advise Council on Cultural heritage issues

Latrobe City Council adopted the Statement of Commitment to Indigenous People and Statement of Reconciliation in March 2000. This statement was reviewed and the Statement of Commitment to Reconciliation adopted in 2012.

*image: Aunty Helen Treadgold and her granddaughter Sheba Atong*

# Statement of Commitment to Reconciliation

## Traditional Owners

Latrobe City Council acknowledges the Braiakaulung people were the occupiers and traditional owners of the land that is now known as Latrobe City, prior to colonial settlement.

## Respect for Culture

Latrobe City Council's commitment to reconciliation is underpinned by respect for the rich and complex nature of Aboriginal and Torres Strait Islander culture. The richness of traditional language and the diversity and strength of Aboriginal people is valued.

## Recognition

Latrobe City Council apologises for the pain, grief and suffering experienced by Aboriginal people as a result of past laws, government policies, actions and attitudes. Latrobe City Council expresses deep sorrow that these actions and attitudes have occurred and has determined that such occurrences will not be repeated. Latrobe City Council acknowledges the ongoing effects of such practices on the lives of Aboriginal people who continue to be disadvantaged from the effects of their displacement from their families, their land and traditional culture.

## Connection with the Environment

Latrobe City Council recognises the distinctive and special spiritual and material relationship that Aboriginal people have with the land and water including trees, rocks, hills, valleys, creeks, rivers and flood plains of Latrobe City. Latrobe City Council recognises the historical and environmental significance of sacred sites and special features of the city.

## Equality and Fairness

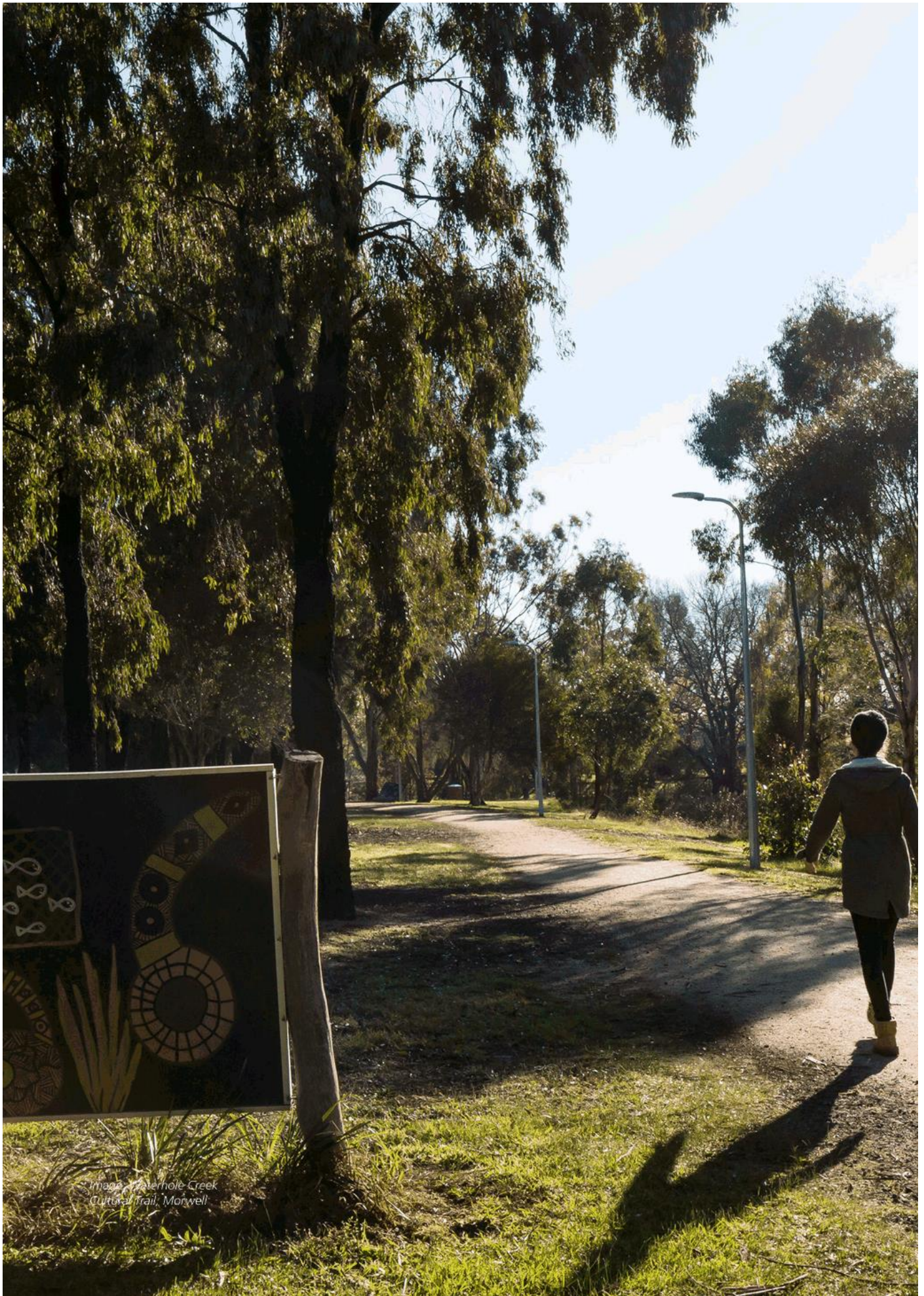
Latrobe City Council is committed to ensuring equal access to a fair system which protects the rights of individuals and is responsive to community needs.

## Identity, Customs and Beliefs

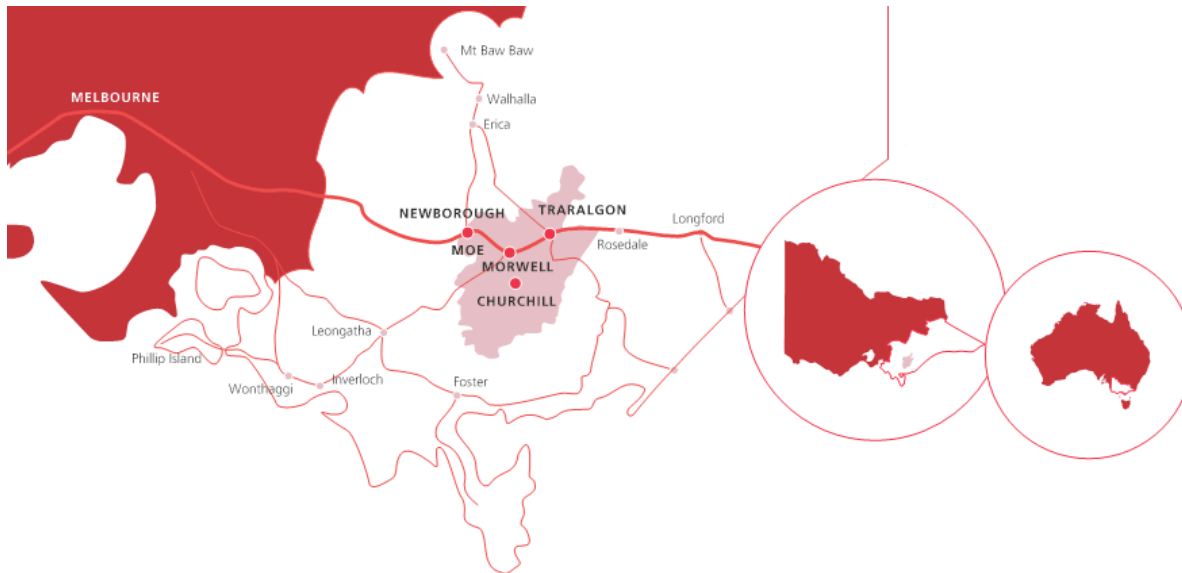
These needs include recognition of Aboriginal and Torres Strait Islander rights that relate to areas such as identity, culture, religion and language, cultural and intellectual property, land, customs, traditions and freedom from discrimination.

## Working Together

Latrobe City Council recognises the importance of working in partnership with Aboriginal and Torres Strait Islander people. Latrobe City Council uses consultation, inclusion and empowerment wherever possible to ensure Aboriginal and Torres Strait Islander culture is promoted, maintained and developed.



*Image of Waterhole Creek Cultural Trail, Morwell*



## Latrobe City

### A snapshot of the municipality

**Latrobe City is located 140kms east of Melbourne with a population of approximately 74,000 residents, with 1,188 identifying as Aboriginal and/or Torres Strait Islander peoples.**

Situated in the centre of Gippsland, Latrobe City is recognised as one of Victoria's four regional centres, along with Ballarat, Bendigo and Geelong, and is the only city located in the eastern part of Victoria.

Latrobe City encompasses the four major towns of Traralgon, Morwell, Moe/Newborough and Churchill as well as the outer lying townships of Boolarra, Glengarry, Traralgon South, Toongabbie, Tyers, Yallourn North and Yinnar.

The area draws its name from the Latrobe River. The Latrobe River was named by William Adams Brodribb in honour of Charles LaTrobe, Lieutenant Governor of the Port Phillip District.

The original inhabitants of Latrobe City are the people of the Braiakaulung Clan of the Gunaikurnai Nation. It is thought that the Gunaikurnai people have lived in the Gippsland area for some 40,000 years. Evidence of human occupation at Cloggs Cave near Buchan, has been dated at up to 17,000 years, while occupation at New Guinea Cave in the same area has been dated to over 20,000 years.

European settlement in Latrobe City dates from the late 1830's when pastoralists arrived. Land was used mainly for farming, cattle grazing and timber-harvesting. Growth was minimal until the 1850's when it was bolstered by gold discoveries. Expansion took place in the 1880's, stimulated by coal mining and the construction of railway lines.

Historically, brown coal electricity generation has been the backbone of the local economy but in more recent times the economy has diversified to include a range of industries including forestry and

paper manufacturing, agribusiness, retail, hospitality, aviation, health and education.

Latrobe City is now home to Australia's largest yoghurt manufacturing facility, Federation University, Latrobe Regional Hospital, Australia's largest pulp and paper manufacturer, and the only commercial aircraft manufacturing facility in Australia based at Latrobe Regional Airport.

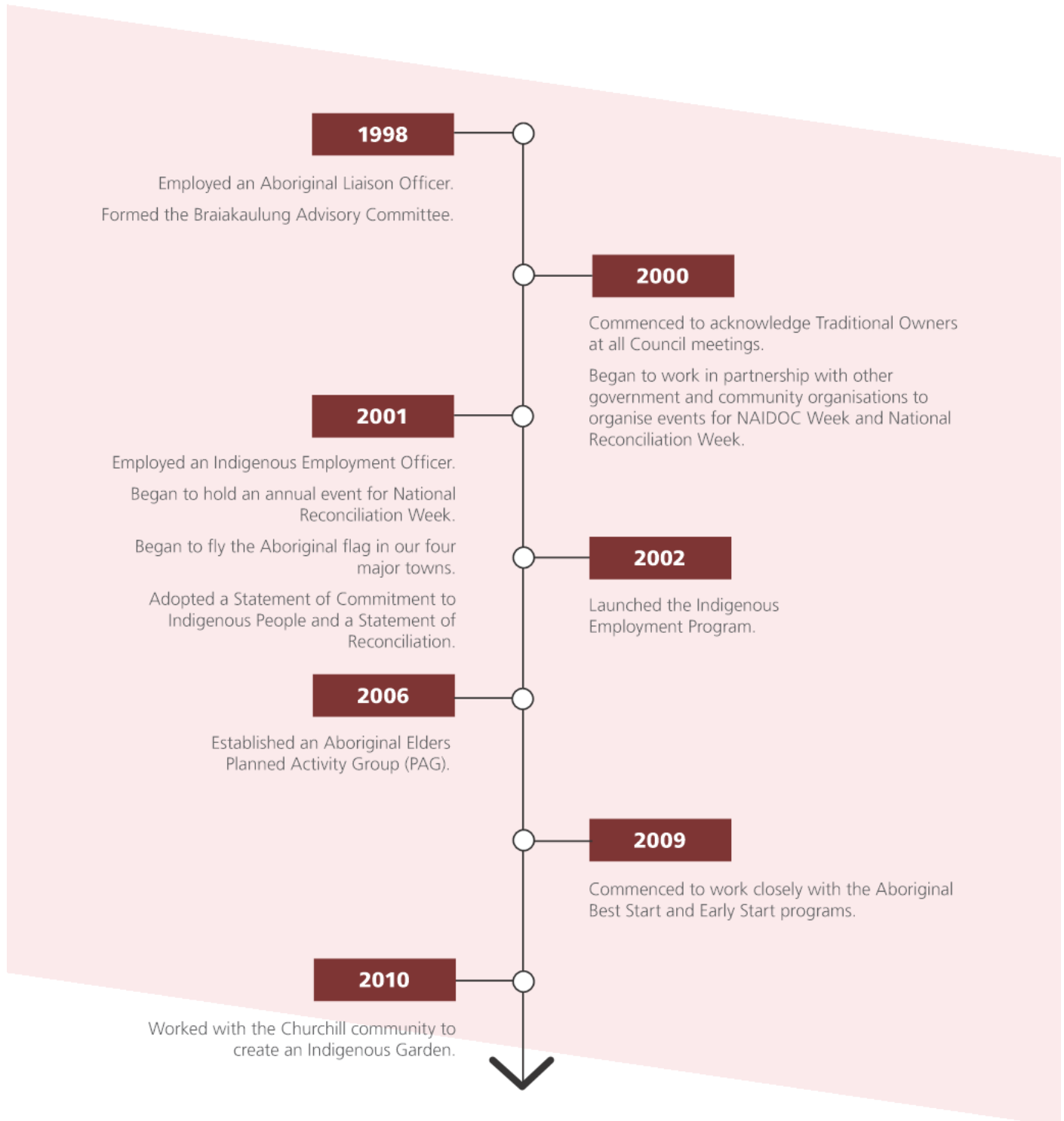
Latrobe City hosts many national and international events such as the Victorian Junior Tennis Championships and International Championships, the Latrobe City Pro Am and the Waterski Championships. Other highlights of the event calendar include the Latrobe Spring Racing Carnival, Sister Cities Festival and Boolarra Folk Festival. Week to week there is always something happening, whether it is a local market with fresh produce, a community event, an exhibition at Latrobe Regional Gallery or a live show at the Latrobe Performing Arts Centre.

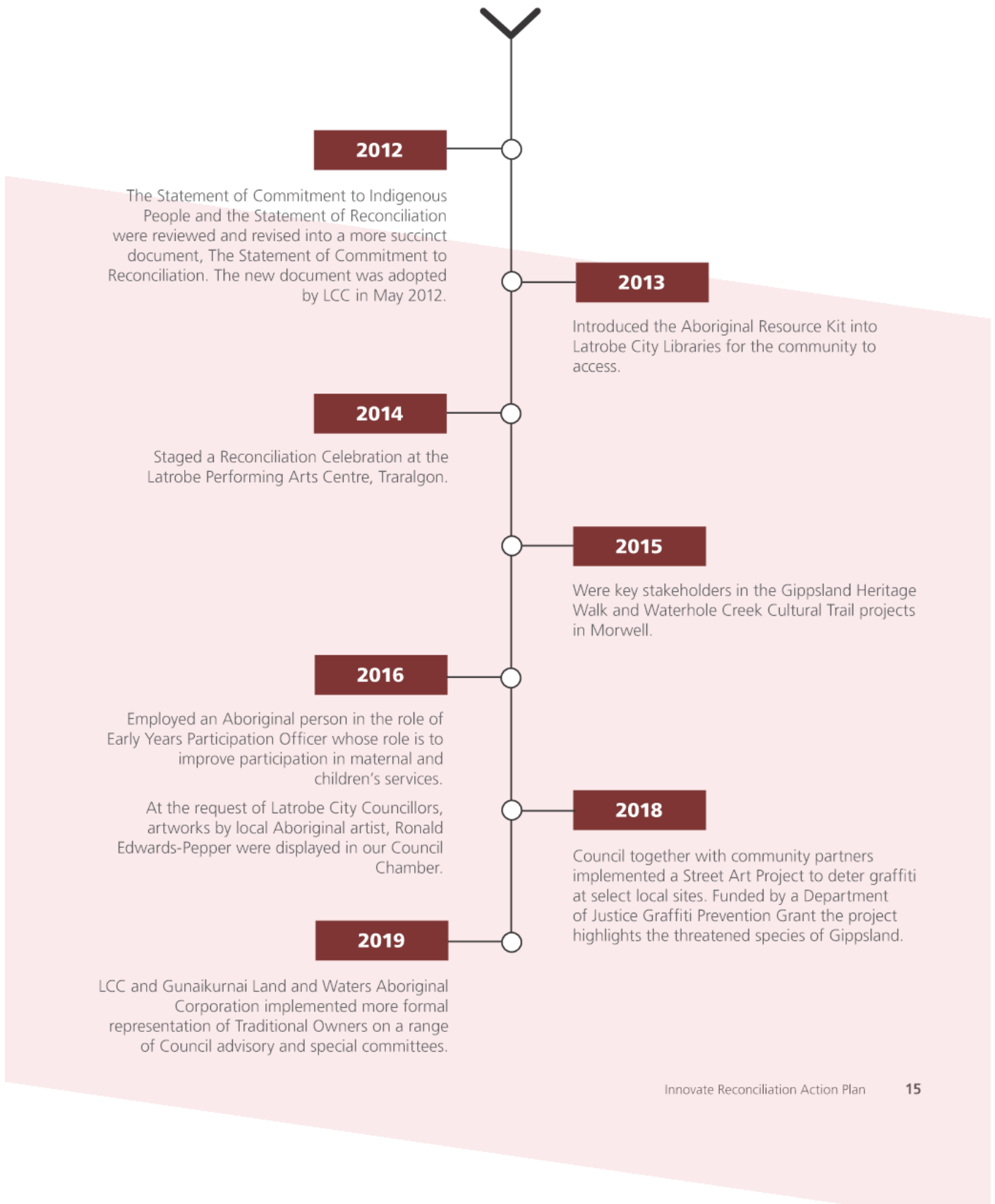
## Acknowledgements

Latrobe City Council would like to thank the Gunaikurnai Land and Water Aboriginal Corporation, Reconciliation Australia, the Latrobe City RAP Working Group, the Braiakaulung Advisory Committee and local community members for collaborating with us on this project.



# Major Initiatives Towards Reconciliation





# 1. Relationships



Latrobe City Council recognises the importance of working in partnership with Traditional Owners and other Aboriginal and/or Torres Strait Islander peoples. Latrobe City Council seeks

to consult with Aboriginal and/or Torres Strait Islander peoples wherever possible to ensure Aboriginal and Torres Strait Islander cultures are promoted and maintained.

## Action 1.1: Establish and maintain mutually beneficial relationships with Aboriginal and Torres Strait Islander stakeholders and organisations.

	Deliverable	Timeline	Responsibility
1.1.1	Attend relevant local Aboriginal and Torres Strait Islander community meetings and events and assist the local Aboriginal and Torres Strait Islander community with the facilitation of these meetings and events, where possible.	Commence October 2020 Review October 2021	Manager Active Communities and Partnerships
1.1.2	Invite the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) to participate in the Braiakaulung Advisory Committee and all other special and advisory Committees established by Council as a member of the Committee representing Traditional Owners.	Commence October 2020 Review October 2021	Manager Governance
1.1.3	Meet with local Aboriginal and Torres Strait Islander stakeholders and organisations to develop guiding principles for future engagement.	April 2021	Manager Active Communities and Partnerships
1.1.4	Develop and implement an engagement plan to work with local Aboriginal and Torres Strait Islander stakeholders and organisations.	April 2021	Manager Active Communities and Partnerships

## Action 1.2: Build relationships through celebrating National Reconciliation Week (NRW).

	Deliverable	Timeline	Responsibility
1.2.1	Circulate Reconciliation Australia's NRW resources and reconciliation materials to our staff.	27 May to 3 June 2021 and 2022	Manager Active Communities and Partnerships
1.2.2	RAP Working Group members to participate in an external NRW event.	27 May to 3 June 2021 and 2022	Manager Active Communities and Partnerships
1.2.3	Encourage and support staff and senior leaders to participate in at least one external event to recognise and celebrate NRW.	27 May to 3 June 2021 and 2022	Manager Active Communities and Partnerships
1.2.4	Organise at least one NRW event each year.	27 May to 3 June 2021 and 2022	Manager Active Communities and Partnerships
1.2.5	Register all our NRW events on Reconciliation Australia's NRW website.	27 May to 3 June 2021 and 2022	Manager Active Communities and Partnerships



**Action 1.3: Promote reconciliation through our sphere of influence.**

	<b>Deliverable</b>	<b>Timeline</b>	<b>Responsibility</b>
1.3.1	Develop a communication plan to promote and increase awareness of the RAP to all internal and external stakeholders.	February 2021	Manager Active Communities and Partnerships
1.3.2	Communicate our commitment to reconciliation publicly.	27 May to 3 June 2021 and 2022	Manager Active Communities and Partnerships
1.3.3	Implement strategies to engage our staff in reconciliation.	27 May to 3 June 2021 and 2022	Manager Active Communities and Partnerships
1.3.4	Explore opportunities to positively influence our external stakeholders to drive reconciliation outcomes.	August 2021	Manager Active Communities and Partnerships
1.3.5	Collaborate with RAP and other like-minded organisations to develop ways to advance reconciliation.	August 2021	Manager Active Communities and Partnerships
1.3.6	Collaborate with other local governments in Gippsland to share information on reconciliation and the role of Traditional Owner corporations.	August 2022	Manager Active Communities and Partnerships
1.3.7	Work with GLaWAC to establish consistent policies and procedures across Local Government Areas in relation to reconciliation.	August 2022	Manager Active Communities and Partnerships

**Action 1.4: Promote positive race relations through anti-discrimination strategies.**

	<b>Deliverable</b>	<b>Timeline</b>	<b>Responsibility</b>
1.4.1	Conduct a review of HR policies and procedures to identify existing anti-discrimination provisions, and future needs.	August 2021	Manager People and Culture
1.4.2	Develop, implement and communicate an anti-discrimination policy for our organisation.	August 2021	Manager People and Culture
1.4.3	Engage with Aboriginal and Torres Strait Islander staff and/or Aboriginal and Torres Strait Islander advisors to consult on our anti-discrimination policy.	August 2021	Manager People and Culture
1.4.4	Educate senior leaders on the effects of racism.	August 2021	Manager People and Culture

**Action 1.5: Continue to employ an Aboriginal Liaison Officer (ALO).**

	<b>Deliverable</b>	<b>Timeline</b>	<b>Responsibility</b>
1.5.1	Review position description annually and ensure position is filled.	March 2021	Manager Active Communities and Partnerships

## 2. Respect



Latrobe City Council's commitment to reconciliation is underpinned by respect for the rich and complex nature of Aboriginal and Torres Strait Islander cultures. The richness of traditional


and contemporary cultural practices and the diversity and strength of Aboriginal and Torres Strait Islander peoples is valued.

### Action 2.1: Increase understanding, value and recognition of Aboriginal and Torres Strait Islander cultures, histories, knowledge and rights through cultural learning.

	Deliverable	Timeline	Responsibility
2.1.1	Work with GLaWAC to develop a Cultural Awareness Training package for Councillors as part of their Councillor Induction Process.	November 2020	Manager Active Communities and Partnerships
2.1.2	Provide Councillors with face to face Cultural Awareness Training as part of their Councillor Induction Process.	November 2020	Manager Governance
2.1.3	Conduct a review of cultural learning needs within our organisation.	January 2021	Manager Active Communities and Partnerships
2.1.4	Consult with GLaWAC and other approved Aboriginal and/or Torres Strait Islander advisors on the development and implementation of a cultural learning strategy.	January 2021	Manager Active Communities and Partnerships
2.1.5	Develop, implement and communicate a cultural learning strategy for our staff.	January 2021	Manager Active Communities and Partnerships
2.1.6	Provide opportunities for RAP Working Group members, HR managers and other key leadership staff to participate in formal and structured cultural learning.	January 2021	Manager Active Communities and Partnerships
2.1.7	Work with GLaWAC to develop an online Cultural Awareness Training module for all Latrobe City Council staff.	April 2021	Manager Active Communities and Partnerships
2.1.8	Roll out the mandatory online Cultural Awareness Training module to all staff.	May 2021	Manager People and Culture

**Action 2.2: Celebrate and promote Aboriginal and Torres Strait Islander visual and performing arts and Authors and Illustrators.**

	<b>Deliverable</b>	<b>Timeline</b>	<b>Responsibility</b>
2.2.1	Latrobe Regional Gallery to hold at least one exhibition per year featuring a local Aboriginal and/or Torres Strait Islander Artist (or group).	October 2020 Review October 2021	Manager Creative Venues, Events and Tourism
2.2.2	Latrobe Regional Gallery to pursue opportunities to exhibit at least one exhibition per year featuring a national Aboriginal and/or Torres Strait Islander Artist (or group).	October 2020 Review October 2021	Manager Creative Venues, Events and Tourism
2.2.3	Latrobe Regional Gallery to run at least one Aboriginal and/or Torres Strait Islander artist talk or cultural workshop per year.	October 2020 Review October 2021	Manager Creative Venues, Events and Tourism
2.2.4	Latrobe Regional Gallery and Latrobe Creative Precinct to work with GLaWAC towards establishing an ongoing Aboriginal and Torres Strait Islander program in partnership with the local Aboriginal and/or Torres Strait Islander community that presents contemporary perspectives on local history and culture.	October 2020 Review October 2021	Manager Creative Venues, Events and Tourism
2.2.5	Latrobe Performing Arts Centre to present a minimum of one Aboriginal and/or Torres Strait Islander work/performance/show, engagement or opportunity per year.	October 2020 Review October 2021	Manager Creative Venues, Events and Tourism
2.2.6	Explore opportunities to program an Aboriginal and/or Torres Strait Islander performance or community engagement during National Reconciliation Week each year.	October 2020 Review October 2021	Manager Creative Venues, Events and Tourism
2.2.7	Work with the local Aboriginal and Torres Strait community to increase engagement with local Aboriginal and/or Torres Strait Islander performers and artists.	October 2020 Review October 2021	Manager Creative Venues, Events and Tourism
2.2.8	Each Latrobe City Library to showcase Aboriginal and/or Torres Strait Islander Authors and Illustrators during National Reconciliation Week each year.	October 2020 Review October 2021	Manager Active Communities and Partnerships
2.2.9	Latrobe City Libraries to purchase at least one book by an Aboriginal and/or Torres Strait Islander Author per year.	October 2020 Review October 2021	Manager Active Communities and Partnerships



**Action 2.3: Develop and implement public cultural education initiatives.**

	<b>Deliverable</b>	<b>Timeline</b>	<b>Responsibility</b>
2.3.1	Latrobe City Libraries, Service Centres and the Visitor Information Centre to display at least one set of Aboriginal and Torres Strait Islander mini desk-flags at their reception desks.	October 2020 Review October 2021	Manager Active Communities and Partnerships
2.3.2	Make the Gunaikurnai Whole of Country Plan available throughout Latrobe City Libraries.	October 2020 Review October 2021	Manager Active Communities and Partnerships
2.3.3	Conduct weekly Aboriginal and/or Torres Strait Islander themed Storytimes at Latrobe City Libraries.	October 2020 Review October 2021	Manager Active Communities and Partnerships
2.3.4	Utilise the Latrobe Valley Express, LCC noticeboard and LCC website, Intranet and Facebook page to update the community about events, meeting dates and dates of significance.	October 2020 Review October 2021	Manager Active Communities and Partnerships
2.3.5	Latrobe City Libraries, Service Centres and the Visitor Information Centre to display at least one local Aboriginal and/or Torres Strait Islander artwork.	October 2021 Review October 2022	Manager Active Communities and Partnerships
2.3.6	Design and purchase street banners to be displayed in Commercial Road, Morwell during National Reconciliation Week, featuring artworks by local Aboriginal and/or Torres Strait Islander artists.	October 2021 Review October 2022	Manager Active Communities and Partnerships
2.3.7	Develop a dedicated web page on the Latrobe City Council website with information pertaining to the local Aboriginal and Torres Strait Islander community, including a link to GLaWAC's webpage, the Latrobe City Council Aboriginal and Torres Strait Islander Cultural Protocol Document and the Reconciliation Action Plan.	October 2021 Review October 2022	Manager Active Communities and Partnerships
2.3.8	Consult with GLaWAC to install Acknowledgement of Country plaques in the four major towns at the Churchill Hub, Moe Service Centre and Library, LCC headquarters and the Traralgon Service Centre and Library.	September 2022	Manager Active Communities and Partnerships

**Action 2.4: Demonstrate respect to Aboriginal and Torres Strait Islander peoples by observing cultural protocols.**

	<b>Deliverable</b>	<b>Timeline</b>	<b>Responsibility</b>
2.4.1	Increase staff's understanding of the purpose and significance behind cultural protocols, including Acknowledgement of Country and Welcome to Country protocols.	October 2020 Review October 2021	Manager Active Communities and Partnerships
2.4.2	Invite a local Traditional Owner or Custodian to provide a Welcome to Country or other appropriate cultural protocol at significant events each year.	October 2020 Review October 2021	Manager Active Communities and Partnerships
2.4.3	Include an Acknowledgement of Country or other appropriate protocols at the commencement of all Council meetings and other important meetings.	October 2020 Review October 2021	Manager Governance
2.4.4	Permanently fly the Aboriginal and Torres Strait Islander flags in the four major towns at the Churchill Hub, Moe Service Centre, LCC Headquarters, and the Morwell and Traralgon Service Centre and Libraries.	October 2020 Review October 2021	Manager Engagement and Customer Focus
2.4.5	Comply with Aboriginal Heritage Act 2006.	October 2020 Review October 2021	Manager Regional City Planning
2.4.6	Consult with GLaWAC when conducting Cultural Heritage Site Inspections.	October 2020 Review October 2021	Manager City Assets
2.4.7	Comply with 'Naming rules for places in Victoria, Statutory requirements for naming roads, features and localities 2016 (7.3 Developing an Aboriginal naming proposal)' to consult with GLaWAC before using Aboriginal names, words and symbols in the naming of Council owned and/or managed assets such as streets, parks and buildings.	October 2020 Review October 2021	Manager Governance
2.4.8	Update the Latrobe City Event Planner to include information outlining the protocols around Welcome to Country/ Acknowledgement of Country. Encourage event organisers to include a Welcome to Country or Acknowledgement of Country at the beginning of their event.	March 2021	Manager Creative Venues, Events and Tourism
2.4.9	Work with GLaWAC to develop, implement and communicate an external Aboriginal and/or Torres Strait Islander Cultural Protocol document.	March 2021	Manager Active Communities and Partnerships
2.4.10	Work with GLaWAC to develop, implement and communicate an internal Aboriginal and/or Torres Strait Islander Cultural Protocol Document which will complement Cultural Awareness Training for staff and Councillors.	March 2021	Manager Active Communities and Partnerships
2.4.11	Latrobe Regional Gallery to work with GLaWAC to develop a written acknowledgement at/within the Latrobe Regional Gallery that acknowledges the Gunaikurnai Nation as Traditional Owners of the land on which the Gallery stands.	October 2021	Manager Creative Venues, Events and Tourism

**Action 2.5: Build respect for Aboriginal and Torres Strait Islander cultures and histories by celebrating NAIDOC Week.**

	<b>Deliverable</b>	<b>Timeline</b>	<b>Responsibility</b>
2.5.1	Our RAP Working Group to participate in an external NAIDOC Week event.	July 2021 and 2022	Manager Active Communities and Partnerships
2.5.2	Review HR policies and procedures to remove barriers to staff participating in NAIDOC Week events.	July 2021 and 2022	Manager People and Culture
2.5.3	Promote and encourage participation in external NAIDOC events to all staff.	July 2021 and 2022	Manager Active Communities and Partnerships
2.5.4	Hold an external event with staff to promote awareness of the meaning of NAIDOC Week.	July 2021 and 2022	Manager Active Communities and Partnerships
2.5.5	Provide financial support to the NAIDOC Week School Initiative Competitions.	July 2021 and 2022	Manager Active Communities and Partnerships
2.5.6	Provide financial or in-kind support to an external NAIDOC Week community event.	July 2021 and 2022	Manager Active Communities and Partnerships
2.5.7	Work with the local NAIDOC Week Committee to organise events in the Latrobe City community.	July 2021 and 2022	Manager Active Communities and Partnerships

## 3. Opportunities



Latrobe City Council is committed to ensuring equal access to a fair system which protects the rights of individuals and is responsive to community needs.

### Action 3.1: Improve employment outcomes by increasing Aboriginal and Torres Strait Islander recruitment, retention and professional development.

	Deliverable	Timeline	Responsibility
3.1.1	Advertise job vacancies to effectively reach Aboriginal and Torres Strait Islander stakeholders.	October 2020	Manager People and Culture
3.1.2	Include on all LCC job advertisements that all Aboriginal and/or Torres Strait Islander people are encouraged to apply.	October 2020	Manager People and Culture
3.1.3	Continue to collect data on whether new staff identify as being an Aboriginal and/or Torres Strait Islander person.	October 2020	Manager People and Culture
3.1.4	Provide the option to have a mentor/support person present at job interviews to provide support to Aboriginal and/or Torres Strait Islander applicants.	October 2020	Manager People and Culture
3.1.5	Build understanding of current Aboriginal and Torres Strait Islander staffing to inform future employment and professional development opportunities.	May 2021	Manager People and Culture
3.1.6	Engage with Aboriginal and Torres Strait Islander staff to consult on our recruitment, retention and professional development strategy.	May 2021	Manager People and Culture
3.1.7	Latrobe City Council's Indigenous Employment Program to work in partnership with GLaWAC to explore employment and training opportunities within LCC.	October 2020	Manager People and Culture
3.1.8	Develop and implement an Aboriginal and Torres Strait Islander recruitment, retention and professional development strategy.	August 2021	Manager People and Culture
3.1.9	Review HR and recruitment procedures and policies to remove barriers to Aboriginal and Torres Strait Islander participation in our workplace.	August 2021	Manager People and Culture
3.1.10	Increase the percentage of Aboriginal and Torres Strait Islander staff employed in our workforce.	July 2022	Manager People and Culture

**Action 3.2: Collaborate with key organisations to advocate for and support initiatives that advance the health, wellbeing, economic and educative position of Aboriginal and/or Torres Strait Islander people.**

	<b>Deliverable</b>	<b>Timeline</b>	<b>Responsibility</b>
3.2.1	Support GLaWAC in establishing a work centre and Aboriginal business hub in the Latrobe Valley.	October 2020	Manager Active Communities and Partnerships

**Action 3.3: Continue to provide services, programs and information that are culturally relevant to Aboriginal and/or Torres Strait Islander people.**

	<b>Deliverable</b>	<b>Timeline</b>	<b>Responsibility</b>
3.3.1	Seek ongoing funding to enable the continuation of the Aboriginal Elders' Planned Activity Group (PAG).	October 2020	Manager Aged Care Services
3.3.2	Work with GLaWAC and other Aboriginal organisations to grow the number of Elders engaging with the LCC Aboriginal Elders' PAG.	October 2020	Manager Aged Care Services
3.3.3	Advise and support all current and new Aboriginal and/or Torres Strait Islander clients to ascertain if they are eligible for the National Disability Insurance Scheme. Promote and facilitate information on the National Disability Insurance Scheme to the Aboriginal and Torres Strait Islander community.	October 2020	Manager Family Services
3.3.4	Employ an Early Year's Participation Officer to improve access and support to Early Years services within Latrobe City for Aboriginal and/or Torres Strait Islander children and their families.	October 2020	Manager Family Services
3.3.5	Implement programs that aim to connect Aboriginal and Torres Strait Islander children and their families to their culture, such as the First 1000 Days Program.	October 2020	Manager Family Services



**Action 3.4: Increase Aboriginal and Torres Strait Islander supplier diversity to support improved economic and social outcomes.**

	<b>Deliverable</b>	<b>Timeline</b>	<b>Responsibility</b>
3.4.1	Include two new questions on the New Supplier Form that ask new suppliers to state whether they are an Aboriginal and/or Torres Strait Islander owned business or whether they currently employ Aboriginal and/or Torres Strait Islander people.	October 2020	Manager Financial Performance
3.4.2	Keep a database of Aboriginal and/or Torres Strait Islander owned businesses that supply to Latrobe City Council.	October 2020	Manager Financial Performance
3.4.3	Provide support, guidance and advice to established and emerging Aboriginal and/or Torres Strait Islander owned businesses through linking them in with our current business support services.	October 2020 ongoing	Manager Business Development
3.4.4	Partner with GLaWAC and other Aboriginal and/or Torres Strait Islander organisations to explore economic opportunities for Aboriginal and/or Torres Strait Islander people within the local economy. Support GLaWAC's representation on our Economic Development Advisory Committee.	October 2020	Manager Business Development
3.4.5	Investigate opportunities to work with local Aboriginal and/or Torres Strait Islander artists to develop a range of local Aboriginal and/or Torres Strait Islander made and designed corporate gifts.	October 2021	Manager Business Development
3.4.6	Develop and implement an Aboriginal and Torres Strait Islander procurement strategy.	May 2021	Manager Financial Performance
3.4.7	Investigate Supply Nation membership.	February 2021	Manager Business Development
3.4.8	Develop and communicate opportunities for procurement of goods and services from Aboriginal and Torres Strait Islander businesses to staff.	February 2022	Manager Business Development
3.4.9	Review and update procurement policies and procedures to remove barriers to procuring goods and services from Aboriginal and Torres Strait Islander businesses.	February 2022	Manager Financial Performance
3.4.10	Develop commercial relationships with Aboriginal and/or Torres Strait Islander businesses.	February 2022	Manager Business Development

## 4. Governance



### Action 4.1: Establish and maintain an effective RAP Working Group (RWG) to drive governance of the RAP.

	Deliverable	Timeline	Responsibility
4.1.1	Maintain Aboriginal and Torres Strait Islander representation on the RWG.	October 2020 Review October 2021	Manager Active Communities and Partnerships
4.1.2	Review and update a Terms of Reference for the RWG	February 2021	Manager Active Communities and Partnerships
4.1.3	Meet at least four times per year to drive and monitor RAP implementation.	October 2020 Review October 2021	Manager Active Communities and Partnerships

### Action 4.2: Provide appropriate support for effective implementation of RAP commitments.

	Deliverable	Timeline	Responsibility
4.2.1	Define resource needs for RAP implementation.	October 2020 Review October 2021	Manager Active Communities and Partnerships
4.2.2	Engage our senior leaders and other staff in the delivery of RAP commitments.	October 2020 Review October 2021	Manager Active Communities and Partnerships
4.2.3	Define and maintain appropriate systems to track, measure and report on RAP commitments.	October 2020 Review October 2021	Manager Active Communities and Partnerships
4.2.4	Appoint and maintain an internal RAP Champion from senior management.	October 2020	Manager Active Communities and Partnerships

**Action 4.3: Manage the ongoing operation of the Braiakaulung Advisory Committee as an Advisory Committee of Latrobe City Council.**

	<b>Deliverable</b>	<b>Timeline</b>	<b>Responsibility</b>
4.3.1	Hold bi-monthly meetings with agendas and minutes.	October 2020 Review October 2021	Manager Active Communities and Partnerships
4.3.2	Regularly distribute news of relevant activities and events among the Braiakaulung Advisory Committee members.	October 2020 Review October 2021	Manager Active Communities and Partnerships
4.3.3	Hold an End of Year Luncheon each year with members of the Braiakaulung Advisory Committee.	December 2020/2021	Manager Active Communities and Partnerships
4.3.4	Develop and distribute an expression of interest process to join the Braiakaulung Advisory Committee to key Aboriginal and/or Torres Strait Islander people within the LCC sphere of influence.	March 2021	Manager Active Communities and Partnerships
4.3.5	Hold a Reconciliation Week Luncheon each year with members of the Braiakaulung Advisory Committee and Elders Planned Activities Group.	27 May to 3 June 2021 and 2022	Manager Active Communities and Partnerships

**Action 4.4: Build accountability and transparency through reporting RAP achievements, challenges and learnings both internally and externally.**

	<b>Deliverable</b>	<b>Timeline</b>	<b>Responsibility</b>
4.4.1	RAP working group to report on all RAP actions at quarterly meetings.	Quarterly February, May, August, October 2020-2022	Manager Active Communities and Partnerships
4.4.2	RAP Working Group to review all RAP actions.	August 2021/2022	Manager Active Communities and Partnerships
4.4.3	Report RAP progress to all staff and senior leaders quarterly.	Quarterly February, May, August, October 2020-2022	Manager Active Communities and Partnerships
4.4.4	Complete and submit the annual RAP Impact Measurement Questionnaire to Reconciliation Australia.	30 September, 2021 and 2022	Manager Active Communities and Partnerships
4.4.5	Provide an annual report to Council on the progress and implementation of the RAP.	September 2021 and 2022	Manager Active Communities and Partnerships
4.4.6	Publically report our RAP achievements, challenges and learnings, annually.	September 2021 and 2022	Manager Active Communities and Partnerships
4.4.7	Investigate participating in Reconciliation Australia's biennial Workplace RAP Barometer.	May 2022	Manager Active Communities and Partnerships

**Action 4.5: Continue our reconciliation journey by developing our next RAP.**

	<b>Deliverable</b>	<b>Timeline</b>	<b>Responsibility</b>
4.5.1	Register via Reconciliation Australia's website to begin developing our next RAP.	February 2022	Manager Active Communities and Partnerships

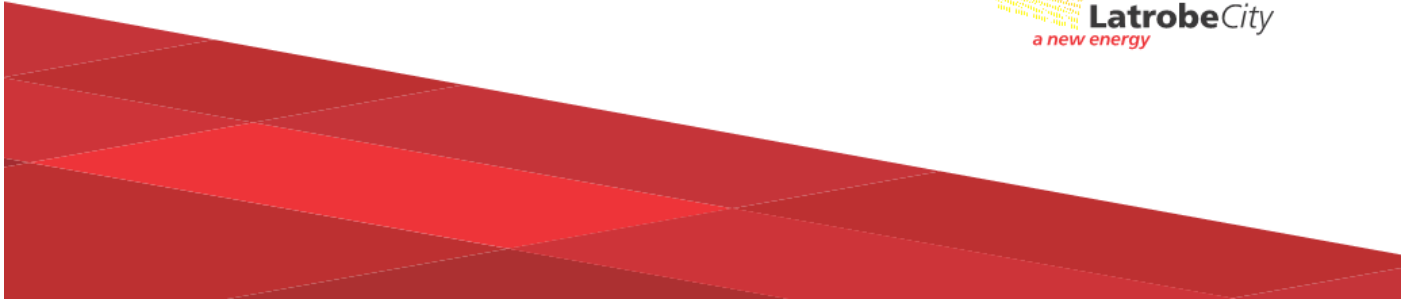


**For more information,  
contact:**

Aboriginal Liaison Officer

**Phone:** 1300 367 700

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



# **ORGANISATIONAL PERFORMANCE**

## **17. ORGANISATIONAL PERFORMANCE**

**Agenda Item: 17.1**

**Agenda Item: Financial Hardship Policy**

**Sponsor: General Manager, Organisational Performance**

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

**Status: For Decision**

### **MOTION**

**Moved: Cr McFarlane**

**Seconded: Cr Gibson**

**That Council:**

- 1. adopts the Financial Hardship Policy with an effective date of 08 September 2020; and**
- 2. notes that with the adoption of this Financial Hardship Policy, that any previous versions are now rescinded.**

**CARRIED UNANIMOUSLY**

### **Executive Summary:**

- The current Financial Hardship Policy relates only to applications for rate relief and does not apply to other payments due to Council. The current policy also restricts applications to individuals.
- The coronavirus pandemic has highlighted that hardship may also relate to other payments due to Council such as waste charges, user charges, permits and animal registrations and can extend beyond individuals.
- The revised Financial Hardship Policy attempts to strike a balance between the recognition that rates, fees and charges are the primary funding for Council services and providing a framework for those who are in financial difficulty to seek relief.
- The principal changes between the current policy and the revised policy are that the revised policy would apply to all individuals and businesses and would extend to all payments due to Council, except fines as these are dealt

with separately in local laws and legislation.

**Background:**

Rates, fees and charges are the primary source of revenue for Council to ensure the ongoing delivery of a range of important services to the community.

Providing appropriate relief in times of financial hardship is a balance between protecting Council's revenue, ensuring that other ratepayers are not disadvantaged and meeting the needs of members of the community in difficult times. This policy provides a framework to help achieve that balance.

There are a range of reasons why an individual or business may experience financial difficulty, not all of which merit relief. This policy includes examples entitling relief as illness, unemployment, divorce/separation or cash flow problems while noting that relief would not ordinarily be provided where the financial hardship arises due to financial over commitment, an own decision (for example, resignation) or imprisonment.

While the current pandemic is an extreme example of how widespread financial difficulty may arise, it has highlighted that Council has an important role to play in helping all members of the community, individuals and businesses, who are experiencing financial hardship.

As a result, the policy (subject to the exclusions noted below) will extend to:

- all individuals and businesses; and
- all payments due to Council, except fines under Local Laws which are subject to separate requirements under local laws and legislation.

The principal exclusions are:

- consistent with the hardship policies of most councils, rates or special charges will not be waived (instead interest waiver, deferment or a payment plan apply); and
- rates due on vacant land or from an owner of multiple properties (whether or not all such properties are within this municipality).

**Issues:**

*Strategy Implications*

This policy supports Council Plan Objective 6: *Ensure Council Operates Openly and Transparently.*

*Communication*

The policy will be placed on Council's website.

*Financial Implications*

The principal financial impact (if any) would be to cash flow as rates will not be waived and the principal outcomes are deferment or a payment plan. It is unlikely that in the short to medium term any major adverse financial outcome would result as Council has significant cash reserves.

*Risk Analysis*

<b>Identified risk</b>	<b>Risk likelihood*</b>	<b>Controls to manage risk</b>
<b>Service Delivery Risk</b> If applied too broadly, the policy could impact Council's funding.	Unlikely	Council has significant cash reserves to smooth any impact.
<b>Financial Risk</b> If applied too broadly, the policy could impact Council's funding.	Unlikely	Council has significant cash reserves to smooth any impact.
<b>Reputational Risk</b>	Rare	Council's reputational risk is more likely to arise in the absence of an appropriate financial hardship policy.
<b>Legal/Regulatory Risk</b>	Rare	Council's compliance risk is more likely to arise in the absence of an appropriate financial hardship policy.
<b>Strategic Risk</b> If applied too broadly, the policy could impact Council's funding.	Unlikely	Council has significant cash reserves to smooth any impact.

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



*Legal and Compliance*

The policy complies with our legal and regulatory obligations.

*Community Implications*

The community would expect Council to have an appropriate Financial Hardship Policy.

*Environmental Implications*

Nil

*Consultation*

None is proposed.

*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 1989*.

**Supporting Documents:**

Nil

**Attachments**

- 1 [↓](#). Hardship policy
- 2 [↓](#). Application for assistance due to financial hardship
- 3 [↓](#). Internal Review Application

# 17.1

## Financial Hardship Policy

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3	Internal Review Application.....	283



# Financial Hardship Policy

Version 1

Approval Date: (insert date)

Review Date: (insert date)



## Financial Hardship Policy

### DOCUMENT CONTROL

Responsible GM	Greg Drumm	
Division	Organisational Performance	
Last Updated (who & when)	(Manager Title & Name)	2020
<b>DOCUMENT HISTORY</b>		
Authority	Date	Description of change
Council	(day, month & year)	(Insert detail of change to policy)
References	Refer to Section 10 and 11 of this policy	
Next Review Date	(Month & Year)	
Published on website	(Yes or No)	
Document Reference No		

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## Financial Hardship Policy

### 1. Background

- 1.1 Municipal rates, fees and charges are the primary source of revenue for Council to ensure the ongoing delivery of a range of important services to the local community.
- 1.2 Council recognises that there are many reasons why members of the community may experience hardship.
- 1.3 Managing financial hardship is a shared responsibility and Council has a part to play while also ensuring that it has the funds to deliver services.

### 2. Objectives

- 2.1 The purpose of this policy is to provide a framework for financial relief to individuals and business who need assistance due to financial hardship so that all applications are treated consistently, sensitively and confidentially while ensuring that other ratepayers are not disadvantaged by the granting of inappropriate relief.

### 3. Scope

- 3.1 This policy applies to all monies owed to Latrobe City Council except fines issued under the Council's Local Laws which is dealt with under another policy.
- 3.2 The scope of this policy therefore includes rates, waste charges, fees and user charges, permits and animal registrations.
- 3.3 To the extent this policy is inconsistent with other current Council policies (excluding those applying to Council's Local Laws), the provisions of this policy shall apply.

### 4. Definitions

- 4.1 Ratepayer means the person responsible for the payment of rates (which in a commercial tenancy often means the tenant rather than the land owner).
- 4.2 Waive or waiver means to exempt a person or business from a requirement to pay.

### 5. Hardship and Identifying Hardship

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## Financial Hardship Policy

- 5.1 Financial hardship may arise for many reasons including illness, unemployment, divorce/separation or cash flow problems.
- 5.2 What is usually not considered to constitute financial hardship as a ground for assistance under this policy is where the financial hardship arises from financial over commitment; an own decision (for example, resignation) or imprisonment.
- 5.3 A person is considered to be in financial hardship when they would be unable to provide food, accommodation, clothing, medical treatment, education or other basic necessities for themselves, their family or their dependants.
- 5.4 A business is considered to be in financial hardship when facing closure, disconnection of utilities, repossession of a vehicle necessary to the operation of the business or imminent legal action for non-payment of debts.
- 5.5 To establish financial hardship under this policy, the person or business must also show that the financial hardship is capable of remedy if payment arrangements were to change.
- 5.6 An application based on financial hardship from a ratepayer in relation to rates due on vacant land or from an owner of multiple properties (whether all in Latrobe City or not) will not be considered.

### 6. Principles

- 6.1 To ensure the financial hardship offered to one ratepayer does not unduly disadvantage other ratepayers, Council will not waive in whole or part any rate, levy, charge, special rate or special charge.
- 6.2 Relief under this policy for financial hardship is therefore limited to waiver of interest and legal fees on overdue payments, a deferment or a payment arrangement.
- 6.3 Where property ownership changes, all overdue rates and charges must be fully paid at settlement.
- 6.4 Council may decline to consider an application for relief due to financial hardship where the applicant has defaulted under a payment arrangement within the last year.
- 6.5 A deferment or payment arrangement under this policy will cease to have effect in the following circumstances:

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## Financial Hardship Policy

- 6.5.1 information requested by Council is not provided within 30 days of the request being made;
- 6.5.2 the applicant provides any information to Council which is false or misleading;
- 6.5.3 the applicant defaults on the arrangement;
- 6.5.4 the circumstances giving rise to the financial hardship no longer exist;  
or
- 6.5.5 in the case of a person, the applicant is deceased or declared bankrupt or in the case of business enters into administration or liquidation.

### 7. Applications

- 7.1 A person or business can apply to access relief for financial hardship by sending a completed application form (**Attachment A**) by email to [latrobe@latrobe.gov.vic.au](mailto:latrobe@latrobe.gov.vic.au), including the details of the circumstances preventing that person or business from meeting their financial obligations to Council.

#### 7.2 Waiver of Interest and/or legal fees

- 7.2.1 Interest and legal costs may be waived where financial hardship is established.

#### 7.3 Deferment

- 7.3.1 Where a person or business is unable to commit to regular payments, a deferral will be considered.
- 7.3.2 A deferral is only permitted for one year up to a maximum of three years, with a new application being required to be submitted and assessed each year.
- 7.3.3 Deferment may be allowed only in relation to part of the debt if in all the circumstances the applicant can afford to pay a portion of the amount due.

#### 7.4 Payment Arrangement

- 7.4.1 The proposed payments must be regular (e.g. fortnightly, monthly).
- 7.4.2 If the payment arrangement is complete within the same financial year in respect of which the rates are levied, no interest will be charged.

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## Financial Hardship Policy

### 7.5 Assessment

- 7.5.1 Any application for relief due to financial hardship will be considered confidentially and objectively based on the information provided by the applicant.
- 7.5.2 Provided all requested information has been received, an applicant will be advised of the decision in writing within 14 days of receiving the application.
- 7.5.3 Where a person or business is dissatisfied with the outcome of their application, the person or business may ask the General Manager Organisational Performance to review the decision by completing and lodging the *Appeal Against Decision* form (**Attachment B**). The General Manager Organisational Performance will determine the appeal within 14 days from receipt of the form.

### 8. Penalty Interest Charges

- 8.1 Unless otherwise required by law or as provided for in a payment arrangement under this policy, interest is charged on all overdue amounts at the interest rate specified under section 2 of the Penalty Interest Rates Act 1983.

### 9. Debt Recovery

- 9.1 Debt recovery actions will not commence or will not continue when a deferral or payment arrangement is in place.

### 10. Accountability and Responsibility

Accountability and responsibility for this policy is outlined below.

#### 10.1. Council

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

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## Financial Hardship Policy

### 10.2. Chief Executive Officer

- Overall responsibility for compliance with this policy
- Overall responsibility for enforcing accountability
- Overall responsibility for providing resources
- Overall responsibility for performance monitoring

### 10.3. General Manager

- Responsibility for compliance with this policy
- Responsibility for enforcing accountability
- Responsibility for providing resources
- Responsibility for performance monitoring

### 10.4. Manager

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

### 10.5. Employees, Contractors and Volunteers

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

10.6 This policy complies with the *Victorian Charter of Human Rights and Responsibilities*.

## 11. Evaluation and Review

This policy will be reviewed on request of Council, 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, during each Council term (generally four years).

## 12. Related Documents

Nil

## 13. Reference Resources

- Local Government Act 1989 and 2020 (as applicable)
- State of Victoria's Obligations to Act as a Model Litigant.

## 14. Appendices

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Responsible Division	Organisational Performance	Approved Date	(day, month, Year)	Review Date	(month & year)
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# Application for Assistance

## Latrobe City Council's Financial Hardship Policy offers assistance to people experiencing financial hardship

The policy ensures there is an opportunity for people unable to pay rates, waste charges, fees and user charges, permits and animal registrations to seek assistance from Council. Please note Council is unable to waive the requirement to pay the amount due but assistance may include waiving of interest or legal fees, deferral or payment arrangement options.

Before submitting a request, please read our Financial Hardship Policy.

To make an application for assistance, please provide the below information and submit to the details below, a member of our team will get back to you.

### Email

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

### Post

Property and Rates  
Latrobe City Council  
PO Box 264  
MORWELL VIC 3840

**Name**  Click here to enter text.

**Address**  Click here to enter text.

**Contact Number**  Click here to enter text.

**Email**  Click here to enter text.

**What are you requesting assistance in relation to?**

**Reasons for requesting assistance:**



**Due to financial hardship I request assistance in the form of:** **Deferral**

Proposed deferral terms:

 **Setting up a payment arrangement**

Proposed payment terms:

amount \$

Weekly/fortnightly/monthly (select one)

 **I'd like to discuss my options**

# Application for Internal Review

## Contact Details

First Name:		Last Name:		Telephone	
Address:					
Post Code:		Email:			

## Ground for Application

Tick relevant

<input type="checkbox"/> Mistake in original decision	<input type="checkbox"/> Contrary to Law	<input type="checkbox"/> New Information
<input type="checkbox"/> Other (please specify):		

## The reason I claim that the above ground applies to my application is:

Please write down the full facts in support of your application and attach any supporting evidence (attach another sheet if additional space is required).


### Declaration:

I understand that the Internal Review for this matter is final. I declare that the information that I have supplied in this form, and any attachments to this form, are true and correct to the best of my knowledge.

Signature:

Date



**Privacy Statement**

The personal information requested on this form is being collected by Council for the purpose of considering a request for an internal review of a decision. The personal information will be used solely by Council for that primary purpose unless required by law. If you choose not to provide this information we will be unable to process your request for an internal review. The applicant understands that the personal information provided is for the reason outlined above. For further information on privacy, please consult Council's [Citizens Confidentiality and Privacy Policy](#).

**Descriptions of Relevant Grounds for Internal Review****1) Mistake in Original Decision**

Please provide details of the mistake made in the decision.

**2) Contrary to Law**

Please provide the reasons why you consider the decision is unlawful.

**3) New Information**

Further information has arisen that was not available at the time of the original request.

**4) Other**

Please provide the reasons you consider the decision is incorrect.

**Applicants please note:**

If you do not provide sufficient information, we may request further information. If you do not provide this further information within 28 days of the date of request, we may determine the application without the further information.

**Agenda Item: 17.2**

**Agenda Item: Public Transparency Policy**

**Sponsor: General Manager, Organisational Performance**

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

**Status: For Decision**

**MOTION**

**Moved:** Cr Gibson

**Seconded:** Cr Howe

**That Council:**

- 1. Adopts the Public Transparency Policy with an effective date of 08 September 2020;**
- 2. Makes this Policy available on Council's website and available for inspection at all Council Service Centres.**

**CARRIED UNANIMOUSLY**

**Executive Summary:**

The *Local Government Act 2020* (the Act) introduced a new requirement for councils to adopt and maintain a Public Transparency Policy (the Policy). Sections 57 and 58 of the Act contain the expected content of the Policy at a broad level, including setting out specific Public Transparency Principles Council must follow.

Council officers have developed a draft Policy, based on working groups with other Gippsland and Victorian councils and a suggested template document provided by Local Government Victoria (LGV). This is provided at Attachment 1.

The body of the Policy sets out details of how Council will apply the Public Transparency Principles in relation to decision making at Council Meetings, public notices, information on Council's website, information available on request, social media and publications.

The Policy also lists documents Council will make publicly available either proactively or by request.

Council approved the draft Policy to be released for public consultation at the Ordinary Council Meeting on 6 July 2020. Following that approval, the document

was made available on the “Have Your Say” section of Council’s website from 7 July to 4 August 2020. No feedback was received.

Accordingly this report presents the draft Policy for adoption.

**Background:**

Council must prepare and adopt a Public Transparency Policy (the Policy) as part of the requirements of the *Local Government Act 2020* (the Act). The Policy is designed to clarify what type of information is available and how it is made available, as well as implement the public transparency principles introduced in the Act.

The Public Transparency Principles (the Principles) are set out at section 58 of the Act and one of the various categories of supporting principles Council must abide by under section 9. The Principles can be summarised as:

- Council decision making processes must be transparent except when the Council is dealing with confidential information;
- Council information must be publicly available unless it is confidential or public availability would be contrary to the public interest;
- Council information must be understandable and accessible to members of the municipal community; and
- Public awareness of the availability of Council information must be facilitated.

After the draft Policy was approved for release for public consultation at the Ordinary Council Meeting on 6 July 2020, it was made available on Council’s website for 28 days. No feedback was received in response.

The Policy is not intended to replace applications for information under the *Freedom of Information Act* or requests for information subject to fees and applications under other legislation.

**Issues:**

*Strategy Implications*

Adoption of the Policy will achieve Objective 6 of the Council Plan - ‘ensure Council operates openly, transparently and responsibly’.

*Communication*

Local Government Victoria has advised that community engagement should be used in the development of the Policy. The draft Policy was made available on Council’s website for that purpose.

Internal communications will occur with relevant Council officers to ensure awareness of the introduction of the Policy.

*Financial Implications*

Not applicable.

*Risk Analysis*

<b>Identified risk</b>	<b>Risk likelihood*</b>	<b>Controls to manage risk</b>
<p><b>Reputational Risk</b></p> <p>Council is criticised for not having adopted the Policy by 1 September 2020, being the date by which the Act states the Policy is to be in place.</p>	2 (Unlikely)	By adopting the Policy Council will be taking appropriate compliance action.
<p><b>Legal/Regulatory Risk</b></p> <p>Council is not strictly compliant with the Act by not having adopted the Policy by 1 September 2020, being the date by which the Act states the Policy is to be in place.</p>	3 (Possible)	By adopting the Policy Council will be taking appropriate compliance action.

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

*Legal and Compliance*

Council is required to adopt and maintain a Public Transparency Policy pursuant to sections 57 and 58 of the Act. LGV has conveyed that community engagement should be used in the development of the Policy although it is not mandated in the Act. In addition, this Policy is considered to be an integral part of how Council will achieve the *overarching governance principles* contained in section 9 of the Act.

*Community Implications*

In providing guidance on the Policy, Local Government Victoria has noted that openness, accountability and honesty are essential to build high levels of accountability and trust amongst citizens and enable fully informed engagement in the democratic process. Without transparency, effective community engagement, planning, financial management and any number of other council responsibilities cannot be properly performed.

*Environmental Implications*

Not applicable.



### *Consultation*

A 4 week public consultation period has been completed, with the Public Transparency Policy having been made available on the “Have Your Say” section of Council’s website from 7 July to 4 August 2020. No feedback was received.

Following adoption, the Policy will be made available electronically on Council’s website, and in hardcopy at Council’s office and all district offices.

Officers can consult with Executive Management Team and Senior Leaders Team for targeted internal consultation and education as required.

Officers have also been involved in a Gippsland Councils working group in relation to implementing the 2020 Act and state wide meetings reviewing the Local Government Victoria’s suggested policy.

### *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 1989*.

### **Supporting Documents:**

Nil

### **Attachments**

1 [↓](#). Draft Public Transparency Policy

## **17.2**

### **Public Transparency Policy**

<b>1</b>	<b>Draft Public Transparency Policy.....</b>	<b>290</b>
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## Public Transparency Policy

Approval Date: TBA  
Next Review Date: TBA



## Public Transparency Policy

### DOCUMENT CONTROL

Responsible GM	Greg Drumm	
Division	Organisational Performance	
Last Updated (who & when)		
DOCUMENT HISTORY		
Authority	Date	Description of change
Council		
References	Refer to section 12 of this Policy	
Next Review Date	TBA	
Published on website	Yes	
Document Reference No	TBA	

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## Public Transparency Policy

### 1. PURPOSE

This policy fulfils Councils requirement to adopt and maintain a public transparency policy under section 57 of the *Local Government Act 2020* (the Act). This policy gives effect to the *Public Transparency Principles* outlined in section 58 of the Act.

### 2. OBJECTIVES

The objectives of Council's Public Transparency Policy are to:

- Give effect to the public transparency principles contained in section 58 of the Act as follows:
  - Council decision making processes must be transparent except when the Council is dealing with information that is confidential by virtue of this Act or any other Act;
  - Council information must be publicly available unless
    - i. the information is confidential by virtue of this Act or any other Act; or
    - ii. public availability of the information would be contrary to the public interest;
  - Council information must be understandable and accessible to members of the municipal community;
  - public awareness of the availability of Council information must be facilitated;
- Describes the ways in which Council information is to be made publicly available; and
- Specify which Council information must be publicly available.

It is an integral part of how Council will achieve the *overarching governance principles* contained in section 9 of the Act.

### 3. SCOPE

This policy applies to Councillors and Council staff of the Council.

### 4. HOW WILL COUNCIL APPLY THE PRINCIPLES?

#### Decision Making at Council Meetings

- Will be undertaken in accordance with the Act and the Governance Rules including by way of public participation at Council Meetings.
- Will be conducted in an open and transparent forum, unless in accordance with the provisions in the Act and Governance Rules.

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## Public Transparency Policy

- Council will carefully consider and will minimise Confidential reports and only close meetings to the public in accordance with the *Local government Act 2020*.
- Will be informed through community engagement, in accordance with the Community Engagement Principles and the Community Engagement Policy as set out in section 55 and 56 of the Act.

*NB: Council is expected to adopt the first Community Engagement Policy before 01 March 2021.*

- Will be made fairly and on the merits, and where any person whose rights will be directly affected by a decision of the Council, that person will be entitled to communicate their views and have their interests considered.

### Public Notices

- Council operates under various Acts, and other Acts also include specific public notice or consultation requirements for councils.
- These include, for example, notices about planning permits under the *Planning and Environment Act 1987* and notices of road discontinuance under the *Road Management Act 2004* prior to making a decision.
- These public notices will be found on our website from time to time.

### Publicly Available Information on Council's Website

Council will make available as a minimum on its website the following:

- Overview of the organisation and services including the Executive Management Team and organisation structure;
- Public tender opportunities and recently awarded contracts (within three months);
- Career information including reasons why to work at Council and how to apply;
- Open Council Meeting Agendas and Minutes from 2008 onwards;
- Current Council Adopted Policies;
- A selection of Council adopted strategies;
- Governance Rules;
- Local Laws;
- Council adopted procedures that are required to be publicly available;
- The Councillor Code of Conduct;
- Register of Election campaign donations; and

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## Public Transparency Policy

- Corporate documents including Council Plan, Budget, Strategic Resources Plan and Annual Report.

Some of these documents may be available on display at Council's Libraries and Council's Service Centres.

### Information to be Provided on Request

- Council adopted strategies not available on Councils website;
- Information provided as part of a previous public consultation process;
- Template assessment documents for grants, tenders and expressions of interest;
- Open Council Meeting Agendas and Minutes from prior to 2008 where available;
- Historical Council Adopted Policies, Local Laws and Council adopted procedures where available;
- Reporting from Committees to Council;
- Submissions made by Council;
- Audit and Risk Committee Performance Reporting;
- Terms of reference or charters for Committees;
- Register of gifts, benefits and hospitality offered to Councillors or Council Staff;
- Register of travel undertaken by Councillors or Council Staff;
- Register of Conflicts of Interest disclosed by Councillors or Council Staff;
- Registers of donations and grants made by Council;
- Register of leases and licences;
- Register of Delegations;
- Register of building permits;
- Register of all occupancy permits and temporary approvals and amendments;
- Register of Authorised officers;
- Summary of Personal Interests; and
- With respect to the *Planning & Environmental Act 1987* a register containing:
  - all applications for permits
  - all decisions and determinations relating to permits

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## Public Transparency Policy

- all applications for certificates of compliance under part 4A of the Act
- all decisions and determinations relating to those certificates of compliance
- any decision made under section 97F of the Act of which the responsible authority is notified
- under section 97G of the Act
- any correction or amendment of which the responsible authority is notified under section 97K of the Act
- prescribed information in respect of all applications referred to Council under sections 55 and 57C of the Act
- A copy of each 173 agreement including indicating any amendments made.

### Social Media

Council will use social media as a way to share, promote and highlight Council activities and operations.

### Publications

Council publishes a range of newsletters, reports and handbooks for residents, businesses and visitors to council. You can download them from the website or call Council for a copy. Some of these publications are available at Council's Libraries and Service Centres.

### Your right to information

Information published on our website can be viewed or downloaded free-of-charge. Otherwise, you will be informed about any copying fees or charges should you request a hardcopy document be provided to you.

Section 4 should be read in conjunction with Section 6 below titled, 'Information Not Available'.

## 5. ACCESS TO INFORMATION

- Information will be made available in a suitable way including on the Council website, Council's Libraries and Council's Service Centres, or by request.
- Consideration will be given to accessibility and cultural requirements in accordance with the *Charter of Human Rights and Responsibilities Act 2006*.
- Consideration will be given to confidentiality in accordance with the *Act* and public interest test where appropriate.
- Council will respond to requests for information in alignment with the *Act* including the Public Transparency Principles, and this policy.

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## Public Transparency Policy

### 6. INFORMATION NOT AVAILABLE

Some Council information may not be made publicly available. This will only occur if the information is confidential information or if its release would be contrary to the public interest or in compliance with the *Privacy and Data Protection Act 2014*.

“Confidential information” is defined in section 3 of the *Local Government Act 2020*. It includes the types of information listed in the following table.

Type	Description
Council business information	Information that would prejudice the Council's position in commercial negotiations if prematurely released.
Security information	Information that is likely to endanger the security of Council property or the safety of any person if released.
Land use planning information	Information that is likely to encourage speculation in land values if prematurely released.
Law enforcement information	Information which would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person if released.
Legal privileged information	Information to which legal professional privilege or client legal privilege applies.
Personal information	Information which would result in the unreasonable disclosure of information about any person or their personal affairs if released.
Private commercial information	Information provided by a business, commercial or financial undertaking that relates to trade secrets or that would unreasonably expose the business, commercial or financial undertaking to disadvantage if released.
Confidential meeting information	Records of a Council and delegated committee meetings that are closed to the public to consider confidential information.
Internal arbitration information	Confidential information relating internal arbitration about an alleged breach of the councillor code of conduct.
Councillor Conduct Panel confidential information	Confidential information relating to a Councillor Conduct Panel matter.
Confidential information under the 1989 Act	Information that was confidential information for the purposes of section 77 of the <i>Local Government Act 1989</i> .

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## Public Transparency Policy

The Council may decide, in the interests of transparency, to release information to the public even though it is confidential under the Act. However, this will not happen if release is contrary to law or if releasing the information is likely to cause harm to any person or is not in the public interest to do so.

Where information is not confidential, and not already available, Council will apply the principles of a public interest test with consideration also of the resources required to respond to the request.

### Public Interest

Council is not required to make publicly available information if the release would be contrary to the public interest, in accordance with the Local Government Act 2020. When considering public interest, Council will apply the test that exists in the Freedom of Information Act 1982. Council may refuse to release information if it is satisfied that the harm to the community likely to be created by releasing the information will exceed the public benefit in it being released.

When considering possible harm from releasing information, the Council will only concern itself with harm to the community or members of the community. Potential harm to the Council will only be a factor if it would also damage the community, such as where it involves a loss of public funds or prevents the council from performing its functions.

Information that might be withheld because it is contrary to the public interest may include:

- internal working documents that have not been approved or submitted to Council, especially where their release may mislead the public;
- directions to Council staff regarding negotiations in contractual or civil liability matters, where release may damage the Council's capacity to negotiate the best outcome for the community,
- correspondence with members of the community, where release may inappropriately expose a person's private dealings.

### 7. RESPONSIBILITIES

Party/parties	Roles and responsibilities	Timelines
Council	Champion the commitment and principles for public transparency through leadership, modelling practice and decision-making.	Ongoing
Executive Team	Champion behaviours that foster transparency and drive the principles through policy, process and leadership.	Ongoing

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## Public Transparency Policy

	Monitor implementation of this policy.	
Senior Leaders Team	Manage areas of responsibility to ensure public transparency, good governance and community engagement is consistent with this policy.	Ongoing
All Staff	Public transparency is the responsibility of all employees as appropriate to their role and function. All staff respond to requests for information and facilitate provision of information in consultation with their manager and in alignment with the Policy.	Ongoing
Manager Governance	To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.	Ongoing
Relevant Business Unit Manager	To monitor implementation of this policy and conduct periodic reviews to drive continuous improvement.	Ongoing

### 8. HUMAN RIGHTS CHARTER

This policy has been reviewed against and complies with section 13 of the *Charter of Human Rights and Responsibilities Act 2006*, as this Policy aligns with and provides for the protection of an individual's right not to have their privacy unlawfully or arbitrarily interfered with. It is also in line with section 18 which recognises a person's right to participate in the conduct of public affairs.

### 9. NON-COMPLIANCE WITH THIS POLICY

If a member of the community wishes to question a decision about the release of information, this should be raised directly with the officer handling the matter in the first instance. If still not satisfied and would like to contest the decision, this can be reported to Council's Governance Team via email on [egovernance@latrobe.vic.gov.au](mailto:egovernance@latrobe.vic.gov.au) or via phone on 1300 367 700.

If not satisfied with Council's response, the concerns can be raised directly with the Victorian Ombudsman's office on (03) 9613 6222 or via the website – [www.ombudsman.vic.gov.au](http://www.ombudsman.vic.gov.au).

### 10. OTHER WAYS TO ACCESS INFORMATION

The *Freedom of Information Act 1982* gives you right of access to documents that Council hold. Council is committed to, where possible, proactive and informal release of information in accordance with the Freedom of Information Professional Standards issued by the Victorian Information Commissioner. Read more at [www.ovic.vic.gov.au](http://www.ovic.vic.gov.au).

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## Public Transparency Policy

A list of available information is provided in the Part II Statement (Statement) published on Council's website in accordance the *Freedom of Information Act 1982*. This Statement requires government agencies and local councils to publish a number of statements designed to assist members of the public in accessing the information it holds.

Council is also required to make some information available for a specified fees and processes under other pieces of legislation. These are provided through processes outside of this policy.

If you can't find the information you require, call us directly so we may assist you.

### 11. MONITORING, EVALUATION AND REVIEW

A four yearly review of this policy will be undertaken to ensure any changes required to strengthen or update the policy are made in a timely manner.

### 12. RELATED POLICIES & LEGISLATION

Council's Governance Rules

*Charter of Human Rights and Responsibilities Act 2006*

*Freedom of Information Act 1982*

*Local Government Act 2020*

*Local Government Act 1989*

*Privacy and Data Protection Act 2014*

*Equal Opportunity Act 2010*

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**Agenda Item: 17.3**

**Agenda Item: Governance Rules (including Election Period Policy)  
and Local Law No.1 Meeting Conduct**

**Sponsor: General Manager, Organisational Performance**

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

**Status: For Decision**

**Proposed Resolution:**

**That Council:**

- 1. Adopts the Governance Rules and Election Period Policy with an effective date of 08 September 2020;**
- 2. Requests a copy of the final formatted Governance Rules and a copy of the final formatted Election Period Policy be provided to all Councillors;**
- 3. Notes that with the adoption of this Election Period Policy, that any previous versions are now rescinded;**
- 4. Makes the Governance Rules and Election Period Policy 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 2020 (Local Law No. 1);**
  - 5.2. On the making, signing and sealing of Local Law No. 1, revokes Meeting Procedure Local Law No. 1 2017 and the Council Meeting Policy;**
  - 5.3. Gives public notice of the making of Meeting Conduct Local Law No. 1 2020 (and the incorporated Rules) 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 2020 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 2020 and the Governance Rules a document incorporated by reference; and**

**5.5. Makes Meeting Conduct Local Law No. 1 2020 available on Council's website and available for inspection at all Council Service Centres.**

### **ALTERNATE MOTION**

**Moved:** Cr O'Callaghan

**Seconded:** Cr Gibson

**That Council:**

- 1. Adopts the Governance Rules and the revised Election Period Policy (with amendments to clause 9 in appendix 2) with an effective date of 08 September 2020;**
- 2. Requests a copy of the final formatted Governance Rules and a copy of the final formatted Election Period Policy be provided to all Councillors;**
- 3. Notes that with the adoption of this Election Period Policy, that any previous versions are now rescinded;**
- 4. Makes the Governance Rules and Election Period Policy 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 2020 (Local Law No. 1);**
  - 5.2. On the making, signing and sealing of Local Law No. 1, revokes Meeting Procedure Local Law No. 1 2017 and the Council Meeting Policy;**
  - 5.3. Gives public notice of the making of Meeting Conduct Local Law No. 1 2020 (and the incorporated Rules) 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 2020 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 2020 and the Governance Rules a document incorporated by reference; and**
- 5.5. Makes Meeting Conduct Local Law No. 1 2020 available on Council's website and available for inspection at all Council Service Centres.**

**CARRIED UNANIMOUSLY**

**Executive Summary:**

Section 60 of the *Local Government Act 2020* (2020 Act) requires councils to develop, adopt and keep in force Governance Rules in relation to conduct of Council and Delegated Committee meetings, form and availability of meeting records, election of the Mayor and Deputy Mayor, appointment of an Acting Mayor, an Election Period Policy, disclosure of conflicts of interest and any further matters set out in regulations (currently none).

Council officers developed draft Governance Rules based on Council's Meeting Procedure Local Law No.1 2017 and Meeting Policy, and incorporating some excerpts from model Rules provided by Local Government Victoria (LGV). The draft Rules prepared by Council officers are provided at Attachment 1.

Council's existing Election Period Policy was also reviewed by Council officers as to amendments necessary to take into account commencement of relevant provisions of the 2020 Act. The draft Policy is provided at Attachment 2.

Following approval by Council of the draft Rules and Policy being released for public consultation, both documents were made available on Council's website for 28 days to satisfy the 2020 Act's community engagement requirement in development of the Rules. No feedback was received.

As the Governance Rules are not a subordinate instrument for the purposes of the *Interpretation of Legislation Act 1984* and so do not contain offence provisions for relevant breaches, a draft Local Law to sit alongside the Rules was also prepared. In addition to breach provisions, the Local Law contains the other matter in Meeting Procedure Local Law No.1 2017 not carried over to the Governance Rules, being Council's common seal requirements. The draft Meeting Conduct Local Law No.1 2020 is provided at Attachment 3.

Public notice and public availability requirements for the Local Law pursuant to section 119 of the *Local Government Act 1989* have been completed. No submissions under section 223 were received, or feedback in any other form.

As the public consultation processes for the Governance Rules (including Election Period Policy) and the Local Law have each been completed and no feedback has been received in relation to either, the proposed Rules, Policy and Local Law are now presented for adoption by Council.

**Background:**

As part of the changes occasioned by the introduction of the *Local Government Act 2020* (2020 Act), Council is required to have adopted Governance Rules on the following (section 60):

- a) the conduct of Council meetings;
- b) the conduct of meetings of delegated committees;
- c) the form and availability of meeting records;
- d) the election of the Mayor and the Deputy Mayor;
- da) the appointment of an Acting Mayor;
- e) an election period policy in accordance with section 69 of the Act;
- f) the procedures for the disclosure of a conflict of interest by a Councillor or a member of a delegated committee under section 130;
- g) the procedure for the disclosure of a conflict of interest by a Councillor under section 131;
- h) the disclosure of a conflict of interest by a member of Council staff when providing information in respect of a matter within the meaning of section 126(1); and
- i) any other matters prescribed by the regulations (there are not currently any regulations).

The Rules are one of a number of governing documents the 2020 Act has introduced that are intended to reflect an overarching a set of governance principles contained at section 9 of the 2020 Act.

Currently, items (a) to (d) are topics covered in Council's Meeting Procedure Local Law No.1 2017 and Council's Meeting Policy. Accordingly those documents have been used to inform the draft Rules, with amendments to comply with the 2020 Act.

Council already has an Election Period Policy in place (matter (e)), however since its adoption the provisions of the 2020 Act relating to Council elections have commenced meaning a further update of that Policy has been undertaken.

In relation to matters (f) to (h), the draft Rules include provisions from the LGV model Rules around avoiding conflicts of interest, but utilise the steps set out in the 1989 Act as to how disclosure can be made and recorded, with necessary amendments to reflect terminology of the 2020 Act.

The 2020 Act requires Council to follow a process of community engagement when developing the Governance Rules. While the Act also requires Council to adopt a community engagement policy, that is not required until 1 March 2021. Accordingly after the draft Governance Rules and updated Election Period Policy were approved by Council for release for public consultation at the Ordinary Council Meeting on 6



July 2020, the documents were made available on the “Have Your Say” section of Council’s website from 7 July to 4 August 2020 inclusive. No public feedback was received.

The Governance Rules do not have the status of subordinate legislation under the *Interpretation of Legislation Act 1984* and so cannot create offences for when the Rules are breached. A Local Law was prepared to sit alongside the Governance Rules for this purpose, and to contain common seal provisions currently in Local Law No.1 2017 which is otherwise being replaced by the Governance Rules.

Until 1 July 2021, Local Laws are still covered by the provisions of the *Local Government Act 1989* (1989 Act) rather than the 2020 Act.

In accordance with those provisions, public notice of the proposed Local Law was published in the Victorian Government Gazette and the Latrobe Valley Express on 9 July 2020 including the details required in section 119(2) of the 1989 Act and with the period for submissions under section 223 open until 5.00pm 6 August 2020. Notice was also published on Council’s website, and the draft Local Law, a Community Impact Statement and the Governance Rules (as an incorporated document) made available on the website and at all Council Service Centres.

It is intended for the Local Law No.1 2020 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 (including Election Period Policy) and Meeting Conduct Local Law No.1 2020 will achieve Objective 6 of the Council Plan - Ensure Council operates openly, transparently and responsibly. It will also best ensure compliance with the Act.

*Communication*

Internal communications will occur with relevant Council officers to ensure awareness of the introduction of the Governance Rules, and the updates to the Election Period Policy and Local Law No.1.

*Financial Implications*

Nil.

*Risk Analysis*

<b>Identified risk</b>	<b>Risk likelihood*</b>	<b>Controls to manage risk</b>
<b>Reputational Risk</b> Council is criticised for not having adopted the	2 (Unlikely)	By adopting the Governance Rules and Election Period Policy Council will be taking

Governance Rules by 1 September 2020, being the date by which the Act states the Rules are to be in place.		appropriate compliance action.
<b>Reputational Risk</b> Council is criticised for its Governance Rules being largely unenforceable because it has no offences for contravention.	1 (Rare)	By adopting the Local Law Council will be taking appropriate action.
<b>Legal/Regulatory Risk</b> Council is not strictly compliant with the 2020 Act by not having adopted the Policy by 1 September 2020, being the date by which the Act states the Policy is to be in place.	3 (Possible)	By adopting the Governance Rules and Election Period Policy Council will be taking appropriate compliance action.  Local Law No.1 Meeting Procedure remains in force until Rules are adopted.
<b>Legal/Regulatory Risk</b> Council is unable to take action when needed in relation to a breach of its Governance Rules as there are no offences for contravention.	1 (Rare)	By adopting the Local Law Council will be taking appropriate action.

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

#### *Legal and Compliance*

Section 60 of the *Local Government Act 2020* 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 69 sets out the requirement for Council to include an Election Period Policy in the Governance Rules together with necessary inclusions for that Policy.

Both the *Local Government Act 1989* and the 2020 Act require Council to have a common seal and that it be used in accordance with Local Laws. Local Laws continue to be made and operate under the 1989 Act until 1 July 2021.

As Governance Rules are not subordinate legislation, if offences for contravention of those Rules are to be created as an enforcement option, it will be necessary to do so via Local Laws.

#### *Community Implications*

A clear and consistent set of Governance Rules with the support of a Local Law for enforcement will assist in providing a strong framework for the operation of Council, which in turn promotes the trust of the municipal community and encourages community member engagement.

#### *Environmental Implications*

Nil.

#### *Consultation*

A 4 week public consultation period has been completed for the Governance Rules and Election Period Policy, with those documents having been made available on the “Have Your Say” section of Council’s website from 7 July to 4 August 2020. No feedback was received.

A 28 day public consultation period has been completed for Local Law No.1 in accordance with section 223 of the 1989 Act, with publication of required notices and the Local Law having been made available on the “Have Your Say” section of Council’s website and in all Council service centres from 9 July to 6 August 2020. No feedback was received.

Following adoption, the Governance Rules, updated Election Period Policy and updated Local Law No.1 will be made available electronically on Council’s website, and in hardcopy at Council service centres. Public notice of the adoption of Local Law No.1 will also be published in the Government Gazette and a local newspaper as is required by the 1989 Act.

Officers can consult with Executive Management Team and the Senior Leaders Team for targeted internal consultation and education if required.

Officers have also been involved in a Gippsland Councils working group in relation to implementing the 2020 Act and state wide meetings reviewing the Local Government Victoria’s suggested Governance Rules.

#### *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 1989*.

**Supporting Documents:**

Nil.

**Attachments**

- 1 [↓](#). Draft Governance Rules
- 2 [↓](#). Draft Election Period Policy
- 3 [↓](#). Draft Meeting Conduct Local Law No.1 2020

## **17.3**

### **Governance Rules (including Election Period Policy) and Local Law No.1 Meeting Conduct**

<b>1</b>	<b>Draft Governance Rules.....</b>	<b>309</b>
<b>2</b>	<b>Draft Election Period Policy.....</b>	<b>358</b>
<b>3</b>	<b>Draft Meeting Conduct Local Law No.1 2020 .....</b>	<b>389</b>



# Governance Rules

Version 1

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

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



## Governance Rules

### DOCUMENT CONTROL

Responsible GM	Greg Drumm	
Division	Organisational Performance	
Last Updated (who & when)	Click here to enter text.	Click here to enter text.
<b>DOCUMENT HISTORY</b>		
Authority	Date	Description of change
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## Governance Rules

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## 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, Delegated Committee meetings and Community Asset 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 71-72.
- 4.3 The Governance Rules are not intended to revoke Local Law No 1 – 2017 however insofar as there is any inconsistency between the Governance Rules and the Local Law, these Governance Rules shall prevail.



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### 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
Authorised Officer	means a member of Council staff who is authorised by Council or the Chief Executive Officer under delegation to carry out specific functions under these Governance Rules
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</li> </ul>



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	<p>a Point of Order;</p> <ul style="list-style-type: none"> <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> </ul> <p>engaging in any other conduct which prevents the orderly conduct of the meeting.</p>
Division	means a formal count and recording in the minutes of the meeting of those Councillors for and against a motion
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, a Delegated Committee or Community Asset Committee
Rescind	means to repeal or amend a resolution and 'rescinded'



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	includes 'amended'
Rule or Sub-Rule	means <i>Rule or Sub-Rule</i> 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



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### **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 a majority of the votes, that candidate is declared to have been elected;
  - 6.5.2. If no candidate receives a 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 a majority of the votes, he or she 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. If two or more candidates have an equality of votes and one of them has to be declared, the declaration will be determined by lot.





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- 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. If the lot is being conducted to determine which is a defeated candidate, 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). Where there are only 2 candidates remaining and the lot is being conducted to determine which candidate is to be duly elected, the word "Elected" must be written on one of the pieces of paper, and the Councillor who draws the paper with the word "Elected" written on it must be declared to have been duly elected.
- 6.5.6. The procedure provided for in this Rule also applies to the election of a temporary Chair.
- 6.6. 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.

If the vote is taken and 2 candidates each receive equal votes, a lot is used to determine which candidate is elected. In this instance, the word "Elected" is written on the paper and the person who draws that piece of paper is elected.



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### **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.



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### 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.
- 9.3. An unscheduled Council meeting may be called by:
  - 9.3.1 Council resolution;
  - 9.3.2 Written notice by the Mayor or three Councillors
- 9.4. In addition to the requirements in the Act about the notice to be given for Council meetings, reasonable notice, including on the Council's website, must be given when Council has changed a meeting date, time or place.
- 9.5. 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.

##### 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 working 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.



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### Division 2 – Quorums

#### 11. Inability to gain a Quorum

If, after 30 minutes from the scheduled starting time of any Ordinary or Special 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



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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. 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 or to a day that he or she considers appropriate.

14.3. 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.

14.4. 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.

14.5. 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.

14.6. 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. The Order of Business**

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.



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### **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:
  - 19.1.1. be 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 five business days before the next scheduled Council meeting to allow inclusion in the agenda in accordance with Sub-Rule 10.1;
  - 19.1.4. a Councillor lodging a notice of motion in accordance with this Sub-Rule must also provide an outline of the proposed motion to all other Councillors by 5.00pm five business days before the next scheduled Council meeting.
- 19.2. The Chief Executive Officer must reject a notice of motion which:
  - 19.2.1. is vague;
  - 19.2.2. 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;
  - 19.2.3. is defamatory;



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- 19.2.4. may be prejudicial to any person or Council;
  - 19.2.5. is objectionable in language or nature;
  - 19.2.6. is outside the powers of Council;
  - 19.2.7. is a notice of motion submitted during the Election period; or
  - 19.2.8. is a matter subject to a Council decision making process which has commenced but is not yet complete.
- 19.3. If the Chief Executive Officer rejects a notice of motion under Sub-Rule 19.2, he or she will inform the Councillor who lodged the notice of motion of that rejection and the reasons for it. The Councillor will be provided with an opportunity to amend the proposed notice of motion provided that the Council meeting at which the notice of motion is to be considered is more than 24 hours from the time of rejection.
- 19.4. 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 he or she determines is more appropriately addressed that way.
- 19.5. Subject to Sub-Rule 19.6 a notice of motion must call for a Council report if the notice of motion:
- 19.5.1. substantially affects the level of Council services;
  - 19.5.2. commits the Council to expenditure in excess of \$5,000 and that has not been included in the adopted budget;
  - 19.5.3. establishes or amends a Council policy; or
  - 19.5.4. commits the Council to any contractual arrangement, as determined by the Chief Executive Officer.
- 19.6. 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.
- 19.7. 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.
- 19.8. The full text of any notice of motion accepted by the Chief Executive Officer must be included in the agenda.
- 19.9. 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.



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19.10. 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 19.9.

19.11. 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.

19.12. If a notice of motion is not moved at the meeting at which it is listed, it lapses.

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

The Chair must not accept any motion or amendment which he or she considers to be:

20.1. defamatory;

20.2. objectionable in language or nature;

20.3. vague or unclear in intention;

20.4. outside the powers of Council;

20.5. irrelevant to the item of business on the agenda and which has not been admitted as urgent business; or

20.6. an amendment that is contrary to Sub-Rule 23.3.

### **21. Motion Procedure**

The procedure for moving any motion is:

21.1. The mover must state the motion without speaking to it.

21.2. The motion must be seconded by a Councillor other than the mover.

21.3. The motion will lapse if it is not seconded.

21.4. If the motion is seconded, the Chair must ask: "Is the motion opposed?"

21.5. If the motion is not opposed the Chair must ask: "Does any Councillor wish to speak in favour of the motion?"

21.6. If no Councillor opposes the motion, or wishes to speak on the motion, the Chair must declare the motion carried.

21.7. If a Councillor opposes the motion, the Chair must ask the mover to address the Council on the motion.

21.8. The Chair must ask the seconder to address the Council on the motion who may reserve his or her address until later in debate.

21.9. 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.





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21.10. 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.

21.11. To determine a motion before a meeting, the Chair will:

21.11.1. First call for those in favour of the motion;

21.11.2. Then those opposed to the motion; and

then declares the result to the meeting.

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

23.1. A motion which has been moved and seconded but not put to the vote may be amended.

23.2. An amendment may be proposed and seconded by any Councillor, except the mover or seconder of the motion.

23.3. A proposed amendment must:

23.3.1. be relevant to the subject of the motion;

23.3.2. not be in opposition to the motion; and

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

23.4. If a proposed amendment is a simple alteration that:

23.4.1. adds a word or deletes a word from the motion; or

23.4.2. corrects an incorrect reference or typographical error –

the mover and seconder of the motion may agree to accept the changes in which case they will be incorporated into the motion without the need for the agreed changes to be recorded in the minutes of the meeting as an amendment.

23.5. If an amendment is more complex than that proposed under Sub-Rule 23.4, then the Chair will follow the process in Rule 24.

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

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



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

- 24.1. Only one amendment may be accepted by the Chair at any one time.
- 24.2. No second or subsequent amendment may be taken into consideration until the previous amendment has been dealt with.

### **25. 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.

### **26. An Amendment Once Carried**

- 26.1. If the amendment is carried:
  - 26.1.1. the motion as amended becomes the substantive motion before the meeting; and
  - 26.1.2. the mover and seconder of the amendment are deemed to be the mover and seconder of the amended motion before the meeting; and
  - 26.1.3. the amended motion can then be further amended.
- 26.2. If the amendment is not carried, the debate returns to the motion, or a further amendment may be proposed.

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

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

### **28. 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.

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

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

- 29.1. several parts; or
- 29.2. its aggregate form.

### **30. Foreshadowing Motions**

- 30.1. 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.
- 30.2. A foreshadowed motion must substantially relate to an item already listed on the agenda of the Ordinary Meeting, otherwise it can only be accepted by



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Council as urgent business and subject to the urgent business restrictions under Rule 17.

- 30.3. 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 or additional motion.
- 30.4. Upon a motion being foreshadowed, the Chair may request the Councillor who foreshadowed it to move that motion immediately or after the business currently before the meeting is disposed of provided that a foreshadowed motion cannot be moved whilst a motion or amendment is being considered by the meeting.
- 30.5. The minutes of the meeting do not have to record a foreshadowed motion until the foreshadowed motion is formally moved.

### **31. Motions and Amendments in Writing**

- 31.1. 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.
- 31.2. The Chair may defer a matter until a motion has been written, allowing the meeting to proceed uninterrupted.

### **32. 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.

### **33. Debate must be relevant to the Motion**

- 33.1. 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.
- 33.2. 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.
- 33.3. A speaker to whom a direction has been given under Sub-Rule 33.2 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.

### **34. 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.



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### 35. Speaking Times

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

- 35.1. 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;
- 35.2. any other Councillor – 3 minutes; and
- 35.3. the mover of a motion exercising a right of reply – 3 minutes.

### 36. Extension of Speaking Times

- 36.1. An extension of speaking time may be granted by resolution of Council 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.
- 36.2. A motion for an extension of speaking time cannot be accepted by the Chair if another speaker has commenced participation in the debate.

### 37. 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.

### 38. Right to Ask Questions

- 38.1. A Councillor may, at any time when no other Councillor is speaking, ask any question concerning or arising out of the motion or amendment before the Chair.
- 38.2. 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

### 39. Procedural Motions

- 39.1. Unless otherwise prohibited, a procedural motion may be moved at any time and must be dealt with immediately by the Chair.
- 39.2. Procedural motions require a seconder.
- 39.3. Procedural motions do not need to be recorded in the minutes of the meeting, unless requested by the Chair.
- 39.4. Notwithstanding any other provision in these Governance Rules, procedural motions must be dealt with in accordance with the following table:

**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>
1. 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 a Chair; (b) When another Councillor is speaking	Motion and amendment is postponed to the stated time and/or date	Debate continues unaffected	Yes
2. The closure	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 in respect of which the closure is carried is put to the vote immediately without debate of this motion, subject to any Councillor exercising his or her right to ask any question concerning or arising out of the motion	Debate continues unaffected	No

**Division 6 – Rescission Motions****40. Notice of Rescission**

40.1. A Councillor may propose a notice of rescission provided:

40.1.1. the resolution proposed to be rescinded has not been acted on; and

40.1.2. the notice of rescission is provided to the Chief Executive Officer setting out:

40.1.2.1. the resolution to be rescinded; and

40.1.2.2. the meeting and date when the resolution was made.

**Explanatory Note**

A notice of rescission is a form of notice of motion. Accordingly, all provisions in these Governance Rules regulating notices of motion equally apply to notices of rescission.

When the notice of rescission is before the meeting, it is like any other form of motion. It is referred to as a "rescission motion".

40.2. A resolution will be deemed to have been acted on if:

40.2.1. its contents or substance has been formally communicated to a person whose interests are materially affected by it; or

40.2.2. a statutory process or work has been commenced, so as to vest enforceable rights in or obligations on Council or any other person.

40.3. The Chief Executive Officer or an appropriate member of Council staff must defer implementing a resolution which:

40.3.1. has not been acted on; and

40.3.2. is the subject of a notice of rescission which has been delivered to the Chief Executive Officer in accordance with Rule 40.1,

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



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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 40.3 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.

### **41. When a rescission Motion is Lost**

- 41.1. 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.
- 41.2. 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 41.2 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.

### **42. 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.

### **43. 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.



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### Division 7 – Points of Order

#### 44. Chair to Decide

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

#### 45. Chair may Adjourn to Consider

45.1. The Chair may adjourn the meeting to consider a point of order but otherwise must rule on it as soon as it is raised.

45.2. All other proceedings before Council are suspended until the point of order is decided.

#### 46. Dissent from Chair's Ruling

46.1. 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".

46.2. When a motion in accordance with this Rule is moved and seconded, the Chair must invite the mover to state the reasons for his or her dissent and the Chair may then reply.

46.3. The Chair must put the motion in the following form:

"That the Chair's ruling be dissented from."

46.4. The Chair must remain in the Chair during the motion of dissent and he or she maintains their right to a second vote.

46.5. If the vote is in the negative, the meeting proceeds.

46.6. If the vote is in the affirmative, the Chair must reverse or vary (as the case may be) his or her previous ruling and proceed.

46.7. 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.

#### 47. Procedure for Point of Order

47.1. A Councillor raising a point of order must:

47.1.1. state the point of order; and

47.1.2. state any section, Rule, paragraph or provision relevant to the point of order.





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47.2. 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.

### **48. Valid Points of Order**

A point of order may be raised in relation to:

- 48.1. a motion, which, under Rule 20, or a question which, under Rule 38, should not be accepted by the Chair;
- 48.2. a question of procedure; or
- 48.3. any act of disorder.

#### **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 – Divisions**

#### **49. Procedure for a Division**

- 49.1. Immediately after any motion or amendment is put to a vote and before the next item of business has commenced, a Councillor may call for a division.
- 49.2. No Councillor is prevented from changing his or her original vote when voting on the division.
- 49.3. When a division is called for, the Chair must:
  - 49.3.1. first call for a show of hands from those Councillors voting in favour of the motion, then call for a show of hands from those Councillors voting against the motion; and
  - 49.3.2. declare the result to the meeting.
- 49.4. The outcome of the vote on the division will determine Council's decision on the matter.

#### **50. No Discussion Once Declared**

- 50.1. 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:



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- 50.1.1. a Councillor requesting, before the next item of business is considered, that his or her opposition to a resolution be recorded in the minutes or a register maintained for that purpose; or
- 50.1.2. 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 50.1.2 would allow some discussion if, immediately after a resolution was made, a Councillor foreshadowed lodging a notice of rescission to rescind that resolution.

Equally, Rule 50.1.2 would permit discussion about a matter which would otherwise be left in 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.

Without a positive resolution – to the effect that a planning permit now be granted – the planning permit application will be left unresolved; hence the reference in Rule 50.1.2 to discussion about a positive motion where a resolution has just been rescinded.

### Division 9 – Minutes

#### 51. Confirmation of Minutes

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.

#### 52. Process for confirming the Minutes

- 52.1 If no Councillor indicates opposition to the minutes, the Chair must declare the minutes confirmed.
- 52.2 If a Councillor indicates opposition to the minutes he or she 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.
- 52.3 Once the minutes are confirmed the Chair of the meeting at which they are confirmed, must sign them.

#### 53. Content of the Minutes

- 53.1. The Chief Executive Officer must ensure that minutes of each Council meeting are kept and those minutes include:
  - 53.1.1. The date, place, time and nature of the meeting;



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- 53.1.2. The names of the Councillors present and the names of any Councillors who apologised in advance for their non-attendance;
- 53.1.3. The names of the members of Council staff present;
- 53.1.4. 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;
- 53.1.5. Arrivals and departures (including temporary departures) of Councillors during the course of the meeting;
- 53.1.6. Each motion and amendment moved (including motions and amendments that lapse for the want of a seconder);
- 53.1.7. The vote cast by each Councillor;
- 53.1.8. The vote cast by each Councillor upon a division;
- 53.1.9. The vote cast by any Councillor who has requested that his or her vote be recorded in the minutes;
- 53.1.10. Questions upon notice;
- 53.1.11. The failure of a quorum;
- 53.1.12. The date and time the meeting was commenced, adjourned, resumed and concluded;
- 53.1.13. Any adjournment of the meeting and the reasons for that adjournment; and
- 53.1.14. The time at which standing orders were suspended and resumed; and
- 53.1.15. 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.

### **54. Recording and broadcasting Meetings**

Except for a member of staff authorised by the Chief Executive Officer, a person must not record or broadcast, or 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).



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### Division 10 – Behaviour

#### 55. Public Addressing the Meeting

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.

#### 56. Chair May Remove

The Chair may order and cause the removal of any person, including a Councillor, who disrupts any meeting or fails to comply with a direction.

#### 57. Suspensions

Council may by resolution suspend from a portion of the meeting, or for the balance of the meeting, any Councillor whose actions have disrupted the business of Council at that meeting, and have impeded its orderly conduct.

#### 58. 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 gallery under Rule 56 of these Governance Rules or whom Council has suspended under Rule 57.

### Division 11 – Miscellaneous

#### 59. 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 12 – Suspension of Standing Orders

#### 60. Suspension of Standing Orders

60.1. 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 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.



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60.2. The suspension of standing orders should not be used purely to dispense with the processes and protocol of the governance of Council. An appropriate motion would be:

"That standing orders be suspended to enable discussion on....."

60.3. Once the discussion has taken place and before any motions can be put, the resumption of standing orders will be necessary. An appropriate motion would be:

"That standing orders be resumed."

### Division 13 – Public Engagement

#### 61. Community Participation

61.1 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.

61.2 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).

#### 62. 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.

#### 63. Acknowledgments

63.1 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 an Ordinary Council Meeting. Where formal honours are applicable, the *Civic, Ceremonial Functions and Honours Policy* must be followed.

63.2 At a Council Meeting, the following may occur:

- 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;
- a presentation of a certificate or plaque; or
- a minute's silence recognising the passing of a person.

63.3 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



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

### **64. Streaming Council Meetings**

- 64.1 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.
- 64.2 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.
- 64.3 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 may be retained for viewing by the public for up to 30 days, and then will be erased.

### **65. Behaviour Expectations in the Meeting for Visitors**

- 65.1 All present at a meeting are required to behave in accordance with the Governance Rules to allow the meeting to proceed without disruption.
- 65.2 Appropriate behaviour includes:
- Be quiet during proceedings;
  - Not create a nuisance within the meeting;
  - Be respectful of the protocols of the meeting;
  - Not harass those attending the meeting, including Councillors, officers and other visitors;
  - Not bring in any placards, posters or materials other than personal effects unless prior permission has been sought and granted from the Mayor/Chair;
  - Not display any physical violence or verbal abuse to anyone or anything within the meeting;
  - Not record meeting proceedings without the consent of the Mayor/Chair via photography, filming or audio unless consent has been given in accordance with Rule 54 of these Governance Rules.
  - Have mobile devices switched off or on silent.
- 65.3 Members of the public who do not behave appropriately will be warned, and if poor behaviour continues, will be required to leave in accordance with Rules 56 and 58 of these Governance Rules.

### **66. Petitions**

The community has the right to lobby Council, and can do so through petitioning.



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### 66.1 Requirements for a Valid Petition

For a petition from the community to be accepted and presented to a Council meeting on its own merits, the following requirements must be met:

- A petition must be:
  - in the prescribed template format (attached to these Governance Rules at Appendix One);
  - addressed to Latrobe City Council;
  - refer to a matter on which Latrobe City Council has the power to act;
  - state the reasons for petitioning Latrobe City Council;
  - contain a request for action by Latrobe City Council;
  - be signed by at least ten people (must not be in pencil);
  - 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*).
- The terms of the petition must:
  - be placed at the top of every page;
  - not contain any alterations;
  - not exceed 250 words;
  - not be illegal and must not promote illegal acts; and
  - language must not be objectionable or inflammatory in nature.
- 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.

### 66.2 Submitting your petition

66.2.1 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.

66.2.2 E-petitions can be forwarded in accordance with the criteria specified by Council for that facility.

### 66.3 Assessment of the petition

66.3.1 Once received, officers will provide written acknowledgement of receipt, and undertake an initial assessment against the criteria specified in this policy to ensure that it complies prior to being presented to the next available Council meeting.



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66.3.2 Where the petition does not meet the specified criteria, the following will apply:

- 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;
- Any other matter it will be considered as general correspondence and not presented to Council

and the head petitioner or other nominated person notified accordingly.

### 66.4 Tabling at a Council meeting

A petition that meets the criteria will be listed for tabling at the next available Council meeting with the following information:

- The terms of the petition
- The number of signatures

### 66.5 No Discussion or Debate of Petition

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.

### 66.6 Follow up of Petition

66.6.1 Once tabled, the petition is forwarded to the appropriate Divisional General Manager for action. A report is then presented to a subsequent Ordinary Council Meeting, which will include officers' recommended response for Councils consideration.

66.6.2 Officers may contact the head petitioner or other nominated person as appropriate to clarify any of the issues raised in the petition.

66.6.3 The head petitioner will be advised in writing of the outcome of the request contained in the petition within a reasonable timeframe.

66.6.4 It is the responsibility of the head signatory to advise other signatories of the outcome.

## 67. Written Submissions

67.1 Council will invite submissions in accordance with its policies 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.

67.2 This policy does 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.

67.3 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





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procedures are followed, including any notifications required to those who have made a submission as specified in the applicable statutory processes.

### **68. Speaking at a Council meeting**

#### **68.1 Requirements for a valid request to speak at a Council meeting**

For a member of the public to be able to speak at a Council meeting, the following requirements must be met:

- 68.1.1 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);
- 68.1.2 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 Councils website;
- 68.1.3 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;
- 68.1.4 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);
- 68.1.5 The Mayor 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;
- 68.1.6 The person requesting to speak acknowledges that consent is automatically given to being recorded (if the meeting is to be streamed);
- 68.1.7 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;
- 68.1.8 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 this policy);
- 68.1.9 During a declared State of Emergency public participation at Council meetings may be undertaken via tele or video conferencing as determined by Council.

#### **68.2 Procedural matters for managing speakers**

The following procedural matters apply:

- 68.2.1 The order of speakers will be as follows:
  - Aligns with the order of reports on the agenda;
  - Then in order of receipt of the request to speak



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or as otherwise instructed by the Mayor/Chair.

- 68.2.2 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.

### 68.3 Requirements for speaking at a Council meeting

The following requirements for addressing a Council meeting apply:

- 68.3.1 When addressing the meeting, persons are asked to address the meeting facing the Mayor/Chair at the microphone provided;
- 68.3.2 Speakers are requested to keep their address brief and to the main issues of concern;
- 68.3.3 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.
- 68.3.4 Councillors may ask questions of the speaker to clarify a point, however, no debate or commentary is to be provided at this time.

### 68.4 Protocol for addressing the meeting

The following protocol applies when addressing a Council meeting:

- 68.4.1 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.
- 68.4.1.1 All Councillors, other than the Mayor, must be addressed as Councillor (*name*).
- 68.4.1.2 All members of staff in attendance must be addressed as Mr or Ms (*name*) as appropriate or by their official title.

## 69. 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;



## Governance Rules

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- 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.
- 69.3 Submitting your question
- 69.3.1 Questions for consideration at a Council meeting can be submitted:
- electronically to [egovernance@latrobe.vic.gov.au](mailto:egovernance@latrobe.vic.gov.au);
  - via an online form available on Council's website; or
  - via a form available in Council's customer service centres (attached to these Governance Rules at Appendix Two).
- 69.3.2 Questions must be received by midday on the day of the Council meeting. Any questions received after this deadline that meets the criteria will be held until the next scheduled Council meeting for response.
- 69.4 Response at a Council Meeting
- 69.4.1 The Mayor/Chair will ask the Chief Executive Officer to conduct the public question time session.
- 69.4.2 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.



## Governance Rules

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- 69.4.3 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.
- 69.4.4 During a declared State of Emergency public participation at Council meetings may be undertaken via tele or video conferencing as determined by Council.
- 69.4.5 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.

### 70. Privacy

- 70.1 To comply with the Victorian *Privacy and Data Protection Act 2014*, personal information provided as part of any provision detailed in this policy will only be used for the primary purpose for which it was provided – (e.g. to consider the petition, question or submission).
- 70.2 Processes will comply with Council's *Citizen Confidentiality and Privacy Policy* where applicable.
- 70.3 As part of Council's operations, any document incorporated into a Council agenda must be made publically available, including any petitions which are tabled.
- 70.4 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.
- 70.5 The following details as outlined in the table below will be published in the minutes.



## Governance Rules

<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.



## Governance Rules

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

##### 71. Delegated Committees

71.1 If Council establishes a Delegated Committee, these Rules will apply to the Delegated Committee Meetings with any necessary modifications.

71.2 For the purpose of Sub-Rule 71.1:

71.2.1 a Council Meeting is to be read as a reference to a Delegated Committee Meeting;

71.2.2 a Councillor is to be read as a reference to a Member of the Delegated Committee; and

71.2.3 a reference to the Mayor is to be read as a reference to the Chairperson of the Delegated Committee.

71.3 If Council establishes a Delegated Committee, Council may resolve that a provision of these Governance Rules do not apply to that Committee.

##### 72. Community Asset Committees

72.1 The Governance Rules may apply to any Community Asset Committee established by Council.

72.2 Council may resolve, in establishing a Community Asset Committee which chapters of the Governance Rules apply but as a minimum must include Division 9 (Minutes) of Part C.

72.3 A Community Asset Committee must report the minutes of all Committee Meetings to the next practicable Council meeting.



## Governance Rules

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- 72.4 A Community Asset Committee must act in accordance with its adopted Charter, Instrument of Delegation and any Terms of Reference adopted by Council.

### Division 2 – Election Period Policy

#### 73. Council's Election Period Policy

- 73.1 Council will have in place an Election Period Policy that:
- 73.1.1 Governs decision making during a local government election period, including what may be considered at a Council meeting;
  - 73.1.2 Prohibits the use of Council resources for any election campaign purposes, including Federal, State or Council elections;
  - 73.1.3 Sets out the conditions for any community engagement required to be undertaken during an election period, including consultations and Civic events;
  - 73.1.4 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;
  - 73.1.5 Defines roles and responsibilities in relation to who is the spokesperson for Council during an election period;
  - 73.1.6 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.
- 73.2 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.
- 73.3 The Election Period Policy forms part of these Governance Rules.
- 73.4 Any outstanding Delegate's Reports may still be reported to a Meeting of Council during this period.
- 73.5 Council Committees shall resume meeting following the election and the appointment by the incoming Council of Councillors to each committee.



## Governance Rules

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### Division 3 – Conflict of Interest

#### 74. Obligations with regard to Conflict of Interest

74.1 Councillors, Members of Delegated Committees and Council staff are required to:

74.1.3 Avoid all situations which may give rise to conflicts of interest;

74.1.4 Identify any conflicts of interest; and

74.1.5 Disclose or declare all conflicts of interest.

#### 75. Councillors and Members of Delegated Committees

75.1 May not participate in discussion or decision-making on a matter in which they have a conflict of interest.

75.2 All disclosures of conflicts of interest will be recorded in the minutes of a Council or Delegated Committee meeting.

#### 76. Procedure at a Council or Delegated Committee Meeting

76.1 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:

76.1.1 by either:

(a) advising the meeting of the details required under Sub-Rules 76.1.2 and 76.1.3 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 76.1.2 and 76.1.3 before the meeting; and

76.1.2 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

76.1.3 describing the nature of the interest; and

76.1.4 if the Councillor or Member advised the Chief Executive Officer of the details under Sub-Rule 76.1.1(b), the Councillor or Member must make a disclosure of the class of interest only to the meeting immediately before the matter is considered at the meeting.





## Governance Rules

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- 76.2 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.
- 76.3 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.
- 76.4 The Chief Executive Officer must:
- 76.4.1 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
  - 76.4.2 destroy the written disclosure when the 3 year period referred to in Sub-Rule 76.4.1 has expired.
- 77. Procedure at other meetings organised, hosted or supported by Council**
- 77.1 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.
- 77.2 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.
- 77.3 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.
- 77.4 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.
- 77.5 The existence of a conflict of interest will be recorded in the minutes of the meeting.
- 77.6 If there are no minutes kept of the meeting, the conflict of interest will be recorded in a meeting record and provided to the Chief Executive Officer to be retained pursuant to Sub-Rule 76.4.
- 77.7 The meeting minutes or record will also record the duration of the discussion and whether the Councillor left the meeting.
- 77.8 Meeting records and reports will be presented to Council for noting and inclusion on the public record.



## Governance Rules

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### **78. Council Staff**

- 78.1 Must act in accordance with the Employee Code of Conduct.
- 78.2 Must not exercise a delegation or make a decision on any matter where they have a conflict of interest.
- 78.3 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 79 and the Employee Code of Conduct.

### **79. Procedure for disclosures of conflicts of interest by Council Staff**

- 79.1 Council staff must disclose the existence of all conflicts of interest in writing and in the form determined by the Chief Executive Officer.
- 79.2 A Council staff member who has disclosed a conflict of interest may provide advice to Council or another staff member acting under delegation if:
  - 79.2.1 The number and qualifications of other people providing advice regarding the same matter is equal or greater; or
  - 79.2.2 The staff member who has disclosed the conflict of interest is the only staff member with expertise in the area; and
  - 79.2.3 The staff member's General Manager determines that the conflict of interest has not influenced the advice provided; and
  - 79.2.4 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**

### **80. Procedure for Joint Council Meetings**

- 80.1 Council may resolve to participate in a Joint Council meeting to consider:
  - 80.1.1 Collaborative projects;
  - 80.1.2 Collaborative procurement;
  - 80.1.3 Emergency Response.
- 80.2 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.



## Governance Rules

- 80.3 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
- 80.4 A majority of Councillors will be appointed to represent Council at a Joint Council meeting.
- 80.5 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.
- 80.6 A joint briefing arranged in accordance with Sub-Rule (5) may be held electronically.



## Governance Rules

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### 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).

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



# Governance Rules

## 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





## Governance Rules

### 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:





## Election Period Policy

Approval Date: TBA  
Next Review Date: TBA



## Election Period Policy

### DOCUMENT CONTROL

Responsible GM	Greg Drumm	
Division	Organisational Performance	
Last Updated (who & when)	Manager Governance	2020
DOCUMENT HISTORY		
Authority	Date	Description of change
Council	21 March 2016	Compliance to <i>Local Government Act 1989</i> Section 93B.
Council	7 April 2020	Compliance to <i>Local Government Act 1989</i> Section 93B
Council		Compliance to <i>Local Government Act 2020</i>
References	Refer to Section 8 and 9 of this policy	
Next Review Date	TBA	
Published on website	Yes	
Document Reference No	TBA	

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## Election Period Policy

### 1. Background

- 1.1. Council staff and councillors must observe specific legislative and governance requirements during the period leading up to an election.
- 1.2. The *Local Government Act 2020* provides that during the 'election period' certain prohibitions apply to the general functions and powers of Council. It is during this time that Council enters caretaker mode.
- 1.3. The 'election period' is defined by the *Local Government Act 2020* as starting at the time that nominations close on nomination day and ending at 6pm on the election day. The last day for nominations is the day that is 32 days before the election day.
- 1.4. This policy replaces and overrides any previous policy or document that refers to the caretaker or election period.

### 2. Objectives

- 2.1. The Election Period Policy (Policy) is a requirement under sections 60 and 69 of the *Local Government Act 2020*.
- 2.2. The Policy aims to facilitate the continuation of the ordinary business of local government in Latrobe City throughout the election period in a responsible and transparent manner, in accordance with statutory requirements and established caretaker conventions.
- 2.3. This Policy commits Council during the election period to:
  - 2.3.1. Avoid making any prohibited decisions or significant decisions;
  - 2.3.2. Avoid making any inappropriate decisions that could unreasonably bind a future Council; and
  - 2.3.3. Ensure that public resources, including staff resources, are not used in election campaigning or in a way that may improperly influence the result of an election, or improperly advantage existing Councillors as candidates in the election.

### 3. Scope

- 3.1. This Policy applies during the 'Election Period' (see below for definition) and covers:
  - 3.1.1. Decisions that are made by Council, a delegated committee of the Council, a community asset committee of the Council or a delegate of the Council;

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## Election Period Policy

- 3.1.2. Any material that is published by the Council;
  - 3.1.3. Public consultation by the Council during the Election Period;
  - 3.1.4. Attendance and participation in functions and events;
  - 3.1.5. The use of Council resources;
  - 3.1.6. Access to Council information; and
  - 3.1.7. Media services.
- 3.2. This Policy takes precedence over any other Council Policy, Framework or Procedure during the Election Period in relation to compliance requirements.
- 3.3. This policy must be complied with during an Election Period if ANY of the following apply to you:
- 3.3.1. You are involved in making a prohibited or significant decisions
  - 3.3.2. You are involved in making a significant decision that will bind the incoming Council
  - 3.3.3. You are about to publish material which has reference in it to a candidate (which includes sitting Councillors) or the election or an issue before the voters in connection with the election
  - 3.3.4. You are involved in the creation of any Council publication
  - 3.3.5. You are involved in any public consultation process
  - 3.3.6. You are a Councillor who is planning to attend a function or event
  - 3.3.7. You supply resource support to Councillors
  - 3.3.8. You are a Councillor requesting access to Council information
  - 3.3.9. You are a Councillor requesting media advice or services
- 3.4. This Policy has been written to provide a guide only for Council staff, Councillors and candidates and is not a substitute for legal advice. Individuals should seek their own independent advice if they are unsure about any aspect of the *Local Government Act 2020*, the *Local Government Act 1989* and associated regulations in relation to the election period.

## 4. Principles of Management

### 4.1. Council Decision Making

- 4.1.1. Council decision making includes decisions that are made by Council, a delegated committee of the Council, a community asset committee of the

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## Election Period Policy

Council or a delegate of the Council.

4.1.2. It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during an election period.

4.1.3. Sub-section 69(2) of the *Local Government Act 2020* prohibits any Council decision during the election period for a general election that:

- relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer; or
- commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year; or
- the Council considers could be reasonably deferred until the next Council is in place; or
- the Council considers should not be made during an election period.

4.1.4. Sub-section 69(3) of the *Local Government Act 2020* prohibits during the election period for a general election or a by-election Council making any decision that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election.

4.1.5. The Council therefore commits to the principle that it will make every endeavour to avoid making prohibited decisions (pursuant to section 69 of the *Local Government Act 2020*) or decisions that inappropriately or unreasonably bind the incoming Council. This includes a commitment to comply with the requirements relating to significant decisions.

4.1.6. A Caretaker statement will be included in every report submitted to the Council, a delegated committee of the Council, a community asset committee of the Council or to a delegate of the Council.

4.1.7. Refer to Appendix One: Council Decision Making Guidelines and Procedures for detailed requirements.

#### 4.2. Material Published by Council

4.2.1. Section 304(2) of the *Local Government Act 2020* prohibits Council from printing, publishing or distributing or causing, permitting or authorising the printing, publishing or distributing of any electoral material, being an advertisement, handbill, pamphlet or notice during an election period unless it only contains information about the election process or is otherwise required in accordance with or under any Act or regulation.

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## Election Period Policy

4.2.2. Refer to Appendix Two: Material published by Council Guidelines and Procedures for detailed requirements.

### 4.3. Public Consultation

4.3.1. It is prohibited under this policy for public consultation to be undertaken during the Election Period (new consultation or existing) on an issue that is contentious unless prior approval is given by the Council or the Chief Executive Officer.

4.3.2. Due to this prohibition, it is prudent for the Council not to commission or approve any public consultation if such consultation is likely to run into the Election Period, unless the Council or the Chief Executive Officer gives prior approval.

4.3.3. Where public consultation is approved to occur during the Election Period, the results of that consultation will not be reported to Council until after the Election Period except where approved by the Chief Executive Officer or his delegate.

4.3.4. Refer to Appendix Three: Public Consultation for detailed requirements.

### 4.4. Functions and Events

4.4.1. Reference to events and functions means gatherings of internal and external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community.

4.4.2. It may take the form of conferences, workshops, forums, launches, promotional activities, or social occasions, such as dinners, receptions and balls.

4.4.3. Where there is a public event staged by external bodies, Councillors may continue to attend these functions during the Election Period in accordance with the adopted *Provisions of Resources and Support to Councillors Policy*.

4.4.4. Refer to Appendix Four: Functions and Events Guidelines and Procedures for detailed requirements.

### 4.5. Use of Council Resources

4.5.1. The Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard.

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## Election Period Policy

- 4.5.2. Pursuant to sub-section 304(1) of the *Local Government Act 2020* it is prohibited for Councillors or Council staff to use Council resources in a way that is intended to or is likely to affect the result of an election.
- 4.5.3. Council resources, including documents (not available publicly), officers, support staff, hospitality services, equipment (including phones and internet connections) and stationery shall be used exclusively for normal Council business during the Election Period, and shall not be used in connection with an election.
- 4.5.4. No Council logo, letterhead or other Latrobe City branding will be used for, or linked in any way to a candidate's election campaign.
- 4.5.5. Support staff for the Mayor and Councillors must not be asked to undertake any tasks connected directly or indirectly with an election campaign.
- 4.5.6. Refer to Appendix Five: Use of Council Resources Guidelines and Procedures for detailed requirements.
- 4.6. Access to Council information
- 4.6.1. All election candidates have equal rights to information relevant to their election campaigns from the Council administration.
- 4.6.2. Neither Councillors nor candidates will be provided information or advice from Council staff that might be perceived to support election campaigns, and there shall be transparency in the provision of all information and advice during the Election Period.
- 4.6.3. Information and briefing material prepared or secured by staff for a Councillor during the Election Period must be necessary to the carrying out of the Councillor's role and must not be related to election issues or to issues that might be perceived to be of an electoral nature.
- 4.6.4. The Governance team will maintain an Information Request Register during the election period. This Register will be a public document that records all requests relating to electoral matters and non-routine requests for information by Councillors and candidates, and the responses given to those requests.
- 4.6.5. Refer to Appendix Six: Access to Information Guidelines and Procedures for detailed requirements.
- 4.7. Media services

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## Election Period Policy

- 4.7.1. Council's Media and Marketing team undertake the promotion of Council activities and initiatives. During the election period, this team's services must not be used in any way that might promote a Councillor or an election candidate.
- 4.7.2. Council publicity during the election period will be restricted to communicating normal Council activities and initiatives.
- 4.7.3. Media releases will minimise references to specific Councillors and will not identify any Councillor in a manner that could promote a Councillor as an election candidate. Where it is necessary to identify a spokesperson, the Chief Executive Officer or his or her delegate will be the default spokesperson.
- 4.7.4. Refer to Appendix Seven: Media Services Guidelines and Procedures for detailed requirements.

### 5. Accountability and Responsibility

- 5.1. In addition to any roles outlined in the appendixes or above in section 4, the following accountabilities and responsibilities for this policy are outlined below.
- 5.2. Council
- 5.2.1. Responsibility to ensure this Policy is consistent with Council's strategic direction and Council policies
- 5.2.2. Responsibility for the decision to approve this Policy by Council Resolution
- 5.3. Councillor
- 5.3.1. Responsibility to comply with this policy
- 5.4. Chief Executive Officer
- 5.4.1. Overall responsibility for compliance with this policy
- 5.4.2. Overall responsibility for enforcing accountability
- 5.4.3. Overall responsibility for providing resources
- 5.4.4. Overall responsibility for performance monitoring
- 5.4.5. Responsible to ensure that members of Council staff are advised in regard to the application of the election period policy.
- 5.5. General Manager
- 5.5.1. Responsibility for compliance with this policy

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## Election Period Policy

- 5.5.2. Responsibility for enforcing accountability
- 5.5.3. Responsibility for providing resources
- 5.5.4. Responsibility for performance monitoring
- 5.5.5. Responsible to ensure that members of Council staff are advised in regard to the application of the election period policy.
- 5.6. Manager
  - 5.6.1. Comply with this policy
  - 5.6.2. Develop internal frameworks and procedures in compliance with this policy (if applicable)
  - 5.6.3. Enforce responsibilities to achieve compliance with frameworks and procedures
  - 5.6.4. Provide appropriate resources for the execution of the frameworks and procedures
  - 5.6.5. Responsible to ensure that members of Council staff are advised in regard to the application of the election period policy.
- 5.7. Employees, Contractors, Volunteers and Council Committees
  - 5.7.1. Participate where required in the development of frameworks and procedures in compliance with this policy.
  - 5.7.2. Comply with this policy, frameworks and procedures that are developed to achieve compliance with this policy.

### 6. Evaluation and Review

- 6.1. This policy will be reviewed on request of Council, 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, during each Council term (generally four years).

### 7. Definitions

**Act** In the context of this policy, means the *Local Government Act 1989* or *Local Government Act 2020* as referenced.

**Council** Means Latrobe City Council, being a body corporate constituted as a municipal Council under the Act.

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## Election Period Policy

<b>Council officer</b>	Means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
<b>Councillor(s)</b>	Means the individuals holding the office of a member of Latrobe City Council.
<b>Election Period</b>	Has the same meaning as 'election period' in section 3(1) of the <i>Local Government Act 2020</i> , and means the period that starts at the time that nominations close of nomination day and ending at 6pm on the election day.
<b>Electoral advertisement, handbill, pamphlet or notice</b>	Means an advertisement, handbill, pamphlet or notice that contains electoral matter, but does not include an advertisement in a newspaper announcing the holding of a meeting in accordance with the definition contained within the <i>Local Government Act 2020</i> Act (section 3(1)).
<b>Electoral Matter</b>	<p>Means matter which is intended or likely to affect voting in an election but does not include any electoral material produced by or on behalf of the returning officer for the purposes of conducting an election.</p> <p>Without limiting the generality of the definition of 'electoral matter', a matter is to be taken to be intended or likely to affect voting in an election if it contains an express or implicit reference to, or comment on:</p> <ul style="list-style-type: none"> <li>• the election; or</li> <li>• a candidate in the election; or</li> <li>• an issue submitted to, or otherwise before, the voters in connection with the election.</li> </ul>
<b>Public Consultation</b>	Means a process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy, and includes discussion of that matter with the public.

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## Election Period Policy

<b>Publication</b>	Includes any means of publication including letters and information on Councils website, Facebook and Twitter.
<b>Publish</b>	Means publish by any means including by publication on the Internet.
<b>Significant Decision</b>	Means irrevocable decisions that: <ul style="list-style-type: none"> <li>• Commits the Council to substantial expenditure or significant actions; and</li> <li>• Will have a significant impact on the municipality or the community.</li> </ul>

### 8. Related Documents

- 8.1. Governance Rules
- 8.2. Councillor Code of Conduct
- 8.3. Staff Code of Conduct
- 8.4. Provisions of Resources and Support to Councillors and Delegated Committee Members Policy

### 9. Reference Resources

- 9.1. *Local Government Investigations and Compliance Inspectorate Information Bulletin 4*, August 2012.
- 9.2. *Reforms arising from the Local Government Amendment (Improved Governance) Act 2015, A guide for councils.*

### 10. Appendices

- 10.1. *Local Government Act 1989* and *Local Government Act 2020* relevant sections
- 10.2. Council Decision Making Guidelines and Procedures
- 10.3. Material published by Council Guidelines and Procedures
- 10.4. Functions and Events Guidelines and Procedures
- 10.5. Use of Council Resources Guidelines and Procedures
- 10.6. Media Services Guidelines and Procedures
- 10.7. Access to Information Guidelines and Procedures

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## Election Period Policy

### Appendix One: Council Decision Making Guidelines and Procedures

#### 1. Significant Decisions

- In the context of this policy, significant decisions include::
  - Approval of contracts that require significant funding in future financial years or are regarded as politically sensitive;
  - Decisions that have significant impacts on Council's income or expenditure or that relate to expenditure on politically sensitive matters;
  - Decisions of a politically sensitive nature;
  - Policy or strategy decisions;
  - The exercise of any entrepreneurial power under section 193 of the *Local Government Act 1989*;
  - The exercise of the power to participate in any beneficial enterprise under section 110 of the *Local Government Act 2020*.

#### 2. Scheduling Consideration of Significant Decisions

- As a general principle, the Chief Executive Officer should, as far as practicable, avoid scheduling decisions for the Election Period and instead, ensure that significant decisions are either considered by Council prior to the Election Period, or scheduled for determination by the incoming Council.

#### 3. Significant Decisions during Election Period

- If a significant decision cannot be scheduled prior to or after the Election Period, then you need to refer to the list below to determine whether it is effected by this Policy. If you are unsure of whether a decision does or does not fall within the list below, speak with the Chief Executive Officer or his appointed delegate.

Proposed Decision	Is it allowed?	Source
Relates to the appointment or remuneration of the Chief Executive Officer but not to the appointment or remuneration of an Acting Chief Executive Officer;	No	Prohibited by section 69 of the <i>Local Government Act 2020</i>

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Proposed Decision	Is it allowed?	Source
Commits the Council to expenditure exceeding one per cent of the Council's income from general rates, municipal charges and service rates and charges in the preceding financial year;	No	Prohibited by section 69 of the <i>Local Government Act 2020</i>
The Council considers could be reasonably deferred until the next Council is in place;	No	Prohibited by section 69 of the <i>Local Government Act 2020</i>
Any decisions that Council considers should not be made during an election period	No	Prohibited by section 69 of the <i>Local Government Act 2020</i>
Any decision that would enable the use of Council's resources in a way that is intended to influence, or is likely to influence, voting at the election	No	Prohibited by section 69 of the <i>Local Government Act 2020</i>
The exercise of any entrepreneurial power under section 193 of the <i>Local Government Act 1989</i> or any exercise of the power to participate in any beneficial enterprise under section 110 of the <i>Local Government Act 2020</i>	No	This is an internal Council requirement
Allocating community grants or other forms of direct funding for community organisations	No	This is an internal Council requirement.
Major planning scheme amendments	No	This is an internal Council requirement.
Changes to strategic objectives or strategies in the Council Plan	No	This is an internal Council requirement.
Entering into a contract that require significant funding in future financial years or is regarded as politically sensitive	No	This is an internal Council requirement.
Decisions that have significant impacts on Council's income or expenditure or that	No	This is an internal Council requirement.

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## Election Period Policy

Proposed Decision	Is it allowed?	Source
relate to expenditure on politically sensitive matters		
Decisions of a politically sensitive nature	No	This is an internal Council requirement.
Policy or strategy decisions	No	This is an internal Council requirement.

#### 4. Considerations for the Chief Executive Officer in giving Approval

- In the case of a significant decision referred to the Chief Executive Officer which is not expressly prohibited, in deciding whether to give approval the Chief Executive Officer will need to have regard to a number of factors including:
  - Whether the decision is 'significant'
  - The urgency of the issue (can it wait until after the election?)
  - The possibility of financial repercussions if it is deferred, if any
  - Whether the decision is likely to be controversial
  - Whether the decision is in the best interests of the Council

#### 5. Agendas and Reports

- During the election period, the Chief Executive Officer will ensure that a 'Caretaker Statement' is included in every report submitted to the Council, delegated committee, a community asset committee or to a delegate for a decision.
- The Caretaker Statement will specify:
  - *The recommended decision is not a prohibited decision, as defined in section 69 of the Local Government Act 2020 or a significant decision within the meaning of the Election Period Policy.*
- During the election period, the Council will not make a decision on any matter or report that does not include this Caretaker Statement.

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## Election Period Policy

### Appendix Two: Material published by Council Guidelines and Procedures

#### 1. Prohibited Material

- It is prohibited under the *Local Government Act 2020* and the *Local Government Act 1989* for Council to print, publish or distribute; or to cause, permit or authorise others to print, publish or distribute on behalf of the Council, any advertisement, handbill, pamphlet or notice that contains electoral matter during the Election Period.
- Publications should be read broadly to include all documents that are produced for the purpose of communicating with people in the community, including Council newsletters, advertisements and notices, media releases, leaflets and brochures, emails and mailouts to multiple addresses, electronic information and web based productions including Council's website, Facebook account and Twitter page.
- The controls do not cover advertisements that simply announce the holding of a meeting or about the election process itself.
- Electoral matter is any matter that is "intended or likely to affect voting in an election" and this includes (but is not limited to) material that deals with the election, candidates or issues of contention in the election.
- A publication is taken to contain electoral matter if it contains an express or implicit reference to, or comment on:
  - The election; or
  - A candidate in the election; or
  - An issue submitted to, or otherwise before, the voters in connection with the election.
- Material is definitely electoral matter if it:
  - publicises the strengths or weaknesses of a candidate;
  - advocates the policies of the Council or of a candidate;
  - responds to claims made by a candidate; or
  - publicises the achievements of the elected Council.

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## Election Period Policy

- Councillors may publish campaign material on their own behalf, but cannot purport for that material to be originating from, or authorised by, Council or Latrobe City Council i.e. by use of Council logos.
- 2. Election Period Publications Procedure**
- Any Council publication which is potentially affected by this policy will be reviewed by the Council's Communications and Governance teams prior to publication.
  - This is to ensure that any circulated, displayed or otherwise publicly available material during the Election Period does not contain material that may be construed as 'electoral matter'.
- 3. Publications that require Review**
- The recommended practice (in line with State and Federal Governments), is where possible to avoid all publication activity during the caretaker period except where it is essential for the conduct of Council operations.
  - Publications which require review by the Council's Communications and Governance teams prior to release include:
    - Brochures, pamphlets, handbills, flyers, magazines and books;
    - Reports (other than agenda papers and minutes);
    - Advertisements and notices, except newspaper notices of meetings;
    - New website material;
    - New social media content (which includes Facebook and Twitter posts);
    - Emails with multiple addresses, used for broad communication with the community;
    - Mass mail outs or identical letters sent to a large number of people by or on behalf of Council;
    - Media releases;
    - Material to publicise a function or event; and
    - Any publication or distribution of Councillors' speeches.
- 4. Documents on Display at all Council facilities**
- Council publications with references to either current Councillors or candidates that could be considered campaign material or to be otherwise promoting any

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## Election Period Policy

Councillor or candidate, both on website and public display will be withdrawn from display during an election period.

### 5. Councillor Information

- Any reference to Councillors standing for re-election in Council publications printed, published or distributed during an election period must not include promotional text.

### 6. Annual Report

- If the publication date of the Annual Report occurs during the Election Period, it is affected by the legislative restrictions on publications and therefore may not include information about Councillors beyond what is required by the Local Government Regulations.
- The Annual Report does not require review by the Council's Communications and Governance teams; however any publication of an extract or summary of the Annual Report will require review.

### 7. Council and Committee Agendas and Minutes (Refer to Appendix One: Council Decision Making Guidelines and Procedures for more information)

- Agenda papers and minutes of Council and Committee meetings do not require review by the Council's Communications and Governance teams unless they are printed or published for a wider distribution than normal.

### 8. Latrobe City Council Websites

- This provision applies to all Council websites, which includes the Council main website and microsites (e.g. Latrobe City Libraries, Latrobe Leisure, Visit Latrobe and the Latrobe Regional Gallery, but not limited to these microsites).
- During the election period the Council website will not contain material precluded by this policy. Any references to the election will only relate to the election process.
- Material published on Council's website in advance of the caretaker period is not subject to review by the Council's Communications and Governance team, however existing material that is prominently displayed will be reviewed and consideration given to the removal of any such material that would be considered electoral matter, were it to be published during the election period.
- Information about Councillors will be restricted to names and contact details.

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## Election Period Policy

- Any new material published on Council's web site during the election period that may be considered to be an advertisement, handbill, pamphlet or notice must also be subject to the review process. Council agendas, minutes and the annual report are considered exempt from review.
- Where information is removed for the election period, a statement will be published that states:

*'As the Latrobe City Council election will be held on [Day, Date], the Latrobe City Council has assumed a caretaker role from [Date].*

*During the caretaker period, content will only be added to this website in accordance with the Election Period Policy.'*

### 9. Social Media

- Any publication on social media sites such as Facebook or Twitter that are under the auspices of Council will also require review by the Council's Communications and Governance teams. Similar requirements apply to Council blog sites.
- Latrobe City Council's Communications team monitors the Latrobe City Council corporate Facebook and Twitter feeds between the hours of 9.00am and 5.00pm on weekdays (excluding public holidays), and any negative or inappropriate posts are deleted. Occasionally when it is deemed necessary by Council's Communications team, the monitoring is extended to include weekends, major festivals/events, and emergencies.
- The ability for members of the public to post comments on Council's social media sites will be removed for the duration of the Election Period.
- Any publication on social media sites including Facebook, Twitter, blogs and wiki pages during the election period must be reviewed by the Council's Communications and Governance teams.
- Social media posts are to be kept to a minimum, and are to cover normal day-to-day activities only.
- Staff responsible for administering individual social media sites will monitor their respective sites during the election period and use moderation features where available to ensure no electoral matter is posted. No matter is permitted that may be construed as electoral matter – sites should be reviewed to ensure there is none.

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## Election Period Policy

- No photos will be published on Council's social media sites – only text posts will be able to be reviewed.
- No launches or announcements of any new projects, policy initiatives, or programs are to be made on social media during the election period.
- Any YouTube videos currently on sites are to be removed and suspended during the election period.
- No hosting or responding to political content at all is permitted.

### 10. Council Photographs

- Councillors should not use their position as an elected representative or their access to Council staff and other Council resources or information in support of an election campaign. This includes photos or images provided by Council for past Council activities.

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## Election Period Policy

### Appendix Three: Public Consultation

#### 1. Prohibition

- It is prohibited under this policy for public consultation to be undertaken during the Election Period (new consultation or existing) on an issue that is contentious unless prior approval is given by the Council or the Chief Executive Officer.
- For the purposes of this policy, public consultation means a process that involves an invitation or invitations to individuals, groups or organisations or the community generally to comment on an issue, proposed action or proposed policy.

#### 2. Right to Postpone

- It is prudent for the Council not to commission or approve any public consultation if such consultation is likely to run into the Election Period, unless the Council or the Chief Executive Officer gives prior approval.
- Some public consultation activities may be necessary during the caretaker period to facilitate the day to day business of Council and ensure matters continue to be proactively managed.
- Any such public consultations will avoid express or implicit links to the election.
- In view of the potential for a matter or issue to become contentious or politically sensitive in the course of the election period, Council reserves the right to postpone a matter if the issue is likely to affect voting.
- Council will not continue or commence public consultation on any contentious or politically sensitive matter after the commencement of the election period.

#### 3. Statutory Consultation Processes

- Consultations under the *Planning and Environment Act 1987* or Section 223 of the *Local Government Act 1989* statutory provisions shall only proceed after express agreement by the relevant General Manager and then only if it:
  - relates solely to the normal day-to-day business of Council; and
  - does not relate to a matter that is considered a major or significant decision.

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## Election Period Policy

### 4. Approval for Public Consultations

- Any request for public consultation to occur during the election period, must be referred to the Chief Executive Officer.
- Where the matter is not already expressly prohibited, in deciding whether to give approval the Chief Executive Officer will need to have regard to a number of factors including:
  - whether the decision is 'significant';
  - the urgency of the issue (that is, can it wait until after the election?);
  - the possibility of financial repercussions if it is deferred;
  - whether the decision is likely to be controversial; and
  - whether the decision is in the best interests of the Council.
- Where public consultation is approved to occur during the Election Period the results of that consultation will not be reported to Council until after the Election Period except where approved by the Chief Executive Officer or his delegate.

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## Election Period Policy

### Appendix Four: Functions and Events Guidelines and Procedures

#### 1. Functions and Event Definition

- Reference to events and functions means gatherings of internal and/or external stakeholders to discuss, review, acknowledge, communicate, celebrate or promote a program, strategy or issue which is of relevance to the Council and its community and may take the form of conferences, workshops, forums, launches, promotional activities, social occasions such as dinners, receptions and balls.

#### 2. Public Events Staged by External Bodies

- Councillors may continue to attend events and functions during the Election Period.
- As a general rule, any such attendance will not be represented as acting in an official capacity on behalf of the organisation.

#### 3. Council Events and Functions

- Council organised events and functions held during the Election Period will be reduced to only those essential to the operation of the Council.
- This may be varied by a Council resolution or where the Chief Executive Officer has given prior approval.
- Councillor attendance at Council events (if any during the election period) should not be used to gain attention in support of an election campaign.
- No election material or active campaigning is to be conducted at Council sponsored event or be displayed in any Council building.
- Where a Council organised event or function is proposed to be held during the Election Period and that event or function would ordinarily have or, if it were held at another time would ordinarily expect to have, one or more Councillors attend in an official capacity, the event or function must first be referred to Council to confirm that it will be held, rescheduled or, if held, amended in such a way as to allow Councillors to participate in an official capacity.

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## Election Period Policy

### 4. Speeches/Keynote Addresses

- Councillors should not act in an official capacity, including giving public speeches or addresses at Council organised or sponsored events and functions, during the election period.
- Speeches for Councillors will only be prepared by Council staff in relation to events that are part of the normal services or operation (such as citizenship ceremonies) of the Council and such speeches will not be circulated or available for publication.

### 5. Recording of Attendance at External Meetings and Functions

- The presence of Councillors at external meetings and functions may be recorded in attendance records, except where this record of attendance is in conjunction with information/promotional material (ie text or images) that may be considered as electoral material.

### 6. Publication of Promotional Material

- Publicity of Council events (if any during the election period) will be restricted to the communication of factual material and will not mention or quote any Councillor.
- In preparing any material concerning a Council organised or sponsored function or event that will be published or distributed during the Election Period, such preparation must be consistent with the controls under Appendix Two: Material published by Council Guidelines and Procedures to this Policy.

### 7. Council Employees

- During the Election Period no Council employee may make any public statement that relates to an election issue unless the statement has been approved by the Chief Executive Officer.
- Public statements are not only formal press releases but also verbal comments at meetings, functions and events where attending as part of their Council role.

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## Election Period Policy

### Appendix Five: Use of Council Resources Guidelines and Procedures

#### 1. Council Resources

- The Council will ensure that due propriety is observed in the use of all Council resources, and Council staff are required to exercise appropriate discretion in that regard.
- Council staff should avoid assisting Councillors in ways that could create a perception that they are being used for electoral purposes.
- Council resources, including offices, vehicles, support staff, hospitality services, property, equipment and stationery must be used exclusively for normal Council business during the election period, and must not be used in connection with an election campaign.

#### 2. Use of Council Equipment by Councillors

- Councillors may continue to use any Council equipment provided to them to facilitate their performance of normal Council duties, subject to existing protocols and terms of use.
- Councillors standing for re-election must not use Council equipment as a resource to assist with election campaigns.
- Where Councillors have Council funded services, such as mobile phones, land lines and internet connections, and where it is impractical for Councillors to discontinue their use of these during the election, Councillors will reimburse the Council for usage of those services during the election period that exceeds normal usage levels.
- Councillors may wish to consider the specific ways to administer this procedure. For instance Councillors may decide to use a private mobile phone for all election enquiries and publicise such number on election literature.

#### 3. Correspondence

- General correspondence addressed to Councillors will be answered as usual.
- However, Councillors will sign only the necessary minimum of correspondence during the election period and correspondence in respect to significant, sensitive or controversial matters should be signed by the Chief Executive Officer.

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## Election Period Policy

- Replies will be prepared so as to protect Council staff from perceptions of political bias.
- 4. Expenses Incurred by Councillors**
- Payment or reimbursement of costs relating to Councillors out-of-pocket expenses incurred during the election period must only apply to necessary costs that have been incurred in the performance of normal Council duties, and not for expenses that could be perceived as supporting or being connected with a candidate's election campaign.
  - In the case of Councillor claims that cover a combination of Council and electoral business, the Chief Executive Officer may approve a partial reimbursement to cover Council activities.
- 5. Council Branding and Stationery**
- No Council logos, letterheads, or other Latrobe City Council branding will be used for, or linked in any way to, a candidate's election campaign.
- 6. Support Staff to the Mayor and Councillors**
- Support staff for the Mayor and Councillors, Governance staff, or any other staff member, must not be asked to undertake any tasks connected directly or indirectly with an election campaign.
- 7. No Requests to Staff for Electioneering Related Tasks**
- The Chief Executive Officer or any staff should not be asked to undertake any tasks connected directly or indirectly with electioneering.
- 8. Council Photographs**
- Photos or images taken by or provided by Council are not to be used by Councillors for the purposes of electioneering or in support of their election campaign.
  - This applies equally to images on Council websites that may be able to be copied.
- 9. Use of Council Buildings**
- No election material or active campaigning is to be conducted at Council sponsored event or be displayed in any Council building.

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## Election Period Policy

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### 10. Process

- Any Council staff member that feels they are being placed in a compromising situation by a request from a Councillor should politely refer the Councillor to their General Manager for clarification before authorising, using or allocating the resource.
- The General Manager will decide if the use of Council resources is appropriate or not and notify the Councillor, as well as the Chief Executive Officer and the Governance team accordingly.

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## Election Period Policy

### Appendix Six: Access to Information Guidelines and Procedures

#### 1. Candidates' Access to Information

- All election candidates have equal rights to information relevant to their election campaigns from the Council administration.
- While it is important that sitting Councillors continue to receive information that is necessary to fulfil their existing elected roles, neither Councillors nor candidates will receive information or advice from Council officers that may improperly advantage candidates in the elections (which includes internal publications such as the Councillor Bulletin).
- There will be transparency in the provision of all information and advice during the election period.

#### 2. Information and Briefing Material

- Information and briefing material prepared or secured by staff for Councillors during the Election Period must be necessary to the carrying out of the Councillor's role and must not be related to election issues or to issues that might be perceived to be of an electoral nature.
- The information must only relate to factual matters or to existing Council services to assist Councillors in conducting normal day to day activities.

#### 3. Information Request Register

- The Governance team will maintain an Information Request register during the Election Period.
- This Register will be a public document (available for inspection) that records all requests for information of a non-election nature by all candidates (which includes sitting Councillors) and the response given to those requests.
- The Council affirms that all candidates for the Council election will be treated equally.

#### 4. Process for responding to an Information Request

- Responses to candidates' requests will be provided by Managers, General Managers or the Chief Executive Officer only.
- Managers will be required to discuss the request and the proposed response with their General Manager prior to the response being provided.

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## Election Period Policy

- Only information that can be reasonably accessed will be released.
  - Staff will be required to provide details of requests and responses to the Governance team for inclusion in the Register.
- 5. Freedom of Information applications during the Election Period**
- Any Freedom of Information (Fol) applications lodged during the election period on matters such as expenses costs etc regarding current Councillors will be dealt with where possible outside of the election period (the Fol Act specifies a 42 day period in providing a response to a Fol application).
- 6. Candidate Assistance and Advice**
- Any assistance and advice to be provided to candidates as part of the conduct of the Council Election will be provided equally to all candidates.
- 7. Role of Returning Officer**
- All election related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer or his or her delegate.
- 8. Candidate Information**
- Council will provide candidates with a Councillor Candidate Information Kit to assist them in running and nominating for Council.
  - Candidates will be informed of their obligation to complete a Nomination Form which will be available from the Returning Officer, accompanied by the nomination fee.
  - Candidates will also be informed of the requirements to complete and submit an 'Election Campaign Return' to the Chief Executive Officer within 60 days after the election day.
- 9. Election Process Enquiries**
- All election process related enquiries from candidates, whether sitting Councillors or not, will be directed to the Returning Officer or, where the matter is outside the responsibilities of the Returning Officer, to the Chief Executive Officer or his nominee.

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## Election Period Policy

### 10. Improper Use of Position

- Sections 76D and 76E of the *Local Government Act 1989 Act* or from 24 October 2020, sections 123 and 124 of the *Local Government Act 2020* prohibit Councillors from misusing or inappropriately making use of their position.
- A breach of any of these provisions attracts serious penalties, and in the case of section 76D of the *Local Government Act 1989* and section 123 of the *Local Government Act 2020* includes possible imprisonment.

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## Election Period Policy

### Appendix Seven: Media Services Guidelines and Procedures

#### 1. Restriction on Services

- Council's communication services are intended to promote Council activities or initiatives and must not be used in any way that might favour a candidate.
- During the election period this team's services must not be used in any way that might promote a Councillor as an election candidate.
- Council publicity during the election period will be restricted to communicating normal Council activities and initiatives and subject to review by the Council's Communications and Governance teams.
- Contact with the local media will be restricted to the communication of normal Council activities and responding to questions not involving the election or possible election outcomes.

#### 2. Media Advice

- Any requests for media advice or assistance from Councillors during the Election Period will be channelled through the Chief Executive Officer or the General Manager, Community Health and Wellbeing.
- No media advice or assistance will be provided in relation to election issues or in regard to publicity that involves specific Councillors.

#### 3. Media Releases/Spokespersons

- Media releases will not be provided for Councillors during the election period.
- Media releases will not refer to specific Councillors.
- Where it is necessary to identify a spokesperson in relation to an issue the Chief Executive Officer or his delegate will determine the appropriate person.
- Media releases will require review by the Council's Communications and Governance teams.

#### 4. Publicity Campaigns

- During the Election Period, publicity campaigns, other than for the purpose of conducting the election will be avoided wherever possible.
- Where a publicity campaign is deemed necessary for a Council activity, the Chief Executive Officer or his delegate must approve it.

**WARNING - uncontrolled when printed.**

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Responsible Division	Organisational Performance	Approved Date	
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## Election Period Policy

- In any event, Council publicity during the Election Period will be restricted to communicating normal Council activities and initiatives.
  - No publicity will be provided that involves specific Councillors.
- 5. Councillors**
- Councillors will not use their position as an elected representative or their access to Council staff and other Council resources to gain media attention in support of an election campaign.
- 6. Council Employees**
- During the Election Period no Council employee may make any public statement that relates to an election issue unless the statement has been approved by the Chief Executive Officer.
  - Public statements are not only formal press releases but also verbal comments at meetings, functions and events where attending as part of their Council role.

**WARNING - uncontrolled when printed.**

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## Latrobe City Council

### Local Law No. 1

## Meeting Conduct Local Law 2020

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Latrobe City Council Local Law No. 1 Meeting Conduct Local Law 2020

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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. prescribe penalties for failure to comply with the standards of conduct contained in the Governance Rules of Latrobe City Council.

### 3. Authorising Provision

This Local Law is made under sections 5 and 111 of the *Local Government Act 1989*.

### 4. Scope of the Local Law

This Local Law applies to all Council meetings, as well as to all meetings of Delegated Committees and Community Asset Committees appointed by the Council with all necessary modifications and adaptations, unless this Local Law says otherwise.

### 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 - 2017

On the commencement of this Local Law, the Meeting Procedure Local Law No.1 2017 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
Authorised Officer	means a member of Council staff who is authorised by Council or the Chief Executive Officer under delegation to carry out specific functions under this Local Law
Chamber	means any room where the Council holds a Council



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 Latrobe City Council Local Law No. 1 Meeting Conduct Local Law 2020
 

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	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
Community Asset Committee	means a Community Asset Committee established by Council under section 65 of the <i>Local Government Act 2020</i>
Community Asset Committee meeting	means a meeting of a Community Asset Committee
Council	means Latrobe City Council
Council meeting	means a meeting of the Council convened in accordance with Council's Governance Rules and includes scheduled meetings and unscheduled meetings
Delegated Committee	means a Delegated Committee established by Council under section 63 of the <i>Local Government Act 2020</i>
Delegated Committee Meeting	means a meeting of a Delegated Committee
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 Act 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>

Latrobe City Council Local Law No. 1 Meeting Conduct Local Law 2020

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Penalty units                      mean penalty units as prescribed in the *Sentencing Act*  
1992

Latrobe City Council Local Law No. 1 Meeting Conduct Local Law 2020

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## **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

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## Part C: Meeting Conduct

**Summary:** This Part complements standards of conduct set out in the Governance Rules applying to meetings of Council, Delegated Committees and Community Asset Committees, and deals with offences for failure to comply with those standards.

### 9. Failure to Withdraw an Expression

- 9.1. It is an offence for a Councillor to fail to withdraw an expression considered by the Chair to be offensive or disorderly, and apologise when called on twice by the Chair to do so pursuant to a decision of the Chair on a point of order under Governance Rule 44 (*Chair to Decide*).

**Penalty:** 2 penalty units

### 10. Failure by Person who is not a Councillor to Leave the Chamber on Chair's Order

- 10.1. It is an offence for any person, not being a Councillor, who is guilty of any improper or disorderly conduct, to not leave the Chamber when ordered by the Chair to do so under Governance Rule 56 (*Chair May Remove*).

**Penalty:** 5 penalty units

### 11. Failure of Councillor to Leave Chamber on Chair's Order or Resolution of Council

- 11.1. It is an offence for a Councillor not to leave the Chamber:
- 11.1.1 when ordered by the Chair to do so under Governance Rule 56 (*Chair May Remove*); or
  - 11.1.2 when a resolution has been made by Council suspending the Councillor from a portion or the balance of the meeting under Governance Rule 57 (*Suspensions*).

**Penalty:** 5 penalty units

### 12. Failure to Comply with Lawful Direction of Chair

- 12.1. It is an offence for any person to fail to comply with a lawful direction of the Chair given pursuant to the Governance Rules in relation to the conduct of the meeting and the maintenance of order.

**Penalty:** 2 penalty units

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**13. Fraudulent Signing of Petition or Joint Letter**

- 13.1. It is an offence for any person to fraudulently sign a petition or joint letter which is presented to Council or has the intention of being presented to Council pursuant to Rule 66 (*Petitions*) or by any other method.

**Penalty:** 10 penalty units

**14. Recording and Broadcasting Meetings**

- 14.1. It is an offence for any person to record or broadcast any part of a meeting in any manner other than in accordance with Governance Rule 54 (*Recording and broadcasting Meetings*).

**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.**

Latrobe City Council Local Law No. 1 Meeting Conduct Local Law 2020

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**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] day of [month] 2020     )  
in the presence of:     )

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Steven Piasente  
Chief Executive Officer

Agenda Item: 17.4

Agenda Item: Review of Council Delegations

Sponsor: General Manager, Organisational Performance

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

Status: For Decision

### **MOTION**

Moved: Cr Harriman

Seconded: Cr Howe

That Council:

1. In relation to the *Delegation to Members of Council Staff* delegates to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached '*Instrument of Delegation to members of Council staff*', the powers, duties and functions as described in that instrument, subject to the conditions and limitations specified in that Instrument;
  - a. Declares:
    - i. the instrument comes into force immediately the common seal of Council is affixed to the instrument;
    - ii. the instrument remains in force until Council resolves to vary or revoke it;
    - iii. on the coming into force of the instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked; and
    - iv. the duties and functions set out in the instrument must be performed, and the powers set out in the instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.

**CARRIED UNANIMOUSLY**

**Executive Summary:**

The purpose of this report is to seek Council's approval for the revised Instrument

of Delegation to Members of Council Staff in accordance with the requirements of various legislation empowering Council to make such delegations.

The Instrument of Delegation has been revised in accordance with advice received from Maddocks Lawyers.

Utilising that advice, the *Instrument of Delegation to Members of Council Staff* has been reviewed, with the below changes recommended.

- The Planning and Environmental Act 1987 has been amended the following has been removed s20A.
- Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020 has been amended, the following have been inserted subsections r7, r10, r11, r12(1), r12(2), r12(3), r12(4)&(5), r14(1), r14(3), r15(1), r15(2), r15(3), r16(1), r17, r18(4), r18(6), r22(1), r22(2), r40, r40(b), r41(4), r43, the following have been subsections have been removed r13(1), r13(2), r13(4)&(5), r16(2), r17(1), r18, r19(4), r19(6), r22A(1), r22A(2), r39, r39(b) r40(4) and r42.

Along with the changes advised by Maddocks Lawyers, additional necessary amendments have been made in accordance with information received from Council departments.

## **Background:**

### Process

Council subscribes to a service provided by Maddocks Lawyers that twice yearly reviews relevant legislation and advises councils on the updates which need to be made in relation to the delegations affecting local government functions, powers and duties.

Officers amend Council's Instruments of Delegation in order to reflect the changes advised by Maddocks Lawyers. Additional amendments to Council's Instruments of Delegation are made where found to be necessary following a twice yearly internal organisational review to ensure that the delegation functions, powers and duties are recorded as being assigned to the appropriate officer(s). The amended Instruments of Delegation are then presented to Council for its consideration and approval.

### Authority

As a statutory entity, Council is authorised to exercise various powers, and required to fulfil various functions and duties.

The sources of Council authority can be summarised as:

1. power to do things which a "natural person" can do, in particular the power to enter into contracts;



2. powers conferred by provisions of Acts and regulations, such as the *Local Government Act 1989* and the *Planning and Environment Act 1987*; and
3. powers conferred by other forms of statutory instrument.

It is not practical for Council and the CEO alone to exercise the statutory powers bestowed on Council and take all action necessary to fulfil Council's required functions and duties.

Delegation facilitates the achievement of good governance for the community by empowering appropriate officers to make decisions on behalf of Council and the CEO. When delegation is utilised correctly, red tape and processing time can be reduced, and available resources used most effectively.

It is imperative that Council regularly reviews its delegated powers, functions and duties in order to ensure instruments of delegation are updated as needed to remain compliant with all relevant legislation as it changes over time, and to reflect developments in Council's operational requirements.

**Issues:**

***Strategy Implications***

Maintenance of compliant delegations ensures Council operates openly, transparently and responsibly in accordance with Objective 6 of the Council Plan.

***Communication***

Internal organisational review has been conducted to ensure that the delegation functions and powers are recorded as being assigned to the appropriate officer(s).

***Financial Implications***

With the exception of the purchase price for the Maddocks Delegation and Authorisation Service (Council's yearly subscription fee) there is no direct cost to Council in delegating various powers, functions and duties.

***Risk Analysis***

Identified risk	Risk likelihood*	Controls to manage risk
<p><b>Legal/Regulatory Risk</b></p> <p>A delegation of Council is not compliant with legislation</p>	Unlikely	The review to delegations has been carried out using legal advice provided by Maddocks and an internal review process.

***Legal and Compliance***

Requirement under the *Local Government Act 1989*, to review and update registers.

***Community Implications***

No community impact would result from the adoption of this recommendation as this is a statutory requirement.

***Environmental Implications***

Nil.

***Consultation***

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

***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 1989*.

***Supporting Documents:***

Nil.

***Attachments***

1. [Updated Delegation to Council Staff](#)
2. Instrument of Delegation - Council to Council Staff (Published Separately)

## **17.4**

### **Review of Council Delegations**

- 1 Updated Delegation to Council Staff..... 403**

ACT / REGULATION	PROVISION	THING DELEGATED	DELEGATE	CONDITIONS & LIMITATIONS	DIVISION
<b>Planning and Environment Act 1987</b>					
Planning and Environment Act 1987	s.20A	Power to request the Minister for Planning to determine a prescribed amendment	Coordinator Statutory Planning		Regional City Growth and Investment
Planning and Environment Act 1987	s.20A	Power to request the Minister for Planning to determine a prescribed amendment	Coordinator Urban Growth		Regional City Growth and Investment
Planning and Environment Act 1987	s.20A	Power to request the Minister for Planning to determine a prescribed amendment	Coordinator Strategic Planning		Regional City Growth and Investment
Planning and Environment Act 1987	s.20A	Power to request the Minister for Planning to determine a prescribed amendment	General Manager Regional City Growth & Investment		Regional City Growth and Investment
Planning and Environment Act 1987	s.20A	Power to request the Minister for Planning to determine a prescribed amendment	Manager Regional City Planning		Regional City Growth and Investment
<b>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020</b>					
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.7	Function of entering into a written agreement with a caravan park owner. Power to enter into a written agreement with a caravan park owner	Manager Safe Communities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.7	Function of entering into a written agreement with a caravan park owner. Power to enter into a written agreement with a caravan park owner	Coordinator Health Services		Community Health and Wellbeing

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.7	Function of entering into a written agreement with a caravan park owner. Power to enter into a written agreement with a caravan park owner	Senior Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.7	Function of entering into a written agreement with a caravan park owner. Power to enter into a written agreement with a caravan park owner	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.7	Function of entering into a written agreement with a caravan park owner. Power to enter into a written agreement with a caravan park owner	Manager Active Communities and Partnerships		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.7	Function of entering into a written agreement with a caravan park owner. Power to enter into a written agreement with a caravan park owner	Coordinator Leisure Facilities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.10	Function of receiving application for registration	Manager Safe Communities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.10	Function of receiving application for registration	Coordinator Health Services		Community Health and Wellbeing

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.10	Function of receiving application for registration	Senior Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.10	Function of receiving application for registration	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.10	Function of receiving application for registration	Manager Active Communities and Partnerships		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.10	Function of receiving application for registration	Coordinator Leisure Facilities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r. 11	<del>Function of receiving applications for registration.</del> Function of receiving application for renewal of registration	Manager Safe Communities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r. 11	<del>Function of receiving applications for registration.</del> Function of receiving application for renewal of registration	Coordinator Health Services		Community Health and Wellbeing

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r. 11	Function of receiving applications for registration. Function of receiving application for renewal of registration	Coordinator Leisure Facilities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	Manager Safe Communities		Community Health and Wellbeing
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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	Manager Safe Communities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	Coordinator Health Services		Community Health and Wellbeing



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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	Manager Safe Communities		Community Health and Wellbeing
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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 12(4) & (5)	Duty to issue certificate of registration	Manager Safe Communities		Community Health and Wellbeing
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<del>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</del>	<del>r.13(1)</del>	<del>Duty to grant registration if satisfied that the caravan park complies with these regulations</del>	<del>Coordinator Health Services</del>		<del>Community Health and Wellbeing</del>
<del>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</del>	<del>r.13(1)</del>	<del>Duty to grant registration if satisfied that the caravan park complies with these regulations</del>	<del>Senior Environmental Health Officer</del>		<del>Community Health and Wellbeing</del>

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Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.13(4) & (5)	Duty to issue a certificate of registration-	Manager Active Communities and Partnerships		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.13(4) & (5)	Duty to issue a certificate of registration-	Coordinator Leisure Facilities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 14(1)	Function of receiving notice of transfer of ownership			Community Health and Wellbeing

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 14(3)	Power to determine where notice of transfer is displayed			Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.15(1)	<del>Function of receiving notice of transfer of ownership.</del> Duty to transfer registration to new caravan park owner	Manager Safe Communities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.15(1)	<del>Function of receiving notice of transfer of ownership.</del> Duty to transfer registration to new caravan park owner	Coordinator Health Services		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.15(1)	<del>Function of receiving notice of transfer of ownership.</del> Duty to transfer registration to new caravan park owner	Senior Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.15(1)	<del>Function of receiving notice of transfer of ownership.</del> Duty to transfer registration to new caravan park owner	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.15(1)	<del>Function of receiving notice of transfer of ownership.</del> Duty to transfer registration to new caravan park owner	Manager Active Communities and Partnerships		Community Health and Wellbeing

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.15(1)	Function of receiving notice of transfer of ownership. Duty to transfer registration to new caravan park owner	Coordinator Leisure Facilities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 15(2)	Duty to issue a certificate of transfer of registration	Manager Safe Communities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 15(2)	Duty to issue a certificate of transfer of registration	Coordinator Health Services		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 15(2)	Duty to issue a certificate of transfer of registration	Senior Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 15(2)	Duty to issue a certificate of transfer of registration	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 15(2)	Duty to issue a certificate of transfer of registration	Manager Active Communities and Partnerships		Community Health and Wellbeing



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 15(2)	Duty to issue a certificate of transfer of registration	Coordinator Leisure Facilities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.15(3)	<del>Power to determine where notice of transfer is displayed.</del> Power to determine where certificate of transfer of registration is displayed	Coordinator Health Services		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.15(3)	<del>Power to determine where notice of transfer is displayed.</del> Power to determine where certificate of transfer of registration is displayed	Senior Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.15(3)	<del>Power to determine where notice of transfer is displayed.</del> Power to determine where certificate of transfer of registration is displayed	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.15(3)	<del>Power to determine where notice of transfer is displayed.</del> Power to determine where certificate of transfer of registration is displayed	Manager Safe Communities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.15(3)	<del>Power to determine where notice of transfer is displayed.</del> Power to determine where certificate of transfer of registration is displayed	Manager Active Communities and Partnerships		Community Health and Wellbeing

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.15(3)	<del>Power to determine where notice of transfer is displayed.</del> Power to determine where certificate of transfer of registration is displayed	Coordinator Leisure Facilities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.16(1)	<del>Duty to transfer registration to new caravan park owner.</del> Power to determine the fee to accompany applications for registration or applications for renewal of registration	Coordinator Health Services		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.16(1)	<del>Duty to transfer registration to new caravan park owner.</del> Power to determine the fee to accompany applications for registration or applications for renewal of registration	Senior Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.16(1)	<del>Duty to transfer registration to new caravan park owner.</del> Power to determine the fee to accompany applications for registration or applications for renewal of registration	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.16(1)	<del>Duty to transfer registration to new caravan park owner.</del> Power to determine the fee to accompany applications for registration or applications for renewal of registration	Manager Active Communities and Partnerships		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.16(1)	<del>Duty to transfer registration to new caravan park owner.</del> Power to determine the fee to accompany applications for registration or applications for renewal of registration	Coordinator Leisure Facilities		Community Health and Wellbeing

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.16(2)	Duty to issue certificate of transfer of registration	Coordinator Health Services		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.16(2)	Duty to issue certificate of transfer of registration	Senior Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.16(2)	Duty to issue certificate of transfer of registration	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.16(2)	Duty to issue certificate of transfer of registration	Manager Safe Communities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.16(2)	Duty to issue certificate of transfer of registration	Manager Active Communities and Partnerships		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.16(2)	Duty to issue certificate of transfer of registration	Coordinator Leisure Facilities		Community Health and Wellbeing

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 17	Duty to keep register of caravan parks	Coordinator Health Services		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 17	Duty to keep register of caravan parks	Senior Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 17	Duty to keep register of caravan parks	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 17	Duty to keep register of caravan parks	Manager Active Communities and Partnerships		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 17	Duty to keep register of caravan parks	Coordinator Leisure Facilities		Community Health and Wellbeing

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.17(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	Reference to Council's Fees & Charges schedule	Reference to Council's Fees & Charges schedule. 17 Fees (1) The fee to accompany or an application for renewal of registration is the relevant fee determined by the Council in accordance with this regulation. The fee must not exceed - (a) if the period of registration is to be 3 years, for a caravan park with the number of sites specified in column 2 of schedule 2, the corresponding fee specified in column 3 of that schedule; or if the period of registration is to be less than 3 years, one thirty-sixth of the fee referred to in paragraph (a) for each whole month of the intended registration period.	Organisational Performance
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.18	Duty to keep register of caravan parks	Coordinator Health Services		Community Health and Wellbeing

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.18	Duty to keep register of caravan parks	Senior Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.18	Duty to keep register of caravan parks	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.18	Duty to keep register of caravan parks	Manager Active Communities and Partnerships		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.18	Duty to keep register of caravan parks	Coordinator Leisure Facilities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 18(4)	Power to determine where the emergency contact person's details are displayed	Coordinator Health Services		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 18(4)	Power to determine where the emergency contact person's details are displayed	Senior Environmental Health Officer		Community Health and Wellbeing

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 18(4)	Power to determine where the emergency contact person's details are displayed	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 18(4)	Power to determine where the emergency contact person's details are displayed	Manager Safe Communities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 18(4)	Power to determine where the emergency contact person's details are displayed	Manager Active Communities and Partnerships		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 18(4)	Power to determine where the emergency contact person's details are displayed	Coordinator Leisure Facilities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 18(6)	Power to determine where certain information is displayed	Coordinator Health Services		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 18(6)	Power to determine where certain information is displayed	Senior Environmental Health Officer		Community Health and Wellbeing

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 18(6)	Power to determine where certain information is displayed	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 18(6)	Power to determine where certain information is displayed	Manager Safe Communities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 18(6)	Power to determine where certain information is displayed	Manager Active Communities and Partnerships		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 18(6)	Power to determine where certain information is displayed	Coordinator Leisure Facilities		Community Health and Wellbeing
<del>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</del>	<del>r.19(4)</del>	<del>Power to determine where the emergency contact person's details are displayed</del>	<del>Coordinator Health Services</del>		<del>Community Health and Wellbeing</del>
<del>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</del>	<del>r.19(4)</del>	<del>Power to determine where the emergency contact person's details are displayed</del>	<del>Senior Environmental Health Officer</del>		<del>Community Health and Wellbeing</del>



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.19(4)	Power to determine where the emergency contact person's details are displayed	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.19(4)	Power to determine where the emergency contact person's details are displayed	Manager Safe Communities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.19(4)	Power to determine where the emergency contact person's details are displayed	Manager Active Communities and Partnerships		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.19(4)	Power to determine where the emergency contact person's details are displayed	Coordinator Leisure Facilities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.19(6)	Power to determine where certain information is displayed	Coordinator Health Services		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.19(6)	Power to determine where certain information is displayed	Senior Environmental Health Officer		Community Health and Wellbeing

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.19(6)		Power to determine where certain information is displayed	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.19(6)		Power to determine where certain information is displayed	Manager Active Communities and Partnerships		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.19(6)		Power to determine where certain information is displayed	Coordinator Leisure Facilities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.22A(1)	r 22(1)	Duty to notify a caravan park owner of the relevant emergency services agencies for the caravan park, on the request of the caravan park owner	Manager Safe Communities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.22A(2)	r 22(2)	Duty to consult with relevant emergency services agency-agencies	Coordinator Health Services		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.22A(2)	r 22(2)	Duty to consult with relevant emergency services agency-agencies	Senior Environmental Health Officer		Community Health and Wellbeing

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.22A(2)	r 22(2)	Duty to consult with relevant emergency services agency-agencies	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.22A(2)	r 22(2)	Duty to consult with relevant emergency services agency-agencies	Manager Active Communities and Partnerships		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.22A(2)	r 22(2)	Duty to consult with relevant emergency services agency-agencies	Coordinator Leisure Facilities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.23		Power to determine places in which caravan park owner must display a copy of emergency procedures	Manager Safe Communities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.23		Power to determine places in which caravan park owner must display a copy of emergency procedures	Coordinator Health Services		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.23		Power to determine places in which caravan park owner must display a copy of emergency procedures	Senior Environmental Health Officer		Community Health and Wellbeing

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.23	Power to determine places in which caravan park owner must display a copy of emergency procedures	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.23	Power to determine places in which caravan park owner must display a copy of emergency procedures	Manager Active Communities and Partnerships		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.23	Power to determine places in which caravan park owner must display a copy of emergency procedures	Coordinator Leisure Facilities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.24	Power to determine places in which caravan park owner must display copy of public emergency warnings	Manager Safe Communities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.24	Power to determine places in which caravan park owner must display copy of public emergency warnings	Coordinator Health Services		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.24	Power to determine places in which caravan park owner must display copy of public emergency warnings	Senior Environmental Health Officer		Community Health and Wellbeing

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.24	Power to determine places in which caravan park owner must display copy of public emergency warnings	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.24	Power to determine places in which caravan park owner must display copy of public emergency warnings	Manager Active Communities and Partnerships		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.24	Power to determine places in which caravan park owner must display copy of public emergency warnings	Coordinator Leisure Facilities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.25(3)	Duty to consult with relevant floodplain management authority	Manager Safe Communities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.25(3)	Duty to consult with relevant floodplain management authority	Coordinator Health Services		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.25(3)	Duty to consult with relevant floodplain management authority	Senior Environmental Health Officer		Community Health and Wellbeing

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.25(3)	Duty to consult with relevant floodplain management authority	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.25(3)	Duty to consult with relevant floodplain management authority	Manager Active Communities and Partnerships		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.25(3)	Duty to consult with relevant floodplain management authority	Coordinator Leisure Facilities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.26	Duty to have regard to any report of the relevant fire authority	Manager Safe Communities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.26	Duty to have regard to any report of the relevant fire authority	Coordinator Health Services		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.26	Duty to have regard to any report of the relevant fire authority	Senior Environmental Health Officer		Community Health and Wellbeing

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.26	Duty to have regard to any report of the relevant fire authority	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.26	Duty to have regard to any report of the relevant fire authority	Manager Active Communities and Partnerships		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.26	Duty to have regard to any report of the relevant fire authority	Coordinator Leisure Facilities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	Manager Safe Communities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	Coordinator Health Services		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.28(c)	Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	Senior Environmental Health Officer		Community Health and Wellbeing

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.28(c)		Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.28(c)		Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	Manager Active Communities and Partnerships		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.28(c)		Power to approve system for the collection, removal and disposal of sewage and waste water from a movable dwelling	Coordinator Leisure Facilities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.39–	r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	Manager Safe Communities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.39–	r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	Coordinator Health Services		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.39–	r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	Senior Environmental Health Officer		Community Health and Wellbeing



Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.39–	r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.39–	r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	Manager Active Communities and Partnerships		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r.39–	r 40	Function of receiving notice of proposed installation of unregistrable movable dwelling or rigid annexe	Coordinator Leisure Facilities		Community Health and Wellbeing
<del>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</del>	<del>r.39(b)</del>		<del>Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe</del>	<del>Manager Safe Communities</del>		<del>Community Health and Wellbeing</del>
<del>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</del>	<del>r.39(b)</del>		<del>Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe</del>	<del>Coordinator Health Services</del>		<del>Community Health and Wellbeing</del>
<del>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</del>	<del>r.39(b)</del>		<del>Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe</del>	<del>Senior Environmental Health Officer</del>		<del>Community Health and Wellbeing</del>

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	Manager Active Communities and Partnerships		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.39(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	Coordinator Leisure Facilities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.40(4)	Function of receiving installation certificate	Coordinator Health Services		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.40(4)	Function of receiving installation certificate	Manager Safe Communities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.40(4)	Function of receiving installation certificate	Senior Environmental Health Officer		Community Health and Wellbeing

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.40(4)	Function of receiving installation certificate	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.40(4)	Function of receiving installation certificate	Manager Active Communities and Partnerships		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010	r.40(4)	Function of receiving installation certificate	Coordinator Leisure Facilities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	Coordinator Health Services		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	Manager Safe Communities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	Senior Environmental Health Officer		Community Health and Wellbeing

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	Manager Active Communities and Partnerships		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 40(b)	Power to require notice of proposal to install unregistrable movable dwelling or rigid annexe	Coordinator Leisure Facilities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 41(4)	Function of receiving installation certificate	Coordinator Health Services		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 41(4)	Function of receiving installation certificate	Manager Safe Communities		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 41(4)	Function of receiving installation certificate	Senior Environmental Health Officer		Community Health and Wellbeing

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 41(4)	Function of receiving installation certificate	Environmental Health Officer		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 41(4)	Function of receiving installation certificate	Manager Active Communities and Partnerships		Community Health and Wellbeing
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 41(4)	Function of receiving installation certificate	Coordinator Leisure Facilities		Community Health and Wellbeing
<del>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</del>	<del>r.42</del>	<del>Power to approve use of a non-habitable structure as a dwelling or part of a dwelling</del>	<del>Manager Active Communities and Partnerships</del>		<del>Community Health and Wellbeing</del>
<del>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010</del>	<del>r.42</del>	<del>Power to approve use of a non-habitable structure as a dwelling or part of a dwelling</del>	<del>Coordinator Leisure Facilities</del>		<del>Community Health and Wellbeing</del>
Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	Manager Active Communities and Partnerships		Community Health and Wellbeing

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020	r 43	Power to approve use of a non-habitable structure as a dwelling or part of a dwelling	Coordinator Leisure Facilities		Community Health and Wellbeing
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**Agenda Item: 17.5**

**Agenda Item: Establishment of Community Asset Committees under the Local Government Act 2020**

**Sponsor: General Manager, Organisational Performance**

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

**Status: For Decision**

**MOTION**

**Moved:** Cr McFarlane

**Seconded:** Cr Howe

**That Council:**

- 1. Establishes the Baillie Reserve Tyers Community Asset Committee under section 65 of the *Local Government Act 2020* and:
  - (a) Adopts the Terms of Reference for the Committee and approves the Instrument of Sub-Delegation by Chief Executive Officer to the Committee;**
  - (b) Appoints Councillor Darren Howe as Councillor member of the Committee for the term specified in the Terms of Reference or earlier ceasing to be a Councillor;**
  - (c) Appoints Councillor Dale Harriman as nominated substitute Councillor member of the Committee for the term specified in the Terms of Reference or earlier ceasing to be a Councillor;**
  - (d) Appoints the person from time to time occupying the role of Council's Coordinator Recreation Liaison or equivalent role as Council officer member of the Committee; and**
  - (e) Appoints the following persons to the Committee for the term specified in the Terms of Reference:**
    - Rob Wilson as Traralgon Tyers Football Netball Club Representative;**
    - Julie Smith as Tyers Tennis Club Representative;****



- Marino Marinou as Tyers Lightning Soccer Club Representative;
  - Arthur Baillie as a Community Representative;
  - Peter Credlin as a Community Representative.
- 2. Establishes the Callignee and Traralgon South Sporting Facilities Community Asset Committee under section 65 of the *Local Government Act 2020* and:**
- (a) **Adopts the Terms of Reference for the Committee and approves the Instrument of Sub-Delegation by Chief Executive Officer to the Committee;**
  - (b) **Appoints Councillor Darren Howe as Councillor member of the Committee for the term specified in the Terms of Reference or earlier ceasing to be a Councillor;**
  - (c) **Appoints the person from time to time occupying the role of Council's Coordinator Recreation Liaison or equivalent role as Council officer member of the Committee; and**
  - (d) **Appoints the following persons to the Committee for the term specified in the Terms of Reference:**
    - Peter Duncan as CATS Cricket Club Representative;
    - Adam Lambert as Traralgon South Badminton Club Representative;
    - Tony Harrup as a Community Representative.
- 3. Establishes the George Bates Reserve Community Asset Committee under section 65 of the *Local Government Act 2020* and:**
- (a) **Adopts the Terms of Reference for the Committee and approves the Instrument of Sub-Delegation by Chief Executive Officer to the Committee;**
  - (b) **Appoints Councillor Alan McFarlane as a Councillor member of the Committee for the term specified in the Terms of Reference or earlier ceasing to be a Councillor;**
  - (c) **Appoints Councillor Graeme Middlemiss as a Councillor member of the Committee for the term specified in the Terms of Reference or earlier ceasing to be a Councillor;**
  - (d) **Appoints the person from time to time occupying the role of**

**Council's Coordinator Recreation Liaison or equivalent role as Council officer member of the Committee; and**

- (e) Appoints the following persons to the Committee for the term specified in the Terms of Reference:**
- **John Sheekey as Yallourn North Cricket Club Representative;**
  - **Mark Gore as Yallourn Yallourn North Football Netball Club Representative;**
  - **Russell Center as a Community Representative;**
  - **Rohan Bounds as a Community Representative.**

**4. Establishes the Latrobe Regional Airport Community Asset Committee under section 65 of the *Local Government Act 2020* and:**

- (a) Adopts the Terms of Reference for the Committee and approves the Instrument of Sub-Delegation by Chief Executive Officer to the Committee;**
- (b) Appoints Councillor Graeme Middlemiss as Councillor member of the Committee for the term specified in the Terms of Reference or earlier ceasing to be a Councillor;**
- (c) Appoints the person from time to time occupying the role of Council's Chief Executive Officer as a member of the Committee; and**
- (d) Appoints the following persons to the Committee for the term specified in the Terms of Reference:**
- **May Sennett as an Independent Community Member;**
  - **Barry Richards as an Independent Community Member;**
  - **Kevin Reardon as an Independent Community Member;**
  - **Graham Talmage as an Independent Community Member;**
  - **Gerard Lappin as an Independent Community Member;**
  - **Alan Jenkins as a Non-Voting Advisor;**
  - **Terry Carmichael as a Non-Voting Advisor.**

**5. Establishes the Mathison Park Community Asset Committee under section 65 of the *Local Government Act 2020* and:**

- (a) **Adopts the Terms of Reference for the Committee and approves the Instrument of Sub-Delegation by Chief Executive Officer to the Committee;**
  - (b) **Appoints Councillor Darrell White as Councillor member of the Committee for the term specified in the Terms of Reference or earlier ceasing to be a Councillor;**
  - (c) **Appoints the person from time to time occupying the role of Council's Coordinator Recreation Liaison or equivalent role as Council officer member of the Committee; and**
  - (d) **Appoints the following persons to the Committee as Community Representatives for the term specified in the Terms of Reference:**
    - **Ruth Place;**
    - **Chris Foley;**
    - **Faye Foley;**
    - **Andy Webb;**
    - **Bill Ypelaan.**
- 6. Establishes the Morwell Centenary Rose Garden Community Asset Committee under section 65 of the *Local Government Act 2020* and:**
  - (a) **Adopts the Terms of Reference for the Committee and approves the Instrument of Sub-Delegation by Chief Executive Officer to the Committee;**
  - (b) **Appoints Councillor Alan McFarlane as Councillor member of the Committee for the term specified in the Terms of Reference or earlier ceasing to be a Councillor;**
  - (c) **Appoints Councillor Graeme Middlemiss as nominated substitute Councillor member for the term specified in the Terms of Reference or earlier ceasing to be a Councillor;**
  - (d) **Appoints the person from time to time occupying the role of Council's Coordinator Recreation Liaison or equivalent role as a Council officer member of the Committee;**
  - (e) **Appoints the person from time to time occupying the role of Council's Supervisor Horticultural Landscaping or equivalent role as a Council officer member of the Committee;**

- (f) Appoints the following persons to the Committee for the term specified in the Terms of Reference:
- Bev Maguire as a Friends Of Morwell Centenary Rose Garden Representative;
  - Carl Ellefsen as a Friends Of Morwell Centenary Rose Garden Representative;
  - Lyn Reid as a Friends Of Morwell Centenary Rose Garden Representative;
  - Pat Claassens as a Friends Of Morwell Centenary Rose Garden Representative;
  - Heather Taylor as a Friends Of Morwell Centenary Rose Garden Representative;
  - Faye Giannini as a Friends Of Morwell Centenary Rose Garden Representative;
  - Karen Cooper as a Community Representative;
  - Delma Matthews as a Community Representative;
  - Jan Osborne as a Community Representative;
  - Frank Sutherland as a Community Representative.
7. Establishes the Traralgon Railway Reservoir Conservation Reserve Community Asset Committee under section 65 of the *Local Government Act 2020* and:
- (a) Adopts the Terms of Reference for the Committee and approves the Instrument of Sub-Delegation by Chief Executive Officer to the Committee;
  - (b) Appoints Councillor Dan Clancey as a Councillor member of the Committee for the term specified in the Terms of Reference or earlier ceasing to be a Councillor;
  - (c) Appoints Councillor Dale Harriman as a Councillor member of the Committee for the term specified in the Terms of Reference or earlier ceasing to be a Councillor;
  - (d) Appoints Councillor Darren Howe as a Councillor member of the Committee for the term specified in the Terms of Reference or earlier ceasing to be a Councillor;
  - (e) Appoints the person from time to time occupying the role of

**Council's Coordinator Recreation Liaison or equivalent role as Council officer member of the Committee;**

**(f) Appoints the following persons to the Committee as Community Representatives for the term specified in the Terms of Reference:**

- **Gary Deane;**
- **John Langstaff;**
- **Sylvia Leibrecht;**
- **David Langmore;**
- **Carolyn Roscholler;**
- **James Reeves.**

**(g) Requires officers to assist the Committee in undertaking the expression of interest process for the two remaining Community Representative positions, with a further report to Council for appointment of those committee members when completed.**

**8. Establishes the Yallourn North Community Housing Community Asset Committee under section 65 of the *Local Government Act 2020* and:**

**(a) Adopts the Terms of Reference for the Committee and approves the Instrument of Sub-Delegation by Chief Executive Officer to the Committee;**

**(b) Appoints Councillor Graeme Middlemiss as Councillor member of the Committee for the term specified in the Terms of Reference or earlier ceasing to be a Councillor;**

**(c) Appoints the person from time to time occupying the role of Council's Coordinator Property and Statutory Services or equivalent role as Council officer member of the Committee;**

**(d) Appoints the following persons to the Committee as Community Representatives for the term specified in the Terms of Reference:**

- **Ray Mackie;**
- **Bill O'Donnell;**
- **Alicia Hearn;**
- **Lance King.**

- 9. Dissolves the following Special Committees:**
  - **Baillie Reserve Tyers Special Committee;**
  - **Callignee and Traralgon South Sporting Facilities Special Committee;**
  - **George Bates Reserve Special Committee;**
  - **Latrobe Regional Airport Special Committee;**
  - **Mathison Park Special Committee;**
  - **Morwell Centenary Rose Garden Special Committee;**
  - **Traralgon Railway Reservoir Conservation Reserve Special Committee;**
  - **Yallourn North Community Housing Special Committee.**
- 10. Endorses the Council Recommendation to Chief Executive Officer on Sub-Delegations to Community Asset Committees.**
- 11. Releases this decision to the public.**

**CARRIED UNANIMOUSLY**

#### **Executive Summary:**

As part of the introduction of the *Local Government Act 2020* (the 2020 Act), Special Committees under the *Local Government Act 1989* (the 1989 Act) are to be replaced by Delegated Committees and Community Asset Committees.

Council currently has eight Special Committees, namely:

1. Baillie Reserve Tyers Special Committee;
2. Callignee and Traralgon South Sporting Facilities Special Committee;
3. George Bates Reserve Special Committee;
4. Latrobe Regional Airport Special Committee;
5. Mathison Park Special Committee;
6. Morwell Centenary Rose Garden Special Committee;
7. Traralgon Railway Reservoir Conservation Reserve Special Committee;
8. Yallourn North Community Housing Special Committee.

A Community Asset Committee may be established under section 65 of the 2020 Act, for the purpose of managing a community asset. All of Council's eight Special Committees manage assets that can be said to fit within the guidelines for definition of a community asset as currently available from Local Government Victoria. Accordingly it is open to Council to establish Community Asset Committees to manage the matters that have been dealt with by Council's Special Committees.

Draft template governing documents for Community Asset Committees, namely Terms of Reference and Instrument of Sub-Delegation by Chief Executive Officer, were endorsed for future use at the Ordinary Council Meeting on 3 August 2020.

Proposed Terms of Reference and Instruments of Sub-Delegation by Chief Executive Officer have been prepared for the eight Community Asset Committees based on the template documents referred to above but with tailored amendments for each Committee reflecting the governing document for the related Special Committee, except where inconsistent with the 2020 Act. Those are provided at Attachments 1-16.

The ability of Committees to pay accounts over \$50 by electronic funds transfer has also been inserted into the Instruments of Sub-Delegation, and reference to Council's public relations, communications and social media policies has been added to the Terms of Reference for the Morwell Centenary Rose Garden Community Asset Committee.

Given the circumstances in which the Committees are being established, it is proposed that existing members of the Special Committees be appointed to the Community Asset Committees. With reappointment to the new Committee, all membership periods will recommence.

The only proposed changes to membership are as follows:

- 2 of the current community representatives of the Traralgon Railway Reservoir Conservation Reserve Special Committee were planning to resign and so would not need to be appointed to the related Community Asset Committee. Those two roles can be filled by an expression of interest process; and
- Addition of a Council officer position to the Yallourn North Community Housing Community Asset Committee.

As previous Council Committees with delegated powers were Special Committees receiving those powers from Council directly under the 1989 Act, a Council recommendation document for sub-delegations under section 47 of the 2020 Act has been prepared to assist the Chief Executive Officer in achieving continuity with delegations to Community Asset Committees moving forward.

It is recommended that Community Asset Committees be appointed to replace each of Council's current eight Special Committees and that the draft Council Recommendation to Chief Executive Officer for Sub-Delegations to Community Asset Committees be endorsed for future guidance. The associated draft Terms of

Reference and Instruments of Sub-Delegation by Chief Executive Officer are also presented for adoption and approval respectively.

**Background:**

Council's eight Special Committees are to be replaced with Delegated Committees or Community Asset Committees from September 2020 under the *Local Government Act 2020* (the Act).

A Community Asset Committee may only be established under the Act for the purpose of managing a community asset in the municipal district. While there is minimal guidance on what constitutes a community asset at this stage, all of Council's Special Committees manage an asset that could fit within the definition as currently available.

In relation to membership of the new Committees, existing memberships of the Special Committees are able to be carried across to the Community Asset Committees.

While community representative members would ordinarily be appointed following an expression of interest process, Council is empowered under the proposed Terms of Reference for each Committee (and had the same ability under each of the Special Committee Instruments of Delegation) to appoint community representatives who have not submitted their names by that method.

Given the specific circumstances in which each of the proposed Community Asset Committees are being established on this occasion, officers believe it is reasonable for Council to appoint members of the Special Committees to the equivalent Community Asset Committees without an expression of interest process.

In relation to Special Committees with members who are nominated by user groups, as the current Special Committee members were nominated for essentially the same role, it is again proposed to have those persons appointed to the Community Asset Committees.

Other than the proposed addition of a Council officer position to the Yallourn North Community Housing Community Asset Committee outlined above, it is proposed that Councillor and Council officer membership would remain the same.

It will be of assistance in the transition process around committees under the Act for delegations to Community Asset Committees from the Chief Executive Officer to be in line with the previous practices of Council in delegating powers to Special Committees. To assist the Chief Executive Officer in best ensuring continuity moving forward, recommendations on sub-delegation have been prepared.



**Issues:**

*Strategy Implications*

Ensuring that Council committees exist and function for the right reasons, that there is a proper reason for them to continue and that they are appropriately structured is consistent with the following objectives in the Council plan:

- Objective 5: Provide a connected, engaged and safe community environment, which is improving the well-being of all Latrobe City citizens; and
- Objective 6: Ensure Council operates openly, transparently and responsibly.

*Communication*

Council officers have been communicating with members of existing Special Committees regarding the different requirements of the 2020 Act and the changeover process.

*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>Council is criticised because Community Asset Committees have not been established by 1 September 2020, being the date in the 2020 Act from which Special Committees will no longer be able to make decisions, and this may cause interference in management of matters currently handled by Council Special Committees</p>	3 (Possible)	<p>By establishing the Community Asset Committees to manage matters currently handled by Special Committees, Council will be taking the appropriate action.</p> <p>It has been communicated to the Special Committees that no meetings can take place from 1 September 2020 until successful establishment of Community Asset Committees to best ensure no invalid decisions are made.</p>
<p><b>Legal/Regulatory Risk</b></p> <p>Community Asset Committees have not</p>	3 (Possible)	<p>By establishing the Community Asset Committees to manage matters currently handled</p>

<p>been established before 1 September 2020, being the date in the 2020 Act from which Special Committees will no longer be able to make decisions, and this may cause interference in management of matters currently handled by Council Special Committees</p>		<p>by Special Committees, Council will be taking the appropriate action.</p> <p>It has been communicated to the Special Committees that no meetings can take place from 1 September 2020 until successful establishment of Community Asset Committees to best ensure no invalid decisions are made.</p>
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\* Inherent likelihood ratings: 1 (Rare); 2 (Unlikely); 3 (Possible); 4 (Likely); 5 (Almost Certain)

#### *Legal and Compliance*

Section 65 of the 2020 Act allows Council to establish Community Asset Committees. With the repeal of the provisions of the 1989 Act on Special Committees, it will be necessary for Council to establish appropriate replacement committees under the 2020 Act, whether Community Asset Committees or Delegated Committees if it is to have continued management via delegation of the matters currently dealt with by Special Committees.

#### *Community Implications*

Clear and consistent governing documents for the Community Asset Committees will provide a strong framework for the operation of those committees, which in turn promotes the trust of the municipal community and encourages community member engagement, including as committee members.

Replacement of Special Committees with Community Asset Committees will allow the continued effective management of assets that are of significant benefit to the community.

#### *Environmental Implications*

Nil.

#### *Consultation*

Officers have been involved in a Gippsland Councils working group in relation to implementing the 2020 Act.

Officers have also consulted with Council officers on each of the Special Committees, who have in turn liaised with other Committee members.

Consultation with Executive Management Team and the Senior Leaders Team for targeted internal consultation and education can be implemented as required.

*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 1989*.

**Supporting Documents:**

Nil

**Attachments**

- 1 [↓](#). Draft Baillie Reserve Tyers Community Asset Committee Terms of Reference
- 2 [↓](#). Draft Baillie Reserve Tyers Community Asset Committee Instrument of Sub-Delegation
- 3 [↓](#). Draft Callignee and Traralgon South Sporting Facilities Community Asset Committee Terms of Reference
- 4 [↓](#). Draft Callignee and Traralgon South Sporting Facilities Community Asset Committee Instrument of Sub-Delegation
- 5 [↓](#). Draft George Bates Reserve Community Asset Committee Terms of Reference
- 6 [↓](#). Draft George Bates Reserve Community Asset Committee Instrument of Sub-Delegation
- 7 [↓](#). Draft Latrobe Regional Airport Community Asset Committee Terms of Reference
- 8 [↓](#). Draft Latrobe Regional Airport Community Asset Committee Instrument of Sub-Delegation
- 9 [↓](#). Draft Mathison Park Community Asset Committee Terms of Reference
- 10 [↓](#). Draft Mathison Park Community Asset Committee Instrument of Sub-Delegation
- 11 [↓](#). Draft Morwell Centenary Rose Garden Community Asset Committee Terms of Reference
- 12 [↓](#). Draft Morwell Centenary Rose Garden Community Asset Committee Instrument of Sub-Delegation
- 13 [↓](#). Draft Traralgon Railway Reservoir Conservation Reserve Community Asset Committee Terms of Reference
- 14 [↓](#). Draft Traralgon Railway Reservoir Conservation Reserve Community Asset Committee Instrument of Sub-Delegation
- 15 [↓](#). Draft Yallourn North Community Housing Community Asset Committee Terms of Reference
- 16 [↓](#). Draft Yallourn North Community Housing Community Asset Committee Instrument of Sub-Delegation
- 17 [↓](#). Draft Council Recommendation to Chief Executive Officer on Sub-Delegations to Community Asset Committees

## 17.5

### Establishment of Community Asset Committees under the Local Government Act 2020

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3	Draft Callignee and Traralgon South Sporting Facilities Community Asset Committee Terms of Reference .....	474
4	Draft Callignee and Traralgon South Sporting Facilities Community Asset Committee Instrument of Sub-Delegation .....	486
5	Draft George Bates Reserve Community Asset Committee Terms of Reference.....	496
6	Draft George Bates Reserve Community Asset Committee Instrument of Sub-Delegation .....	508
7	Draft Latrobe Regional Airport Community Asset Committee Terms of Reference.....	518
8	Draft Latrobe Regional Airport Community Asset Committee Instrument of Sub-Delegation .....	529
9	Draft Mathison Park Community Asset Committee Terms of Reference .....	537
10	Draft Mathison Park Community Asset Committee Instrument of Sub-Delegation.....	549
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13	Draft Traralgon Railway Reservoir Conservation Reserve Community Asset Committee Terms of Reference .....	579
14	Draft Traralgon Railway Reservoir Conservation Reserve Community Asset Committee Instrument of Sub-Delegation .....	591
15	Draft Yallourn North Community Housing Community Asset Committee Terms of Reference .....	601
16	Draft Yallourn North Community Housing Community Asset Committee Instrument of Sub-Delegation .....	613
17	Draft Council Recommendation to Chief Executive Officer on Sub-Delegations to Community Asset Committees .....	622

# Baillie Reserve Tyers Community Asset Committee *Terms of Reference*





## Terms of Reference

Pursuant to the exercise of the power conferred by section 65 of the *Local Government Act 2020*, Latrobe City Council (the Council) hereby establishes Baillie Reserve Tyers Community Asset Committee (the Committee), with the purposes and rules set out in the Schedules attached:

1. These Terms of Reference are authorised by a resolution of Council passed on [#date#].

[#Council seal clause#]



## Schedule One: Role, Membership and Meeting Procedures of the Community Asset Committee

### 1. DEFINITIONS

1.1. In these terms of reference and schedules, the following words have the following meanings:

The Committee	means the Baillie Reserve Tyers Community Asset Committee appointed pursuant to the provisions of section 65 of the <i>Local Government Act 2020</i> .
Community Asset Committee	means a committee established by the Council under section 65 of the <i>Local Government Act 2020</i> and to which the Chief Executive Officer delegates a duty, function or power under section 47 of the <i>Local Government Act 2020</i> .
Council	means Latrobe City Council, being a body corporate constituted as a municipal Council under the Act.
Councillor	means a person who holds the office of a member of Latrobe City Council.
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
Reserve	means the recreation reserve having facilities for football, soccer, tennis and netball situated at Main Road, Tyers which is identified on the attached plan in Schedule 2 that is subject to these Terms of Reference.
Governance Rules	means the Governance Rules of Latrobe City Council adopted pursuant to section 60 of the <i>Local Government Act 2020</i> and as amended from time to time.
Management	includes the maintenance, control, operation, conservation, promotion and/or development of property exercised subject to any limitations or restrictions in these Terms of Reference and any Instrument of Sub-



Delegation to the Committee by the Chief Executive Officer.

## **2. ROLE AND FUNCTIONS OF THE COMMUNITY ASSET COMMITTEE**

2.1. The purpose and role of the Committee is to act as an agent of Latrobe City Council and not as an independent entity in operating and managing the Reserve which is entrusted in the Committee's care and to undertake functions relating to the Reserve, in particular:

- (a) Managing the Reserve on behalf of Council taking into account any directions from Council in relation to the Reserve;
- (b) Providing advice and information to Council about the operation, use and future use and activities to be undertaken at the Reserve;
- (c) Liaising between the Council and the community, including user groups who use the Reserve;
- (d) Undertaking or coordinating maintenance of the Reserve;
- (e) Ensuring effective financial management and control of the funds allocated to the Reserve by way of grants for maintaining and/or improving the Reserve and providing amenities for the better use and enjoyment by the community and public; and
- (f) Carrying out such other functions, matters and things incidental to and in furtherance of achieving the matters set out above.

## **3. DELEGATIONS**

- 3.1. The Committee will exercise the powers, functions and duties delegated to it by the Chief Executive Officer in an instrument of sub-delegation made in accordance with section 47 of the *Local Government Act 2020*.
- 3.2. The Chief Executive Officer may, at any time, review and vary the delegations to the Committee and will notify any variations to the Committee by providing an updated instrument of delegation.

## **4. COMPOSITION OF COMMITTEE**

### **4.1. Membership**

The Committee will comprise of up to 8 members being:

- (a) 1 Councillor;
- (b) 1 Council officer;





- (c) 3 representatives nominated from each of the following user groups:
- 1 representative of Traralgon Tyers United Football Netball Club;
  - 1 representative of Tyers Soccer Club; and
  - 1 representative of Tyers Tennis Club.
- (d) 1 representative of the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) where GLaWAC chooses to nominate a representative; and
- (e) up to 2 community representatives who must be residents of the Latrobe City municipality (unless otherwise approved by Council) or a number of representatives as determined by Council not connected with the user groups specified in paragraph (c).
- 4.2. The appointment of the community representatives must be as described in clause 4.6.
- 4.3. Each member may also nominate a substitute representative to attend meetings of the Committee (with voting rights) in the absence of the appointed person. The substitute representative may attend meetings at other times only as an observer (without voting rights) at the invitation of the Committee.
- 4.4. No person may be or act as a member of the Committee until endorsed by Council.
- 4.5. Nomination Process – Main User Groups
- (a) Council may write to the user groups listed in clause 4.1(c) requesting that they submit a written nomination of a representative for Committee membership within 14 days of the Council's decision to appoint a Community Asset Committee;
- (b) There must not be a majority representation from any single user group on the Committee.
- 4.6. Expression of Interest Process – Community Representatives
- (a) A public notice calling for expressions of interest from members of the community for Committee membership must be published in a newspaper within 14 days of the Council's decision to appoint a Community Asset Committee;
- (b) Expressions of interest must be in writing and must be received within 14 days of the public notice;



- (c) Council may appoint a person as a community representative whose name has not been submitted through the above process.

#### 4.7. Qualifications for Committee - General

- (a) Except with the prior approval of the Council, a person cannot be appointed to the Committee unless such person has attained the age of eighteen (18) years and resides, or owns property, or works within the municipality;
- (b) All Committee members must be prepared to comply with Conflict of Interest provisions in the *Local Government Act 2020* and the procedures for disclosure of a conflict of interest set out in the Governance Rules of Latrobe City Council;
- (c) Committee members must complete a *Nominee Declaration Form* to qualify to be a member of the Committee.

### 5. TERM OF OFFICE

- 5.1. All members of the Committee will (subject to Clause 6) hold office for a period of three (3) years from the date that their appointment is endorsed by Council but the existing Committee will continue to undertake the functions and powers delegated to it by the Chief Executive Officer until the Council appoints a new Committee following the process required under clauses 4.5 and 4.6.
- 5.2. A member appointed to fill a casual vacancy on the Committee will retire at the end of the three (3) year period applicable to the member whose inability to see out their term (for whatever reason) caused the vacancy.
- 5.3. A member of the Committee is eligible for re-nomination at the expiration of the period of office.

### 6. VACANCIES

- 6.1. Notwithstanding anything else contained herein, the Council may at any time terminate the office of any or all of the members of the Committee.
- 6.2. If any Committee member misses three (3) consecutive meetings of the Committee without submitting their apology prior to the meeting such person will cease to be a member of the Committee upon confirmation by Council.
- 6.3. Casual Vacancies
  - (a) Where a vacancy on the Committee occurs through retirement, resignation, death, incapacity or loss of qualification, the Committee will



within one month of this occurring, advise the Council and nominate a suitable person to Council for appointment to the vacancy for the period remaining of the original tenure; and

- (b) Any vacancy caused by the resignation of a member who is a community representative may only be filled by Council via an expression of interest process.

## **7. OFFICE BEARERS**

7.1. Within 1 month of the Council's endorsement of the appointment of members of the Committee, the Committee must call and hold a meeting to appoint its office bearers.

7.2. The office bearers to be appointed and who will hold office for a period of twelve (12) months will be:

- Chairperson
- Treasurer
- Secretary

7.3. There must be segregation of duties amongst office bearers i.e. no one person may hold more than one office bearing position. In circumstances where it is not possible to segregate the role, one person may, with the approval of the Council officer appointed to the Committee, hold both the positions of Treasurer and Secretary.

7.4. The Committee must provide all nomination forms and notify the Council of the name and address of each office bearer within seven (7) days of that person's appointment.

## **8. COMMITTEE MEETINGS**

8.1. General Provisions

- (a) Except where a contrary intention is indicated in these Terms of Reference, the Governance Rules of Latrobe City Council apply to the Committee and any meetings of the Committee. In the event of any inconsistency between the Governance Rules and these Terms of Reference, these Terms of Reference shall prevail.
- (b) The Committee must hold at least four (4) meetings during the year on such dates as the Chairperson appoints with the first meeting of the Committee to be held within one (1) month of the Committee's



appointment.

- (c) The Secretary must distribute a notice of the meeting to all members of the Committee at least seven (7) clear days prior to the meeting and advise the Council of any Committee meetings.

#### 8.2. Meeting Procedures

- (a) All requirements of the *Local Government Act 2020* must be complied with.
- (b) All requirements of the Governance Rules of Latrobe City Council must be adhered to unless specified otherwise in these Terms of Reference.
- (c) The Chairperson shall take the chair at all meetings at which the Chairperson is present. If the Chairperson is absent the Chairperson's nominated representative must take the chair and if that nominated representative is not present, the members present may appoint one of their numbers to chair the meeting.

#### 8.3. Quorum

- (a) A meeting of the Committee must not proceed if a quorum cannot be established within 30 minutes of the commencement time contained in the notice of the meeting.
- (b) The quorum must be as defined in the Governance Rules of Latrobe City Council.

#### 8.4. Annual General Meeting

Each year the Committee will hold an annual general meeting which will:

- (a) Elect members to the positions listed in clause 7.2;
- (b) Receive and consider the Committee's annual report;
- (c) Receive and consider a report on the program of activities proposed for the next year; and
- (d) Receive and adopt the annual financial statements.

#### 8.5. Unscheduled Meetings

- (a) The Chairperson may call an unscheduled meeting and must call an unscheduled meeting if a written request is received from 3 members of the Committee and must give notice of the meeting in accordance with the requirements of clause 8.



- (b) The notice of an unscheduled meeting and any request by the 3 Committee members must contain a statement of the purpose of the meeting.
- (c) The meeting will be held on such date and at such time as fixed by the Chairperson.
- (d) In cases where the Chairperson calls a meeting in response to a request from 3 Committee members, the meeting must be held within 21 days of receiving the request. The Chairperson must arrange for notice of the meeting to be given to all Committee members.
- (e) No other business other than that specified in the notice must be transacted at the meeting.

#### 8.6. Minutes of meetings

- (a) The Chairperson of the Committee must arrange for minutes of each meeting of the Committee to be kept.
- (b) The Chairperson must submit the Minutes of a Committee meeting to the next meeting of the Committee for confirmation. If the minutes are confirmed the Chairperson at the meeting must sign the minutes and certify that they have been confirmed.
- (c) The minutes of a meeting of the Committee must:
  - contain details of the proceedings and resolutions made;
  - be clearly expressed; and
  - be self-explanatory.
- (d) Relevant reports or a summary of the relevant reports considered in the decision making process must be incorporated in relation to resolutions recorded in the minutes.
- (e) The Chairperson must ensure a copy of the minutes of each meeting of the Committee is sent to Council within seven (7) days of the meeting.
- (f) The Chairperson must ensure that the form and availability of all minutes of Committee meetings are otherwise in accordance with the Governance Rules of Latrobe City Council.

#### 8.7. Voting

- (a) Each member present at a meeting of the Committee will have one



vote on each matter being considered by the Committee.

- (b) In the event that voting on any matter is equal, the Chairperson shall have a casting vote.
- (c) A motion before a meeting of the Committee is to be determined as follows:
  - (i) Each member of the Committee who is entitled to vote is entitled to one vote;
  - (ii) Unless otherwise prohibited by the *Local Government Act 2020*, each member of the Committee present must vote;
  - (iii) Unless the procedures of the Committee otherwise provide, voting must be by show of hands;
  - (iv) The Motion is determined by a majority of the vote;
  - (v) If there is an equality of votes the Chairperson has a second vote.
- (d) Any decision of the Committee which does not relate to a matter delegated to the Committee by the Chief Executive Officer cannot be actioned until approved by Council.
- (e) In the event of any unresolved dispute arising between Committee members, the matter shall be submitted to Council in writing and any decision made thereon by the Council shall be final.
- (f) The Committee may form Sub-Committees from amongst its members for the purpose of recommending on matters pertaining to the provisions of these Terms of Reference or an Instrument of Sub-Delegation to the Committee by the Chief Executive Officer, provided that no decision is made.
- (g) The Chairperson will be an ex-officio member of all Sub-Committees.
- (h) A Sub-Committee may only be established by resolution of the Committee and may only carry out the functions stated in the resolution.

#### 8.8. Conflict of Interest

- (a) If a member of the Committee has a Conflict of Interest in any matter in which the Committee is concerned, the member must disclose the Conflict of Interest in accordance with the procedure contained in the



Governance Rules of Latrobe City Council.

- (b) The member must disclose the nature of that interest at the meeting at which the matter is to be discussed and not remain in the room in which the meeting is being held during any discussion or any vote taken on the matter.
- (c) The Minutes must record the Conflict of Interest and the time the member left and returned to the meeting.

## **9. GENERAL REQUIREMENTS**

### **9.1. Communications**

The Committee must comply with any Council Policy applying to public relations, communications and use of social media.

### **9.2. Disputes**

In the event of any dispute between the Committee and any other party, the matter will be referred to the General Manager Assets and Presentation for resolution subject to complying with any dispute process in any written agreement between the Committee and the other party.

### **9.3. Indemnity**

The Council will indemnify members of the Committee against any action, liability, claim or demand on account of any matter or thing done by them on behalf of the Committee when they are acting in accordance with these Terms of Reference and an Instrument of Sub-Delegation to the Committee by the Chief Executive Officer and in the honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Committee.

### **9.4. Changes to Terms of Reference**

No alteration to these Terms of Reference or the schedules shall be effective unless first approved by Council.



## Schedule 2: GIS Imagery of managed land





# Baillie Reserve Tyers Community Asset Committee

*Instrument of Sub-Delegation by  
Chief Executive Officer*





## Instrument of Sub-Delegation

Pursuant to the exercise of the power conferred by section 47(1)(b) of the *Local Government Act 2020*, I, as Chief Executive Officer of Latrobe City Council (the Council) hereby delegate to the members of the Community Asset Committee established by resolution of Council passed on (*date*) and known as Baillie Reserve Tyers Community Asset Committee (the Committee), the powers, duties and functions set out in the Schedule attached and declare that:

1. This Instrument of Sub-Delegation:
  - 1.1. Comes into force immediately upon its execution;
  - 1.2. Remains in force until varied or revoked;
  - 1.3. Must be exercised in accordance with the attached schedule, and is subject to any conditions and limitations set out in the schedule;
  - 1.4. Must be exercised in accordance with any guidelines or policies which Council from time to time adopts.
  
2. The Committee must annually report to the Chief Executive Officer concerning its activities and performance for the preceding 12 months including decisions made and finances of the Committee during that period.

**This Instrument of Sub-Delegation** is dated the          day of          and is made by the Chief Executive Officer.

**Signed** by the Chief Executive Officer of        )  
Council in the presence of:                         )

.....  
Witness

Date: .....



## Schedule: Powers, Functions and Duties of the Community Asset Committee

### 1. DEFINITIONS

3.1. In this sub-delegation and schedule, the following words have the following meanings:

The Committee	means the Baillie Reserve Tyers Community Asset Committee appointed pursuant to the provisions of section 65 of the <i>Local Government Act 2020</i> .
Community Asset Committee	means a committee established by the Council under section 65 of the <i>Local Government Act 2020</i> and to which the Chief Executive Officer delegates a duty, function or power under section 47 of the <i>Local Government Act 2020</i> .
Council	means Latrobe City Council, being a body corporate constituted as a municipal Council under the Act.
Councillor	means a person who holds the office of a member of Latrobe City Council.
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
Reserve	means the recreation reserve having facilities for football, soccer, tennis and netball situated at Main Road, Tyers and as identified on the plan in Schedule 2 to the Terms of Reference for the Committee that is subject to this Sub-Delegation.
Governance Rules	means the Governance Rules of Latrobe City Council adopted pursuant to section 60 of the <i>Local Government Act 2020</i> and as amended from time to time.
Management	includes the maintenance, control, operation, conservation, promotion and/or development of property



exercised subject to any limitations or restrictions in this Instrument of Sub-Delegation.

## **2. ROLE AND FUNCTIONS OF THE COMMUNITY ASSET COMMITTEE**

- 2.1 The principle role of the Committee is to act as an agent of Latrobe City Council and not as an independent entity in operating and managing the Reserve.
- 2.2 The purpose of the Committee and functions for which it has been established by Council are as defined in the Terms of Reference for the Committee as updated from time to time.

## **3. FINANCE**

### **3.1. Financial Administration**

- (a) The Financial Year of the Committee shall be from 1st July to 30th June next.
- (b) The Committee must ensure the effective financial control of the Committee and must submit reports to each meeting of the Committee that accurately represent the financial position of the Committee at that time.
- (c) The Committee must not borrow or obtain funds by way of overdraft or loan.
- (d) All monies received on behalf of the Committee must be banked within fourteen (14) days of receipt in a bank account in the name of the Committee.
- (e) The Committee must when requested by Council produce any information in relation to its bank accounts.
- (f) All accounts over fifty dollars (\$50) (including GST) must be paid by either:
  - Cheque: all cheques must be signed by two (2) Committee members or office bearers appointed by resolution of the Committee; or
  - Electronic funds transfer (EFT): all EFT payments must be authorised by two (2) Committee members or office bearers appointed by resolution of the Committee. As such this method must not be used unless the bank account from which payment



is to be made has an electronic banking restriction in place with the financial institution where the account is held requiring dual authorisation for all payments.

- (g) The Treasurer must:
- list all accounts received for payment to each meeting of the Committee;
  - report on the state of the Committee's finances and make such recommendations as he or she considers necessary; and
  - ensure that the information provided to the meeting is recorded in the minutes of the meeting.
- (h) Monies held by the Committee shall not exceed fifty thousand dollars (\$50,000) at the end of any given financial year, unless otherwise approved by Council.
- (i) All monies received by the Committee must be applied to the maintenance, operations and improvements (including ongoing charges such as insurance or utility charges) of the Reserve and any other expenses which may be incurred by the Committee in its management of the Reserve.
- (j) Committee members are entitled to be reimbursed through Committee funds for any out of pocket expenses which:
- are bona fide expenses;
  - have been reasonably incurred while carrying out the functions set out in this Sub-Delegation or the Terms of Reference for the Committee;
  - are reasonably necessary to carry out those functions;
  - a tax invoice receipt is provided.
- (k) No member of the Committee is entitled to receive any remuneration or honorarium for carrying out any of his/her duties as a member of the Committee without approval from the Council.
- (l) On dissolution of the Committee, the outgoing Committee must close all accounts and transfer the remaining funds to Council and provide evidence that the accounts have been closed.



### 3.2. Annual Statements and Reports

- (a) The Committee must on or before the 10th day of July in each year ensure that:
- the accounts of the Committee are balanced (up to the 30th day of June preceding);
  - audited annual Financial Statements are provided to the Chief Executive Officer;
  - an acquittal report is provided to Council as required under the *Grant Governance Policy*, with the Chief Executive Officer to be notified when this has been completed;
  - a written report is provided to the Chief Executive Officer on the operation of the Reserve which will be considered the Annual Report.
- (b) Council will supply a standard template and information document to assist the Committee with the preparation of its annual financial statement.

### 3.3 Determination of charges

- (a) If the Committee considers that fees and charges should be applied for the use of the Reserve, the Committee must provide Council with a proposed list of fees and charges by 1 October each year to be included for consideration and adoption by Council within the Council budget process. The Chief Executive Officer is to be notified by the Committee when this has been completed.
- (b) A member appointed by the Committee to collect any fees or charges must within seven (7) days after he or she has received any monies on account of the Committee ensure same is paid into the Committee's bank account unless other arrangements have been approved by Council.
- (c) Every member appointed for the collection of fees and charges by the Committee must issue a receipt on collection.

## 4. MANAGEMENT OF THE RESERVE

### 4.1 General Requirements



- (a) The Committee must manage the Reserve by:
  - (i) actively promoting its use;
  - (ii) assisting the community and user groups to access the facilities;
  - (iii) monitoring the physical condition of all Reserve assets, ensuring they are generally maintained in a safe and clean condition and are fit for purpose;
  - (iv) working with Council officers on asset maintenance and development plans if any such plans are developed;
  - (v) ensuring that conditions of use imposed by Council Local Laws and policies and State and Federal Laws are enforced to the extent practicable for the Committee and to report any breaches which occur to the Council;
  - (vi) making recommendations to Council on the development of future capital works and the provision of future facilities and amenities to the Reserve.
- (b) The Committee may seek advice, assistance and expertise from the Council as is necessary for the proper and efficient management of the Reserve within the constraints of the budget and including the ability to invite persons to the meetings of the Committee as observers or advisers.
- (c) The Committee must take all reasonable steps to:
  - (i) liaise with Council and its staff to ensure continuing co-operation and co-ordination of the Reserve.
  - (ii) ensure the safety requirements and acts and regulations appropriate to the management of the Reserve are adhered to.
  - (iii) ensure that the Committee and its servants do not commit, or permit to be carried out, any act which will render the operation of Council's insurance policies invalid.
  - (iv) require all users to comply with the conditions of use or any rules made by the Committee and to advise Council and give effect to any requirements made by the Council applicable to the Reserve.



#### 4.2 Planning

- (a) Management Plans for the Reserve will be prepared by the Committee with support from the Council. Plans must be reviewed at least once every five (5) years.
- (b) The Committee may work with Council officers to develop a Capital Works Program on an annual basis, for consideration by Council.

#### 4.3 Undertaking Works and Maintenance

- (a) The Committee must not proceed with any capital works (being works exceeding a cost of five thousand dollars (\$5,000)), developments or construction on the Reserve or appoint any architect or consultant, without first obtaining approval by Council.
- (b) The Committee may undertake tasks associated with general day to day maintenance and upkeep of the Reserve but must require volunteers, including volunteer contractors to complete a *Volunteer Registration* form (available online) if they are assisting the Committee.
- (c) The Committee must not carry out or authorise any capital works or alterations, extensions, additions or materially alter the buildings or surrounds of the Reserve without prior written approval from the Council.
- (d) The Committee may with Council's prior approval engage and pay people or contractors for the maintenance and upkeep of the Reserve and the performance of any other matters required to be done for the proper management and control of the Reserve.
- (e) The Committee must promptly report to Council any breakage or damage to the Reserve including any risks likely to arise as a result, any malfunction or mechanical hazard, any abnormal damage to any playing surfaces or surrounds or any equipment used at the Reserve.

#### 4.4 Entering into Commercial Arrangements

- (a) The Committee may with the prior consent of Council and subject to complying with Council's *Procurement Policy* and subclause 4.3 enter into contracts or other agreements not exceeding a value of five thousand dollars (\$5,000) per annum associated with the management of the Reserve.





- (b) The Committee must not establish any commercial or other occupancy agreements for any part of the Reserve.
- (c) The Committee must not without the approval of the Council allow the Reserve to be occupied or used in any way that excludes the public except by a club or group of persons having a common purpose or object of a sporting, recreational or cultural nature.
- (d) The Committee may only accept casual occupation by commercial operators when:
  - (i) a commercial fee is charged and paid;
  - (ii) the Reserve is not being used by a member of the public, a club or group of persons having a common purpose or object of a sporting, recreational or cultural nature; and
  - (iii) the commercial venture has a common purpose or object of a sporting, recreational or cultural nature.

## **5 GENERAL REQUIREMENTS**

### **5.1 The Committee must not:**

- (a) delegate any of the powers delegated to it by the Chief Executive Officer; or
- (b) seek or obtain independent legal advice.

### **5.2 The Committee must:**

- (a) maintain a Post Office box and ensure that all correspondence is directed to that box.
- (b) ensure that any applicable Council policies and requirements of the Council's Local Laws and Planning Scheme are complied with, including by users of the Reserve.
- (c) comply with any requests and directions, financial rules, relevant policies or requirements made by Council.

### **5.3 Powers Excluded**

The Committee is not by this Instrument of Sub-Delegation empowered to do any of the following things without the prior written approval of the Council:

- (a) Enter into contracts exceeding a value of five thousand dollars (\$5,000)



per annum;

- (b) Borrow money; or
- (c) Incur any banking overdraft.

#### 5.4 Changes to Sub-Delegation

No alteration to this sub-delegation or the schedule shall be effective unless first approved by the Chief Executive Officer.

#### 5.5 Revocation

This Instrument of Sub-Delegation may be revoked at any time by the Chief Executive Officer, if in the view of the Chief Executive Officer the Committee is not managing the Reserve in the best interest of user groups, the community and Council.

# Callignee and Traralgon South Sporting Facilities Community Asset Committee *Terms of Reference*





## Terms of Reference

Pursuant to the exercise of the power conferred by section 65 of the *Local Government Act 2020*, Latrobe City Council (the Council) hereby establishes Callignee and Traralgon South Sporting Facilities Community Asset Committee (the Committee), with the purposes and rules set out in the Schedules attached:

1. These Terms of Reference are authorised by a resolution of Council passed on [#date#].

[#Council seal clause#]



## Schedule One: Role, Membership and Meeting Procedures of the Community Asset Committee

### 1. DEFINITIONS

1.1. In these terms of reference and schedules, the following words have the following meanings:

The Committee	means the Callignee and Traralgon South Sporting Facilities Community Asset Committee appointed pursuant to the provisions of section 65 of the <i>Local Government Act 2020</i> .
Community Asset Committee	means a committee established by the Council under section 65 of the <i>Local Government Act 2020</i> and to which the Chief Executive Officer delegates a duty, function or power under section 47 of the <i>Local Government Act 2020</i> .
Council	means Latrobe City Council, being a body corporate constituted as a municipal Council under the Act.
Councillor	means a person who holds the office of a member of Latrobe City Council.
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
Facility	means the recreation reserve and buildings situated at Callignee and Traralgon South which are identified on the attached plan in Schedule 2 that is subject to these Terms of Reference.
Governance Rules	means the Governance Rules of Latrobe City Council adopted pursuant to section 60 of the <i>Local Government Act 2020</i> and as amended from time to time.
Management	includes the maintenance, control, operation, conservation, promotion and/or development of property exercised subject to any limitations or restrictions in these



Terms of Reference and any Instrument of Sub-Delegation to the Committee by the Chief Executive Officer.

## **2. ROLE AND FUNCTIONS OF THE COMMUNITY ASSET COMMITTEE**

2.1. The purpose and role of the Committee is to act as an agent of Latrobe City Council and not as an independent entity in operating and managing the Facility which is entrusted to the Committee's care and to undertake functions relating to the Facility, in particular:

- (a) Managing the Facility on behalf of Council taking into account any master or management plan developed by Council in relation to the Facility;
- (b) Providing advice and information to Council about the operation, use and future use and activities to be undertaken at the Facility;
- (c) Liaising between the Council and the community, including user groups who use the Facility;
- (d) Undertaking or coordinating maintenance of the Facility;
- (e) Ensuring effective financial management and control of the funds allocated by way of grants for maintaining and/or improving the Facility and providing amenities for the better use and enjoyment by the community and public; and
- (f) Carrying out such other functions, matters and things incidental to and in furtherance of achieving the matters set out above.

## **3. DELEGATIONS**

3.1. The Committee will exercise the powers, functions and duties delegated to it by the Chief Executive Officer in an instrument of sub-delegation made in accordance with section 47 of the *Local Government Act 2020*.

3.2. The Chief Executive Officer may, at any time, review and vary the delegations to the Committee and will notify any variations to the Committee by providing an updated instrument of delegation.

## **4. COMPOSITION OF COMMITTEE**

### **4.1. Membership**

The Committee will comprise of up to 10 members appointed by the Council



being:

- (a) 1 Councillor;
  - (b) 1 Council officer;
  - (c) 4 representatives of the following user groups:
    - 1 representative of Traralgon South Tennis Club;
    - 1 representative of CATS Cricket Club;
    - 1 representative of Traralgon South Netball Club;
    - 1 representative of Traralgon South Badminton Club;
  - (d) 1 representative of the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) where GLaWAC chooses to nominate a representative; and
  - (e) up to 3 community representatives who must be residents of the Latrobe City municipality (unless otherwise approved by Council) or a number of representatives as determined by Council not connected with user groups specified in paragraph (c).
- 4.2. The appointment of the community representatives must be as described in clause 4.6.
- 4.3. Each member may also nominate a substitute representative to attend meetings of the Committee (with voting rights) in the absence of the appointed person. The substitute representative may attend meetings at other times only as an observer (without voting rights) at the invitation of the Committee.
- 4.4. No person may be or act as a member of the Committee until endorsed by Council.
- 4.5. Nomination Process – User Groups
- (a) The Council may write to the user groups listed in clause 4.1(c) requesting they submit a written nomination of a representative for Committee membership within 14 days of the Council's decision to appoint a Community Asset Committee;
  - (b) No single user group may have majority representation on the Committee.
- 4.6. Expression of Interest Process – Community Representatives
- (a) A public notice calling for expressions of interest from members of the community for Committee membership must be published in a newspaper



within 14 days of the Council's decision to appoint a Community Asset Committee;

- (b) Expressions of interest must be in writing and must be received within 14 days of the public notice;
- (c) Council may appoint a person as a community representative whose name has not been submitted through the above process.

#### 4.7. Qualifications for Committee - General

- (a) Except with the prior approval of the Council, a person cannot be appointed to the Committee unless such person has attained the age of eighteen (18) years and resides, or owns property, or works within the municipality;
- (b) All Committee members must be prepared to comply with Conflict of Interest provisions in the *Local Government Act 2020* and the procedures for disclosure of a conflict of interest set out in the Governance Rules of Latrobe City Council;
- (c) Committee members must complete a *Nominee Declaration Form* to qualify to be a member of the Committee.

### 5. TERM OF OFFICE

- 5.1. All members of the Committee will (subject to Clause 6) hold office for a period of three (3) years from the date that their appointment is endorsed by Council but the existing Committee will continue to undertake the functions and powers delegated to it by the Chief Executive Officer until the Council appoints a new Committee following the process required under clauses 4.5 and 4.6.

### 6. VACANCIES

- 6.1. Notwithstanding anything else contained herein, the Council may at any time terminate the office of any or all of the members of the Committee.
- 6.2. If any Committee member misses three (3) consecutive meetings of the Committee without submitting their apology prior to the meeting such person will cease to be a member of the Committee upon confirmation by Council.
- 6.3. Casual Vacancies
  - (a) Where a vacancy on the Committee occurs through retirement, resignation, death, incapacity or loss of qualification, the Committee will within one month of this occurring, advise the Council and nominate a





suitable person to Council for appointment to the vacancy for the period remaining of the original tenure; and

- (b) Any vacancy caused by the resignation of a member who is a community representative may only be filled by following an expression of interest process.

## **7. OFFICE BEARERS**

7.1. Within 1 month of the Council's endorsement of the appointment of members of the Committee, the Committee must call and hold a meeting to appoint its office bearers.

7.2. The office bearers to be appointed and who will hold office for a period of twelve (12) months will be:

- Chairperson
- Treasurer
- Secretary

7.3. There must be segregation of duties amongst office bearers i.e. no one person may hold more than one office bearing position. In circumstances where it is not possible to segregate the role, one person may, with the approval of Council, hold both the positions of Treasurer and Secretary.

7.4. The Committee must provide all nomination forms and notify the Council of the name and address of each office bearer within seven (7) days of that person's appointment.

## **8. COMMITTEE MEETINGS**

8.1. General Provisions

- (a) Except where a contrary intention is indicated in these Terms of Reference, the Governance Rules of Latrobe City Council apply to the Committee and any meetings of the Committee. In the event of any inconsistency between the Governance Rules and these Terms of Reference, these Terms of Reference shall prevail.
- (b) The Committee must hold at least four (4) meetings during the year on such dates as the Chairperson appoints with the first meeting of the Committee to be held within one (1) month of the Committee's appointment.
- (c) The Secretary must distribute a notice of the meeting to all members of



the Committee at least seven (7) clear days prior to the meeting and advise the Council of any Committee meetings.

#### 8.2. Meeting Procedures

- (a) All requirements of the *Local Government Act 2020* must be complied with.
- (b) All requirements of the Governance Rules of Latrobe City Council must be adhered to unless specified otherwise in these Terms of Reference.
- (c) The Chairperson shall take the chair at all meetings at which the Chairperson is present. If the Chairperson is absent the Chairperson's nominated representative must take the chair and if that nominated representative is not present, the members present may appoint one of their numbers to chair the meeting.

#### 8.3. Quorum

- (a) A meeting of the Committee must not proceed if a quorum cannot be established within 30 minutes of the commencement time contained in the notice of the meeting.
- (b) The quorum must be as defined in the Governance Rules of Latrobe City Council.

#### 8.4. Annual General Meeting

Each year the Committee will hold an annual general meeting which will:

- (a) Elect members to the positions listed in clause 7.2 and other positions which the Committee considers necessary for the efficient functioning of the Committee;
- (b) Receive and consider the Committee's annual report;
- (c) Receive and consider a report on the program of activities proposed for the next year; and
- (d) Receive and adopt the annual financial statements.

#### 8.5. Unscheduled Meetings

- (a) The Chairperson may call an unscheduled meeting and must call an unscheduled meeting if a written request is received from 3 members of the Committee and must give notice of the meeting in accordance with the requirements of clause 8.



- (b) The notice of an unscheduled meeting and any request by the 3 Committee members must contain a statement of the purpose of the meeting.
- (c) The meeting will be held on such date and at such time as fixed by the Chairperson.
- (d) In cases where the Chairperson calls a meeting in response to a request from 3 Committee members, the meeting must be held within 21 days of receiving the request. The Chairperson must arrange for notice of the meeting to be given to all Committee members.
- (e) No other business other than that specified in the notice must be transacted at the meeting.

#### 8.6. Minutes of meetings

- (a) The Chairperson of the Committee must arrange for minutes of each meeting of the Committee to be kept.
- (b) The Chairperson must submit the Minutes of a Committee meeting to the next meeting of the Committee for confirmation. If the minutes are confirmed the Chairperson at the meeting must sign the minutes and certify that they have been confirmed.
- (c) The minutes of a meeting of the Committee must:
  - contain details of the proceedings and resolutions made;
  - be clearly expressed; and
  - be self-explanatory.
- (d) Relevant reports or a summary of the relevant reports considered in the decision making process must be incorporated in relation to resolutions recorded in the minutes.
- (e) The Chairperson must ensure a copy of the minutes of each meeting of the Committee is sent to Council within seven (7) days of the meeting.
- (f) The Chairperson must ensure that the form and availability of all minutes of Committee meetings are otherwise in accordance with the Governance Rules of Latrobe City Council.

#### 8.7. Voting

- (a) Each member present at a meeting of the Committee will have one



vote on each matter being considered by the Committee.

- (b) In the event that voting on any matter is equal, the Chairperson shall have a casting vote.
- (c) A motion before a meeting of the Committee is to be determined as follows:
  - (i) Each member of the Committee who is entitled to vote is entitled to one vote;
  - (ii) Unless otherwise prohibited by the *Local Government Act 2020*, each member of the Committee present must vote;
  - (iii) Unless the procedures of the Committee otherwise provide, voting must be by show of hands;
  - (iv) The Motion is determined by a majority of the vote;
  - (v) If there is an equality of votes the Chairperson has a second vote.
- (d) Any decision of the Committee which does not relate to a matter delegated to the Committee by the Chief Executive Officer cannot be actioned until approved by Council.
- (e) In the event of any unresolved dispute arising between Committee members, the matter shall be submitted to Council in writing and any decision made thereon by the Council shall be final.
- (f) The Committee may form Sub-Committees from amongst its members for the purpose of recommending on matters pertaining to the provisions of these Terms of Reference or an Instrument of Sub-Delegation to the Committee by the Chief Executive Officer, provided that no decision is made.
- (g) The Chairperson will be an ex-officio member of all Sub-Committees.
- (h) A Sub-Committee may only be established by resolution of the Committee and may only carry out the functions stated in the resolution.

#### 8.8. Conflict of Interest

- (a) If a member of the Committee has a Conflict of Interest in any matter in which the Committee is concerned, the member must disclose the Conflict of Interest in accordance with the procedure contained in the



Governance Rules of Latrobe City Council.

- (b) The member must disclose the nature of that interest at the meeting at which the matter is to be discussed and not remain in the room in which the meeting is being held during any discussion or any vote taken on the matter.
- (c) The Minutes must record the Conflict of Interest and the time the member left and returned to the meeting.

## **9. GENERAL REQUIREMENTS**

### **9.1. Communications**

The Committee must comply with any Council Policy applying to public relations, communications and use of social media.

### **9.2. Disputes**

In the event of any dispute between the Committee and any other party, the matter will be referred to the General Manager Assets and Presentation for resolution subject to any dispute process in any written agreement between the Committee and the other party.

### **9.3. Indemnity**

The Council will indemnify members of the Committee against any action, liability, claim or demand on account of any matter or thing done by them on behalf of the Committee when they are acting in accordance with these Terms of Reference and an Instrument of Sub-Delegation to the Committee by the Chief Executive Officer and in the honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Committee.

### **9.4. Changes to Terms of Reference**

No alteration to these Terms of Reference or the schedules shall be effective unless first approved by Council.



## Schedule 2: GIS Imagery of managed land



# Callignee and Traralgon South Sporting Facilities Community Asset Committee

*Instrument of Sub-Delegation by  
Chief Executive Officer*









## Schedule: Powers, Functions and Duties of the Community Asset Committee

### 1. DEFINITIONS

3.1. In this sub-delegation and schedule, the following words have the following meanings:

The Committee	means the Callignee and Traralgon South Sporting Facilities Community Asset Committee appointed pursuant to the provisions of section 65 of the <i>Local Government Act 2020</i> .
Community Asset Committee	means a committee established by the Council under section 65 of the <i>Local Government Act 2020</i> and to which the Chief Executive Officer delegates a duty, function or power under section 47 of the <i>Local Government Act 2020</i> .
Council	means Latrobe City Council, being a body corporate constituted as a municipal Council under the Act.
Councillor	means a person who holds the office of a member of Latrobe City Council.
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
Facility	means the recreation reserve and buildings situated at Callignee and Traralgon South and as identified on the plan in Schedule 2 to the Terms of Reference for the Committee that is subject to this Sub-Delegation.
Governance Rules	means the Governance Rules of Latrobe City Council adopted pursuant to section 60 of the <i>Local Government Act 2020</i> and as amended from time to time.
Management	includes the maintenance, control, operation, conservation, promotion and/or development of property



exercised subject to any limitations or restrictions in this Instrument of Sub-Delegation.

## **2. ROLE AND FUNCTIONS OF THE COMMUNITY ASSET COMMITTEE**

- 2.1 The principle role of the Committee is to act as an agent of Latrobe City Council and not as an independent entity in operating and managing the Facility.
- 2.2 The purpose of the Committee and functions for which it has been established by Council are as defined in the Terms of Reference for the Committee as updated from time to time.

## **3. FINANCE**

### **3.1. Financial Administration**

- (a) The Financial Year of the Committee shall be from 1st July to 30th June next.
- (b) The Committee must ensure the effective financial control of the Committee.
- (c) The Committee must not borrow or obtain funds by way of overdraft or loan.
- (d) To satisfy Council's audit requirements, all monies received on behalf of the Committee must be banked within fourteen (14) days of receipt in a bank account in the name of the Committee.
- (e) Council must have the ability at all times to access details of Committee bank accounts.
- (f) All accounts over fifty dollars (\$50) (including GST) must be paid by either:
  - Cheque: all cheques must be signed by two (2) Committee members or office bearers appointed by resolution of the Committee; or
  - Electronic funds transfer (EFT): all EFT payments must be authorised by two (2) Committee members or office bearers appointed by resolution of the Committee. As such this method must not be used unless the bank account from which payment is to be made has an electronic banking restriction in place with the financial institution where the account is held requiring dual



authorisation for all EFT payments.

- (g) The Treasurer must:
- list all accounts received for payment to each meeting of the Committee;
  - report on the state of the Committee's finances and make such recommendations as he or she considers necessary; and
  - ensure that the information provided to the meeting is recorded in the minutes of the meeting.
- (h) Monies held by the Committee shall not exceed fifty thousand dollars (\$50,000) at the end of any given financial year, unless otherwise approved by Council.
- (i) All monies received from fees or charges associated with management of the Facility will be retained by the Committee.
- (j) All monies received by the Committee must be applied to the maintenance, operations and improvements (including ongoing charges such as insurance or utility charges) of the Facility and any other expenses which may be incurred by the Committee in its management of the Facility.
- (k) Committee members are entitled to be reimbursed through Committee funds for any out of pocket expenses which:
- are bona fide expenses;
  - have been reasonably incurred while carrying out the functions set out in this Sub-Delegation or the Terms of Reference for the Committee;
  - are reasonably necessary to carry out those functions;
  - a tax invoice receipt is provided.
- (l) No voting member of the Committee is entitled to receive any remuneration or honorarium for carrying out any of his/her duties as a member of the Committee without approval from the Council.
- (m) On dissolution of the Committee, the outgoing Committee must close all accounts and transfer the remaining funds to Council and provide



evidence that the accounts have been closed

### 3.2. Annual Statements and Reports

- (a) The Committee must on or before the 10th day of July in each year ensure that:
- the accounts of the Committee are balanced (up to the 30th day of June preceding);
  - audited annual Financial Statements are provided to the Chief Executive Officer;
  - an acquittal report is provided to Council as required under the *Grant Governance Policy*, with the Chief Executive Officer to be notified when this has been completed;
  - a written report is provided to the Chief Executive Officer on the operation of the Facility which will be considered the Annual Report.
- (b) The Committee member elected as Secretary or Treasurer must present an operating statement and statements of financial position at the conclusion of each financial year for presentation to the designated meeting of the Committee.
- (c) Council will supply a standard template and information document to assist the Committee with the preparation of its annual financial statement.

### 3.3 Determination of charges

- (a) If the Committee considers that fees and charges should be applied for the use of the Facility, the Committee must provide Council with a proposed list of fees and charges by 1 October each year to be included for consideration and adoption by Council within the Council budget process. The Chief Executive Officer is to be notified by the Committee when this has been completed.
- (b) A member appointed by the Committee to collect any fees or charges must within seven (7) days after he or she has received any monies on account of the Committee ensure same is paid into the Committee's bank account unless other arrangements have been approved by Council.



- (c) Every member appointed for the collection of fees and charges by the Committee must issue a receipt on collection.

#### **4. MANAGEMENT OF THE FACILITY**

##### **4.1 General Requirements**

- (a) The Committee must manage the Facility by:
  - (i) actively promoting its use;
  - (ii) assisting the community and user groups to access the facilities;
  - (iii) monitoring the physical condition of all Facility assets, ensuring they are generally maintained in a safe and clean condition and are fit for purpose;
  - (iv) working with Council officers on asset maintenance and development plans;
  - (v) ensuring that conditions of use imposed by Council Local Laws and policies and State and Federal Laws are enforced to the extent practicable for the Committee and to report any breaches which occur to the Council;
  - (vi) making recommendations to Council on the development of future capital works and the provision of future facilities and amenities to the Facility.
- (b) The Committee may seek advice, assistance and expertise from the Council as is necessary for the proper and efficient management of the Facility within the constraints of the budget and including the ability to invite persons to the meetings of the Committee as observers or advisers.
- (c) The Committee must take all reasonable steps to:
  - (i) liaise with Council and its staff to ensure continuing co-operation and co-ordination of the Facility.
  - (ii) ensure the safety requirements and acts and regulations appropriate to the management of the Facility are adhered to.
  - (iii) ensure that the Committee and its servants do not commit, or permit to be carried out, any act which will render the operation of Council's insurance policies invalid.



- (iv) require all users to comply with the conditions of use or any rules made by the Committee and to advise Council in respect of and give effect to any requirements made by the Council applicable to the Facility.

#### 4.2 Planning

- (a) Management Plans for the Facility will be prepared by the Committee with support from the Council. Plans must be reviewed at least once every five (5) years.
- (b) The Committee will work with Council officers to develop a Capital Works Program on an annual basis, for consideration by Council.

#### 4.3 Undertaking Works and Maintenance

- (a) The Committee must not proceed with any works, developments or construction on the Facility or appoint any architect or consultant, without first obtaining approval by Council.
- (b) The Committee may undertake tasks associated with general maintenance and upkeep of the Facility but must require volunteers, including volunteer contractors to complete a *Volunteer Registration* form (available online) if they are assisting the Committee.
- (c) The Committee must not carry out or authorise any capital works or alterations, extensions, additions or materially alter the buildings or surrounds of the Facility without prior written approval from the Council.
- (d) The Committee may with Council's prior approval engage and pay people or contractors for the maintenance and upkeep of the Facility and the performance of any other matters required to be done for the proper management and control of the Facility.
- (e) The Committee must promptly report to Council any breakage or damage to the Facility including any risks likely to arise as a result, any malfunction or mechanical hazard, any abnormal damage to any playing surfaces or surrounds or any equipment used at the Facility.

#### 4.4 Entering into Commercial Arrangements

- (a) The Committee may subject to clause 4.3 and complying with Council's *Procurement Policy* enter into contracts or other agreements not exceeding a value of five thousand dollars (\$5,000) per annum



- associated with the management of the Facility, with Council's prior consent.
- (b) The Committee must not establish any commercial or other occupancy agreements for any part of the Facility.
  - (c) The Committee must not without the approval of the Council allow the Facility to be occupied or used in any way that excludes the public except by a club or group of persons having a common purpose or object of a sporting, recreational or cultural nature.
  - (d) The Committee may only accept casual occupation by commercial operators when:
    - (i) a commercial fee is charged and paid;
    - (ii) the Facility is not being used by a member of the public, a club or group of persons having a common purpose or object of a sporting, recreational or cultural nature; and
    - (iii) the commercial venture has a common purpose or object of a sporting, recreational or cultural nature.

## **5 GENERAL REQUIREMENTS**

### **5.1 The Committee must not:**

- (a) delegate any of the powers delegated to it by the Chief Executive Officer; or
- (b) seek or obtain independent legal advice.

### **5.2 The Committee must:**

- (a) maintain a Post Office box and ensure that all correspondence is directed to that box.
- (b) ensure that any applicable Council policies and requirements of the Council's Local Laws and Planning Scheme are complied with, including by users of the Facility.
- (c) comply with any requests and directions, financial rules, relevant policies or requirements made by Council.

### **5.3 Powers Excluded**

The Committee is not by this Instrument of Sub-Delegation empowered to do



any of the following things without the prior written approval of the Council:

- (a) Enter into contracts exceeding a value of five thousand dollars (\$5,000) per annum;
- (b) Borrow money; or
- (c) Incur any banking overdraft.

#### 5.4 Changes to Sub-Delegation

No alteration to this sub-delegation or the schedule shall be effective unless first approved by the Chief Executive Officer.

#### 5.5 Revocation

This Instrument of Sub-Delegation may be revoked at any time by the Chief Executive Officer, if in the view of the Chief Executive Officer the Committee is not managing the Facility in the best interest of user groups, the community and Council.



# George Bates Reserve Community Asset Committee *Terms of Reference*





## Terms of Reference

Pursuant to the exercise of the power conferred by section 65 of the *Local Government Act 2020*, Latrobe City Council (the Council) hereby establishes George Bates Reserve Community Asset Committee (the Committee), with the purposes and rules set out in the Schedules attached:

1. These Terms of Reference are authorised by a resolution of Council passed on [#date#].

[#Council seal clause#]



## Schedule One: Role, Membership and Meeting Procedures of the Community Asset Committee

### 1. DEFINITIONS

1.1. In these terms of reference and schedules, the following words have the following meanings:

The Committee	means the George Bates Reserve Community Asset Committee appointed pursuant to the provisions of section 65 of the <i>Local Government Act 2020</i> .
Community Asset Committee	means a committee established by the Council under section 65 of the <i>Local Government Act 2020</i> and to which the Chief Executive Officer delegates a duty, function or power under section 47 of the <i>Local Government Act 2020</i> .
Council	means Latrobe City Council, being a body corporate constituted as a municipal Council under the Act.
Councillor	means a person who holds the office of a member of Latrobe City Council.
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
Reserve	means the recreation reserve having facilities for cricket, football, and netball situated at Howlett Road, Yallourn North which is identified on the attached plan in Schedule 2 that is subject to these Terms of Reference.
Governance Rules	means the Governance Rules of Latrobe City Council adopted pursuant to section 60 of the <i>Local Government Act 2020</i> and as amended from time to time.
Management	includes the maintenance, control, operation, conservation, promotion and/or development of property exercised subject to any limitations or restrictions in these Terms of Reference and any Instrument of Sub-



Delegation to the Committee by the Chief Executive Officer.

## **2. ROLE AND FUNCTIONS OF THE COMMUNITY ASSET COMMITTEE**

2.1. The purpose and role of the Committee is to act as an agent of Latrobe City Council and not as an independent entity in operating and managing the Reserve which is entrusted in the Committee's care and to undertake functions relating to the Reserve, in particular:

- (a) Managing the Reserve on behalf of Council taking into account any directions from Council in relation to the Reserve;
- (b) Providing advice and information to Council about the operation, use and future use and activities to be undertaken at the Reserve;
- (c) Liaising between the Council and the community, including user groups who use the Reserve;
- (d) Undertaking or coordinating maintenance of the Reserve;
- (e) Ensuring effective financial management and control of funds allocated to the Reserve by way of grants for maintaining and/or improving the Reserve and providing amenities for the better use and enjoyment by the community and public; and
- (f) Carrying out such other functions, matters and things incidental to and in furtherance of achieving the matters set out above.

## **3. DELEGATIONS**

3.1. The Committee will exercise the powers, functions and duties delegated to it by the Chief Executive Officer in an instrument of sub-delegation made in accordance with section 47 of the *Local Government Act 2020*.

3.2. The Chief Executive Officer may, at any time, review and vary the delegations to the Committee and will notify any variations to the Committee by providing an updated instrument of delegation.

## **4. COMPOSITION OF COMMITTEE**

### **4.1. Membership**

The Committee will comprise of up to 8 members being:

- (a) Up to 2 Councillors;
- (b) 1 Council officer;



- (c) 2 representatives nominated from each of the following user groups:
- 1 representative of Yallourn North Football Netball Club;
  - 1 representative of Yallourn North Cricket Club.
- (d) 1 representative of the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) where GLaWAC chooses to nominate a representative; and
- (e) up to 2 community representatives who must be residents of the Latrobe City municipality (unless otherwise approved by Council) or a number of representatives as determined by Council not connected with the user groups specified in paragraph (c).
- 4.2. The appointment of the community representatives must be as described in clause 4.6.
- 4.3. Each member may also nominate a substitute representative to attend meetings of the Committee (with voting rights) in the absence of the appointed person. The substitute representative may attend meetings at other times only as an observer (without voting rights) at the invitation of the Committee.
- 4.4. No person may be or act as a member of the Committee until endorsed by Council.
- 4.5. Nomination Process – Main User Groups
- (a) Council may write to the user groups listed in clause 4.1(c) requesting that they submit a written nomination of a representative for Committee membership within 14 days of the Council's decision to appoint a Community Asset Committee;
- (b) There must not be a majority representation from any single user group on the Committee.
- 4.6. Expression of Interest Process – Community Representatives
- (a) A public notice calling for expressions of interest from members of the community for Committee membership must be published in a newspaper within 28 days of the Council's decision to appoint a Community Asset Committee;
- (b) Expressions of interest must be in writing and must be received within 14 days of the public notice;
- (c) Council may appoint a person as a community representative whose name has not been submitted through the above process.



#### 4.7. Qualifications for Committee - General

- (a) Except with the prior approval of the Council, a person cannot be appointed to the Committee unless such person has attained the age of eighteen (18) years and resides, or owns property, or works within the municipality;
- (b) All Committee members must be prepared to comply with Conflict of Interest provisions in the *Local Government Act 2020* and the procedures for disclosure of a conflict of interest set out in the Governance Rules of Latrobe City Council;
- (c) Committee members must complete a *Nominee Declaration Form* to qualify to be a member of the Committee.

4.8 The Committee may co-opt people to assist it from time to time with specific projects or tasks to enable it to fulfil the Committee's objectives.

#### 5. TERM OF OFFICE

- 5.1. All members of the Committee will (subject to Clause 6) hold office for a period of three (3) years from the date that their appointment is endorsed by Council but the existing Committee will continue to undertake the functions and powers delegated to it by the Chief Executive Officer until the Council appoints a new Committee following the process required under clauses 4.5 and 4.6.
- 5.2. A member appointed to fill a casual vacancy on the Committee will retire at the end of the three (3) year period applicable to the member whose inability to see out their term (for whatever reason) caused the vacancy.
- 5.3. A member of the Committee is eligible for re-nomination at the expiration of the period of office.

#### 6. VACANCIES

- 6.1. Notwithstanding anything else contained herein, the Council may at any time terminate the office of any or all of the members of the Committee.
- 6.2. If any Committee member misses three (3) consecutive meetings of the Committee without submitting their apology prior to the meeting such person will cease to be a member of the Committee upon confirmation by Council.
- 6.3. Casual Vacancies
  - (a) Where a vacancy on the Committee occurs through retirement, resignation, death, incapacity or loss of qualification, the Committee will



within one month of this occurring, advise the Council and nominate a suitable person to Council for appointment to the vacancy for the period remaining of the original tenure; and

- (b) Any vacancy caused by the resignation of a member who is a community representative may only be filled by Council via an expression of interest process.

## **7. OFFICE BEARERS**

7.1. Within 1 month of the Council's endorsement of the appointment of members of the Committee, the Committee must call and hold a meeting to appoint its office bearers.

7.2. The office bearers to be appointed and who will hold office for a period of twelve (12) months will be:

- Chairperson
- Treasurer
- Secretary

7.3. There must be segregation of duties amongst office bearers i.e. no one person may hold more than one office bearing position. In circumstances where it is not possible to segregate the role, one person may, with the approval of the Council officer appointed to the Committee, hold both the positions of Treasurer and Secretary.

7.4. The Committee must provide all nomination forms and notify the Council of the name and address of each office bearer within seven (7) days of that person's appointment.

## **8. COMMITTEE MEETINGS**

8.1. General Provisions

- (a) Except where a contrary intention is indicated in these Terms of Reference, the Governance Rules of Latrobe City Council apply to the Committee and any meetings of the Committee. In the event of any inconsistency between the Governance Rules and these Terms of Reference, these Terms of Reference shall prevail.
- (b) The Committee must hold at least four (4) meetings during the year on such dates as the Chairperson appoints with the first meeting of the Committee to be held within one (1) month of the Committee's



appointment.

- (c) The Secretary must distribute a notice of the meeting to all members of the Committee at least seven (7) clear days prior to the meeting and advise the Council of any Committee meetings.

#### 8.2. Meeting Procedures

- (a) All requirements of the *Local Government Act 2020* must be complied with.
- (b) All requirements of the Governance Rules of Latrobe City Council must be adhered to unless specified otherwise in these Terms of Reference.
- (c) The Chairperson shall take the chair at all meetings at which the Chairperson is present. If the Chairperson is absent the Chairperson's nominated representative must take the chair and if that nominated representative is not present, the members present may appoint one of their numbers to chair the meeting.

#### 8.3. Quorum

- (a) A meeting of the Committee must not proceed if a quorum cannot be established within 30 minutes of the commencement time contained in the notice of the meeting.
- (b) The quorum must be as defined in the Governance Rules of Latrobe City Council.

#### 8.4. Annual General Meeting

Each year the Committee will hold an annual general meeting which will:

- (a) Elect members to the positions listed in clause 7.2;
- (b) Receive and consider the Committee's annual report;
- (c) Receive and consider a report on the program of activities proposed for the next year; and
- (d) Receive and adopt the annual financial statements.

#### 8.5. Unscheduled Meetings

- (a) The Chairperson may call an unscheduled meeting and must call an unscheduled meeting if a written request is received from 3 members of the Committee and must give notice of the meeting in accordance with the requirements of clause 8.





- (b) The notice of an unscheduled meeting and any request by the 3 Committee members must contain a statement of the purpose of the meeting.
- (c) The meeting will be held on such date and at such time as fixed by the Chairperson.
- (d) In cases where the Chairperson calls a meeting in response to a request from 3 Committee members, the meeting must be held within 21 days of receiving the request. The Chairperson must arrange for notice of the meeting to be given to all Committee members.
- (e) No other business other than that specified in the notice must be transacted at the meeting.

#### 8.6. Minutes of meetings

- (a) The Chairperson of the Committee must arrange for minutes of each meeting of the Committee to be kept.
- (b) The Chairperson must submit the Minutes of a Committee meeting to the next meeting of the Committee for confirmation. If the minutes are confirmed the Chairperson at the meeting must sign the minutes and certify that they have been confirmed.
- (c) The minutes of a meeting of the Committee must:
  - contain details of the proceedings and resolutions made;
  - be clearly expressed; and
  - be self-explanatory.
- (d) Relevant reports or a summary of the relevant reports considered in the decision making process must be incorporated in relation to resolutions recorded in the minutes.
- (e) The Chairperson must ensure a copy of the minutes of each meeting of the Committee is sent to Council within seven (7) days of the meeting.
- (f) The Chairperson must ensure that the form and availability of all minutes of Committee meetings are otherwise in accordance with the Governance Rules of Latrobe City Council.

#### 8.7. Voting

- (a) Each member present at a meeting of the Committee will have one



vote on each matter being considered by the Committee.

- (b) In the event that voting on any matter is equal, the Chairperson shall have a casting vote.
- (c) A motion before a meeting of the Committee is to be determined as follows:
  - (i) Each member of the Committee who is entitled to vote is entitled to one vote;
  - (ii) Unless otherwise prohibited by the *Local Government Act 2020*, each member of the Committee present must vote;
  - (iii) Unless the procedures of the Committee otherwise provide, voting must be by show of hands;
  - (iv) The Motion is determined by a majority of the vote;
  - (v) If there is an equality of votes the Chairperson has a second vote.
- (d) Any decision of the Committee which does not relate to a matter delegated to the Committee by the Chief Executive Officer cannot be actioned until approved by Council.
- (e) In the event of any unresolved dispute arising between Committee members, the matter shall be submitted to Council in writing and any decision made thereon by the Council shall be final.
- (f) The Committee may form Sub-Committees from amongst its members for the purpose of recommending on matters pertaining to the provisions of these Terms of Reference or an Instrument of Sub-Delegation to the Committee by the Chief Executive Officer, provided that no decision is made.
- (g) The Chairperson will be an ex-officio member of all Sub-Committees.
- (h) A Sub-Committee may only be established by resolution of the Committee and may only carry out the functions stated in the resolution.

#### 8.8. Conflict of Interest

- (a) If a member of the Committee has a Conflict of Interest in any matter in which the Committee is concerned, the member must disclose the Conflict of Interest in accordance with the procedure contained in the



Governance Rules of Latrobe City Council.

- (b) The member must disclose the nature of that interest at the meeting at which the matter is to be discussed and not remain in the room in which the meeting is being held during any discussion or any vote taken on the matter.
- (c) The Minutes must record the Conflict of Interest and the time the member left and returned to the meeting.

## **9. GENERAL REQUIREMENTS**

### **9.1. Communications**

The Committee must comply with any Council Policy applying to public relations, communications and use of social media.

### **9.2. Disputes**

In the event of any dispute between the Committee and any other party, the matter will be referred to the General Manager Assets and Presentation for resolution subject to any dispute process in any written agreement between the Committee and the other party.

### **9.3. Indemnity**

The Council will indemnify members of the Committee against any action, liability, claim or demand on account of any matter or thing done by them on behalf of the Committee when they are acting in accordance with these Terms of Reference and an Instrument of Sub-Delegation to the Committee by the Chief Executive Officer and in the honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Committee.

### **9.4. Changes to Terms of Reference**

No alteration to these Terms of Reference or the schedules shall be effective unless first approved by Council.



## Schedule 2: GIS Imagery of managed land



# George Bates Reserve Community Asset Committee

*Instrument of Sub-Delegation by  
Chief Executive Officer*







## Schedule: Powers, Functions and Duties of the Community Asset Committee

### 1. DEFINITIONS

3.1. In this sub-delegation and schedule, the following words have the following meanings:

The Committee	means the George Bates Reserve Community Asset Committee appointed pursuant to the provisions of section 65 of the <i>Local Government Act 2020</i> .
Community Asset Committee	means a committee established by the Council under section 65 of the <i>Local Government Act 2020</i> and to which the Chief Executive Officer delegates a duty, function or power under section 47 of the <i>Local Government Act 2020</i> .
Council	means Latrobe City Council, being a body corporate constituted as a municipal Council under the Act.
Councillor	means a person who holds the office of a member of Latrobe City Council.
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
Reserve	means the recreation reserve having facilities for cricket, football, and netball situated at Howlett Road, Yallourn North and as identified on the plan in Schedule 2 to the Terms of Reference for the Committee that is subject to this Sub-Delegation.
Governance Rules	means the Governance Rules of Latrobe City Council adopted pursuant to section 60 of the <i>Local Government Act 2020</i> and as amended from time to time.
Management	includes the maintenance, control, operation, conservation, promotion and/or development of property



exercised subject to any limitations or restrictions in this Instrument of Sub-Delegation.

## **2. ROLE AND FUNCTIONS OF THE COMMUNITY ASSET COMMITTEE**

- 2.1 The principle role of the Committee is to act as an agent of Latrobe City Council and not as an independent entity in operating and managing the Reserve.
- 2.2 The purpose of the Committee and functions for which it has been established by Council are as defined in the Terms of Reference for the Committee as updated from time to time.

## **3. FINANCE**

### **3.1. Financial Administration**

- (a) The Financial Year of the Committee shall be from 1st July to 30th June next.
- (b) The Committee must ensure the effective financial control of the Committee and must submit reports to each meeting of the Committee that accurately represent the financial position of the Committee at that time.
- (c) The Committee must not borrow or obtain funds by way of overdraft or loan.
- (d) All monies received on behalf of the Committee must be banked within fourteen (14) days of receipt in a bank account in the name of the Committee.
- (e) The Committee must when requested by Council produce any information in relation to its bank accounts.
- (f) All accounts over fifty dollars (\$50) (including GST) must be paid by either:
  - Cheque: all cheques must be signed by two (2) Committee members or office bearers appointed by resolution of the Committee; or
  - Electronic funds transfer (EFT): all EFT payments must be authorised by two (2) Committee members or office bearers appointed by resolution of the Committee. As such this method must not be used unless the bank account from which payment





is to be made has an electronic banking restriction in place with the financial institution where the account is held requiring dual authorisation for all EFT payments.

- (g) The Treasurer must:
- list all accounts received for payment to each meeting of the Committee;
  - report on the state of the Committee's finances and make such recommendations as he or she considers necessary; and
  - ensure that the information provided to the meeting is recorded in the minutes of the meeting.
- (h) Monies held by the Committee shall not exceed fifty thousand dollars (\$50,000) at the end of any given financial year, unless otherwise approved by Council.
- (i) All monies received by the Committee must be applied to the maintenance, operation and improvements (including ongoing charges such as insurance or utility charges) of the Reserve and any other expenses which may be incurred by the Committee in its management of the Reserve.
- (j) Committee members are entitled to be reimbursed through Committee funds for any out of pocket expenses which:
- are bona fide expenses;
  - have been reasonably incurred while carrying out the functions set out in this Sub-Delegation or the Terms of Reference for the Committee;
  - are reasonably necessary to carry out those functions;
  - a tax invoice receipt is provided.
- (k) No member of the Committee is entitled to receive any remuneration or honorarium for carrying out any of his/her duties as a member of the Committee without approval from the Council.
- (l) On dissolution of the Committee, the outgoing Committee must close all accounts and transfer the remaining funds to Council and provide evidence that the accounts have been closed



### 3.2. Annual Statements and Reports

- (a) The Committee must on or before the 10th day of July in each year ensure that:
- the accounts of the Committee are balanced (up to the 30th day of June preceding);
  - audited annual Financial Statements are provided to the Chief Executive Officer;
  - an acquittal report is provided to Council as required under the *Grant Governance Policy*, with the Chief Executive Officer to be notified when this has been completed;
  - a written report is provided to the Chief Executive Officer on the operation of the Reserve which will be considered the Annual Report.
- (b) Council will supply a standard template and information document to assist the Committee with the preparation of its annual financial statement.

### 3.3 Determination of charges

- (a) If the Committee considers that fees and charges should be applied for the use of the Reserve, the Committee must provide Council with a proposed list of fees and charges by 1 October each year to be included for consideration and adoption by Council within the Council budget process. The Chief Executive Officer is to be notified by the Committee when this has been completed.
- (b) A member appointed by the Committee to collect any fees or charges must within seven (7) days after he or she has received any monies on account of the Committee ensure same is paid into the Committee's bank account unless other arrangements have been approved by Council.
- (c) Every member appointed for the collection of fees and charges by the Committee must issue a receipt on collection.

## 4. MANAGEMENT OF THE RESERVE

### 4.1 General Requirements



- (a) The Committee must manage the Reserve by:
  - (i) actively promoting its use;
  - (ii) assisting the community and user groups to access the facilities;
  - (iii) monitoring the physical condition of all Reserve assets, ensuring they are generally maintained in a safe and clean condition and are fit for purpose;
  - (iv) working with Council officers on asset maintenance and development plans if any such plans are developed;
  - (v) ensuring that conditions of use imposed by Council Local Laws and policies and State and Federal Laws are enforced to the extent practicable for the Committee and to report any breaches which occur to the Council;
  - (vi) making recommendations to Council on the development of future capital works and the provision of future facilities and amenities to the Reserve.
- (b) The Committee may seek advice, assistance and expertise from the Council as is necessary for the proper and efficient management of the Reserve within the constraints of the budget and including the ability to invite persons to the meetings of the Committee as observers or advisers.
- (c) The Committee must take all reasonable steps to:
  - (i) liaise with Council and its staff to ensure continuing co-operation and co-ordination of the Reserve.
  - (ii) ensure the safety requirements and acts and regulations appropriate to the management of the Reserve are adhered to.
  - (iii) ensure that the Committee and its servants do not commit, or permit to be carried out, any act which will render the operation of Council's insurance policies invalid.
  - (iv) require all users to comply with the conditions of use or any rules made by the Committee and to advise Council and give effect to any requirements made by the Council applicable to the Reserve.



#### 4.2 Planning

- (a) Management Plans for the Reserve may be prepared by the Committee with support from the Council. Plans must be reviewed at least once every five (5) years.
- (b) The Committee may work with Council officers to develop a Capital Works Program on an annual basis, for consideration by Council.

#### 4.3 Undertaking Works and Maintenance

- (a) The Committee must not proceed with any capital works (being works exceeding a cost of five thousand dollars (\$5,000)), developments or construction on the Reserve or appoint any architect or consultant, without first obtaining approval by Council.
- (b) The Committee may undertake tasks associated with general day to day maintenance and upkeep of the Reserve but must require volunteers, including volunteer contractors to complete a *Volunteer Registration* form (available online) if they are assisting the Committee.
- (c) The Committee must not carry out or authorise any capital works or alterations, extensions, additions or materially alter the buildings or surrounds of the Reserve without prior written approval from the Council.
- (d) The Committee may with Council's prior approval engage and pay people or contractors for the maintenance and upkeep of the Reserve and the performance of any other matters required to be done for the proper management and control of the Reserve.
- (e) The Committee must promptly report to Council any breakage or damage to the Reserve including any risks likely to arise as a result, any malfunction or mechanical hazard, any abnormal damage to any playing surfaces or surrounds or any equipment used at the Reserve.

#### 4.4 Entering into Commercial Arrangements

- (a) The Committee may subject to complying with Council's *Procurement Policy* and subclause 4.3 enter into contracts or other agreements not exceeding a value of five thousand dollars (\$5,000) per annum associated with the management of the Reserve.
- (b) The Committee must not establish any commercial or other occupancy



agreements for any part of the Reserve.

- (c) The Committee must not without the approval of the Council allow the Reserve to be occupied or used in any way that excludes the public except by a club or group of persons having a common purpose or object of a sporting, recreational or cultural nature.
- (d) The Committee may only accept casual occupation by commercial operators when:
  - (i) a commercial fee is charged and paid;
  - (ii) the Reserve is not being used by a member of the public, a club or group of persons having a common purpose or object of a sporting, recreational or cultural nature; and
  - (iii) the commercial venture has a common purpose or object of a sporting, recreational or cultural nature.

## **5 GENERAL REQUIREMENTS**

### **5.1 The Committee must not:**

- (a) delegate any of the powers delegated to it by the Chief Executive Officer; or
- (b) seek or obtain independent legal advice.

### **5.2 The Committee must:**

- (a) maintain a Post Office box and ensure that all correspondence is directed to that box.
- (b) ensure that any applicable Council policies and requirements of the Council's Local Laws and Planning Scheme are complied with, including by users of the Reserve.
- (c) comply with any requests and directions, financial rules, relevant policies or requirements made by Council.

### **5.3 Powers Excluded**

The Committee is not by this Instrument of Sub-Delegation empowered to do any of the following things without the prior written approval of the Council:

- (a) Enter into contracts exceeding a value of five thousand dollars (\$5,000) per annum;



- (b) Borrow money; or
- (c) Incur any banking overdraft.

#### 5.4 Changes to Sub-Delegation

No alteration to this sub-delegation or the schedule shall be effective unless first approved by the Chief Executive Officer.

#### 5.5 Revocation

This Instrument of Sub-Delegation may be revoked at any time by the Chief Executive Officer, if in the view of the Chief Executive Officer the Committee is not managing the Reserve in the best interests of user groups, the community and Council.

# Latrobe Regional Airport Community Asset Committee *Terms of Reference*





## Terms of Reference

Pursuant to the exercise of the power conferred by section 65 of the *Local Government Act 2020*, Latrobe City Council (the Council) hereby establishes Latrobe Regional Airport Community Asset Committee (the Board), with the purposes and rules set out in the Schedules attached:

1. These Terms of Reference are authorised by a resolution of Council passed on [#date#].

[#Council seal clause#]





## Schedule One: Role, Membership and Meeting Procedures of the Community Asset Committee

### 1. DEFINITIONS

1.1. In these terms of reference and schedules, the following words have the following meanings:

The Board	means the Latrobe Regional Airport Community Asset Committee appointed pursuant to the provisions of section 65 of the <i>Local Government Act 2020</i> .
Community Asset Committee	means a committee established by the Council under section 65 of the <i>Local Government Act 2020</i> and to which the Chief Executive Officer delegates a duty, function or power under section 47 of the <i>Local Government Act 2020</i> .
Council	means Latrobe City Council, being a body corporate constituted as a municipal Council under the Act.
Councillor	means a person who holds the office of a member of Latrobe City Council.
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
Airport	means the land and facilities known as the Latrobe Regional Airport which is identified on the attached plan in Schedule 2 that is subject to these Terms of Reference.
Governance Rules	means the Governance Rules of Latrobe City Council adopted pursuant to section 60 of the <i>Local Government Act 2020</i> and as amended from time to time.
Management	includes the maintenance, hire, control, operation, conservation, promotion and/or development of property exercised subject to any limitations or restrictions in these Terms of Reference and any Instrument of Sub-Delegation to the Board by the Chief Executive Officer.



## **2. ROLE AND FUNCTIONS OF THE BOARD**

- 2.1. The purpose and role of the Board is to act as an agent of Latrobe City Council and not as an independent entity in managing the Airport which is entrusted in the Board's care and to undertake functions and duties relating to the Airport, in particular:
- (a) carrying out the day to day management and improvement of the Airport on behalf of Council;
  - (b) ensuring that the Airport maintains its operating licence and complies with the legislation and standards applying to the operation of airports and airport safety.

## **3. DELEGATIONS**

- 3.1. The Board will exercise the powers, functions and duties delegated to it by the Chief Executive Officer in an instrument of sub-delegation made in accordance with section 47 of the *Local Government Act 2020*.
- 3.2. The Chief Executive Officer may, at any time, review and vary the delegations to the Board and will notify any variations to the Board by providing an updated instrument of delegation.

## **4. COMPOSITION OF BOARD**

### **4.1. Membership**

The Board will comprise of up to 8 members appointed by the Council being:

- (a) A Latrobe City Councillor;
  - (b) the Chief Executive Officer of the Council who will also be Chairperson of the Board;
  - (d) 1 representative of the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) where GLaWAC chooses to nominate a representative; and
  - (e) 5 independent members from the community.
- 4.2. The Board may invite a person to attend meetings of the Board in an advisory capacity and without any right to exercise a vote in relation to a matter to be determined by the Board.
- 4.3. The appointment of the independent members must be as described in clause 4.7.
- 4.4. No person may be or act as a member of the Board until endorsed by Council.



- 4.5. The General Manager of the Airport will act as Secretary of the Board.
- 4.6. Expression of Interest Process – Independent Board Members
- (a) A public notice calling for expressions of interest from for Board Members must be published in a newspaper not less than 60 days prior to the expiration of the members' current term of office;
  - (b) Written nominations for a position as a Board Member must be received (including full name and address) within 14 days of the publication of the notice;
  - (c) Council reserves the right to appoint a person as an independent member of the Board whose name has not been submitted through the above process.
- 4.7. Qualifications for Board - General
- (a) Except with the prior approval of the Council, a person cannot be appointed to the Board unless such person has attained the age of eighteen (18) years and resides, or owns property, or works within the municipality;
  - (b) A person appointed as a member of the Board must possess skills and experience which will make a material contribution to the management and development of the Airport.
  - (c) All Board members must be prepared to comply with Conflict of Interest provisions in the *Local Government Act 2020* and the procedures for disclosure of a conflict of interest set out in the Governance Rules of Latrobe City Council;
  - (d) Board members must complete a *Nominee Declaration Form* to qualify to be a member of the Board.
- 5. TERM OF OFFICE**
- 5.1. All members of the Board will (subject to Clause 6) hold office for a period of four (4) years from the date that their appointment is endorsed by Council.
- 5.2. A member appointed to fill a casual vacancy on the Board must retire at the end of the four (4) year term applicable to the member whose inability to complete their term (for whatever reason) caused the vacancy.
- 5.3. A member of the Board is eligible for re-nomination at the expiration of the term of office.



## 6. VACANCIES

- 6.1. Notwithstanding anything else contained herein, the Council may at any time terminate the office of any or all of the members of the Board.
- 6.2. If any Board member misses three (3) consecutive meetings of the Board without submitting their apology prior to the meeting such person will cease to be a member of the Board upon confirmation by Council.
- 6.3. Casual Vacancies

Where a vacancy on the Board occurs through retirement, resignation, death, incapacity or loss of qualification, the Board will within one month of this occurring, advise the Council and nominate a suitable person to Council for appointment to the vacancy for the period remaining of the original tenure.

## 7. BOARD MEETINGS

### 7.1. General Provisions

- (a) Except where a contrary intention is indicated in these Terms of Reference, the Governance Rules of Latrobe City Council apply to the Board and any meetings of the Board. In the event of any inconsistency between the Governance Rules and these Terms of Reference, these Terms of Reference shall prevail.
- (b) The Board must meet at least every two (2) months on the dates the Chairperson appoints with the first meeting of the Board to be held within one (1) month of the Board's appointment.
- (c) The Secretary must distribute a notice of the meeting to all members of the Board at least seven (7) clear days prior to the meeting and advise the Council of any Board meetings.

### 7.2. Meeting Procedures

- (a) All requirements of the *Local Government Act 2020* must be complied with.
- (b) All requirements of the Governance Rules of Latrobe City Council must be adhered to unless specified otherwise in these Terms of Reference.
- (c) The Chairperson shall take the chair at all meetings at which the Chairperson is present. If the Chairperson is absent the Chairperson's nominated representative must take the chair and if that nominated representative is not present, the members present may appoint one of



their numbers to chair the meeting.

#### 7.3. Quorum

- (a) A meeting of the Board must not proceed if a quorum cannot be established within 30 minutes of the commencement time contained in the notice of the meeting.
- (b) The quorum must be as defined in the Governance Rules of Latrobe City Council.

#### 7.4. Unscheduled Meetings

- (a) The Chairperson may call an unscheduled meeting and must call an unscheduled meeting if a written request is received from 3 members of the Board and must give notice of the meeting in accordance with the requirements of clause 7.
- (b) The notice of an unscheduled meeting and any request by the 3 Committee members must contain a statement of the purpose of the meeting.
- (c) The meeting will be held on such date and at such time as fixed by the Chairperson.
- (d) In cases where the Chairperson calls a meeting in response to a request from 3 Board members, the meeting must be held within 21 days of receiving the request. The Chairperson must arrange for notice of the meeting to be given to all Board members.
- (e) No other business other than that specified in the notice must be transacted at the meeting.

#### 7.5. Minutes of meetings

- (a) The Chairperson of the Board must arrange for minutes of each meeting of the Board to be kept.
- (b) The Chairperson must submit the Minutes of a Board meeting to the next meeting of the Board for confirmation. If the minutes are confirmed the Chairperson at the meeting must sign the minutes and certify that they have been confirmed.
- (c) The minutes of a meeting of the Board must:
  - contain details of the proceedings and resolutions made;



- be clearly expressed; and
  - be self-explanatory.
- (d) Relevant reports or a summary of the relevant reports considered in the decision making process must be incorporated in relation to resolutions recorded in the minutes.
- (e) The Chairperson must ensure a copy of the minutes of each meeting of the Board is sent to Council within seven (7) days of the meeting.
- (f) The Chairperson must ensure that the form and availability of all minutes of Board meetings are otherwise in accordance with the Governance Rules of Latrobe City Council.

#### 7.6. Voting

- (a) Each member present at a meeting of the Board (other than a person appointed in an advisory capacity) will have one vote on each matter being considered by the Board.
- (b) In the event that voting on any matter is equal, the Chairperson shall have a casting vote.
- (c) A motion before a meeting of the Board is to be determined as follows:
- (i) Each member of the Board who is entitled to vote is entitled to one vote;
  - (ii) Unless otherwise prohibited by the *Local Government Act 2020*, each member of the Board present must vote;
  - (iii) Unless the procedures of the Board otherwise provide, voting must be by show of hands;
  - (iv) The Motion is determined by a majority of the vote;
  - (v) If there is an equality of votes the Chairperson has a second vote.
- (d) Any decision of the Board which does not relate to a matter delegated to the Board by the Chief Executive Officer cannot be actioned until approved by Council.
- (e) In the event of any unresolved dispute arising between Board members, the matter shall be submitted to Council in writing and any decision made thereon by the Council shall be final.



- (f) The Board may form Sub-Committees from amongst its members for the purpose of recommending on matters pertaining to the provisions of these Terms of Reference or an Instrument of Sub-Delegation to the Board by the Chief Executive Officer, provided that no decision is made.
- (g) The Chairperson will be an ex-officio member of all Sub-Committees.
- (h) A Sub-Committee may only be established by resolution of the Board and may only carry out the functions stated in the resolution.

#### 7.7. Conflict of Interest

- (a) If a member of the Board has a Conflict of Interest in any matter in which the Board is concerned, the member must disclose the Conflict of Interest in accordance with the procedure contained in the Governance Rules of Latrobe City Council.
- (b) The member must disclose the nature of that interest at the meeting at which the matter is to be discussed and not remain in the room in which the meeting is being held during any discussion or any vote taken on the matter.
- (c) The Minutes must record the Conflict of Interest and the time the member left and returned to the meeting.

### 8. GENERAL REQUIREMENTS

#### 8.1. Communications

The Board must comply with any Council Policy applying to public relations, communications and use of social media.

#### 8.2. Disputes

- (a) If there is a dispute between the Board and any tenant, the dispute resolution procedures as contained in the lease will apply;
- (b) If there is a dispute between the Board and any other party, the matter will be referred to the Council for resolution.

#### 8.3. Indemnity

The Council will indemnify members of the Board against any action, liability, claim or demand on account of any matter or thing done by them on behalf of the Board when they are acting in accordance with these Terms of Reference and an Instrument of Sub-Delegation to the Board by the Chief Executive



Officer and in the honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Board.

#### 8.4. Changes to Terms of Reference

No alteration to these Terms of Reference or the schedules shall be effective unless first approved by Council.





## Schedule 2: GIS Imagery of managed land



# Latrobe Regional Airport Community Asset Committee

*Instrument of Sub-Delegation by  
Chief Executive Officer*







## Schedule: Powers, Functions and Duties of the Community Asset Committee

### 1. DEFINITIONS

3.1. In this sub-delegation and schedule, the following words have the following meanings:

The Board	means the Latrobe Regional Airport Community Asset Committee appointed pursuant to the provisions of section 65 of the <i>Local Government Act 2020</i> .
Community Asset Committee	means a committee established by the Council under section 65 of the <i>Local Government Act 2020</i> and to which the Chief Executive Officer delegates a duty, function or power under section 47 of the <i>Local Government Act 2020</i> .
Council	means Latrobe City Council, being a body corporate constituted as a municipal Council under the Act.
Councillor	means a person who holds the office of a member of Latrobe City Council.
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
Airport	means the land and facilities known as the Latrobe Regional Airport which is identified on the plan in Schedule 2 to the Terms of Reference for the Board that is subject to this Sub-Delegation.
Governance Rules	means the Governance Rules of Latrobe City Council adopted pursuant to section 60 of the <i>Local Government Act 2020</i> and as amended from time to time.
Management	includes the maintenance, hire, control, operation, conservation, promotion and/or development of property exercised subject to any limitations or restrictions in this



## Instrument of Sub-Delegation.

### **2. ROLE AND FUNCTIONS OF THE BOARD**

- 2.1 The principle role of the Board is to act as an agent of Latrobe City Council and not as an independent entity in managing the Airport.
- 2.2 The purpose of the Board and functions for which it has been established by Council are as defined in the Terms of Reference for the Board as updated from time to time.

### **3. FINANCE**

#### 3.1. Financial Administration

- (a) The Financial Year of the Board shall be from 1st July to 30th June next.
- (b) The Board must submit an annual budget for the next financial year to Council for consideration and approval by 30 November each year. The Chief Executive Officer is to be notified by the Board when this has been completed.
- (c) The Board's operating budget must be applied to the maintenance, operations and improvements (including ongoing charges such as utility charges) of the Airport and any other expenses which may be incurred by the Board in its management of the Airport.
- (d) Board members are entitled to be reimbursed through Board funds for any out of pocket expenses which:
  - are bona fide expenses;
  - have been reasonably incurred while carrying out the functions set out in this Sub-Delegation or the Terms of Reference for the Board;
  - are reasonably necessary to carry out those functions;
  - a tax invoice receipt is provided.
- (e) No voting member of the Board is entitled to receive any remuneration or honorarium for carrying out any of his/her duties as a member of the Board without approval from the Council.

#### 3.2. Annual Statements and Reports



The Board must submit an annual report to the Chief Executive Officer by 31 August each year containing information about the operations of the Airport for the preceding year which includes financial statements that give an accurate account of the financial position of the Airport at the end of the financial year.

### 3.3 Determination of charges

The Board must provide Council by 30 November each year with a recommended list of annual fees and charges for the next financial year to use the Airport, for approval and inclusion in the Council budget. The Chief Executive Officer is to be notified when this has been completed.

### 3.4 Fundraising

The Board may arrange functions, fixtures or entertainment for the purpose of raising funds subject to complying with any applicable Council policy.

## 4. MANAGEMENT OF THE AIRPORT

### 4.1 General Requirements

- (a) The Board must manage the Airport by:
  - (i) ensuring that legislative and other requirements applying to the operation of airports are complied with and Council's licence to operate the Airport is maintained;
  - (ii) promoting the development of the Airport through the attraction of aviation/aerospace industry and operations which are compatible with the Airport Masterplan and Marketing and Business Development Strategy;
  - (iii) implementing the matters identified in the Airport Masterplan or any requirements under the Latrobe City Planning Scheme applying to use and development of the Airport;
  - (iv) carrying out such other functions and powers that are incidental to or ancillary to the Board's functions under this Sub-Delegation.
- (b) In undertaking its management function the Board will:
  - (i) promote the use of the Airport by developing and making non-operational parts of the Airport available for lease to people or companies for compatible purposes;



- (ii) convene a committee of airport users and tenants to ensure that they have an opportunity to identify to the Board matters which the Board should be aware of in relation to the operation of the Airport and its tenants;
- (iii) ensure that the Airport is available to agencies providing health and emergency services;
- (iv) propose policies or rules applying to the use of the Airport by other users of the Airport and the community;
- (v) ensure that any requirements imposed by Council Policy or Local Laws that apply to management and operation of the Airport are complied with and any breaches are reported to Council for compliance;
- (vi) ensure that tenants and other users do not undertake activities or uses that may impact on the continuation of the licence for the Airport or the valid operation of Council's insurance of the Airport;
- (vii) monitor the physical condition of the Airport, including buildings and other assets to ensure that they are maintained in a safe condition and continue to be fit for purpose;
- (viii) enter into contracts for the carrying out of any works or undertakings required in relation to the development and operation of the Airport, subject to complying with the Council's Procurement Policy and the Airport Masterplan;
- (ix) assess risk arising from the use and operations of the Airport and ensure that the requirements of the Council's Risk Management Operational Policy are complied with;
- (x) make recommendations to the Council about any matter it considers necessary including the development of future capital works and the provision of future facilities and amenities to ensure the continued operation and viability of the Airport;
- (xi) the Board may seek advice, assistance and expertise from Council as is necessary for the proper and efficient management of the Airport within the constraints of the budget. The Board must liaise with Council and its staff to ensure continuing co-



operation and co-ordination of the Airport.

#### 4.2 Planning

- (a) The Board must develop and provide to the Council:
  - (i) a Masterplan for the Airport which will be approved by the Council<sup>1</sup> and will manage the implementation of the Masterplan with support from the Council. The Plan must be reviewed at least once every five (5) years; and
  - (ii) an Annual Plan identifying priorities for the management and use of the Airport.
- (b) The Board must, in conjunction with Council officers, develop an annual Capital Works Program, which is to be submitted to Council for consideration.

#### 4.3 Undertaking Works and Maintenance

- (a) The Board must not proceed with any works, developments or construction at the Airport or appoint any architect or consultant, without first obtaining approval by Council.
- (b) The Board may undertake tasks associated with general maintenance and upkeep of the Airport but must when engaging contractors, ensure they are accredited with Council. Volunteers, including volunteer contractors, must be required to complete a *Volunteer Registration* form (available online) if they are assisting the Board.
- (c) The Board must not carry out or authorise any capital works, extensions, additions or materially alter the buildings or surrounds of the Airport without prior written approval from the Council.
- (d) The Board must ensure that any proposed alterations or works undertaken at the Airport by tenants or other users are discussed with Council. All appropriate approvals must be obtained in writing prior to any such works being commenced.
- (e) The Board may with Council's prior approval engage and pay people or contractors to undertake the maintenance and upkeep of the Airport and the performance of any other matters required to be done for the

<sup>1</sup> Council approved the current Latrobe Regional Airport Masterplan in May 2016.





proper management and control of the Airport.

#### 4.4 Entering into Commercial Arrangements

The Board may subject to clause 4.3 and complying with Council's *Procurement Policy* enter into contracts or other agreements associated with the management and operation of the Airport, but only with the prior consent of Council.

### 5 GENERAL REQUIREMENTS

#### 5.1 The Board must not:

- (a) delegate any of the powers delegated to it by the Chief Executive Officer; or
- (b) seek or obtain independent legal advice without prior consultation with Council.

#### 5.2 The Board must:

- (a) ensure that any requirements of the Council's Planning Scheme and Local Laws are complied with by tenants and users of the Airport.
- (b) comply with any requests and directions, financial rules, relevant policies or requirements made by Council.

#### 5.3 Changes to Sub-Delegation

No alteration to this sub-delegation or the schedule shall be effective unless first approved by the Chief Executive Officer.

#### 5.4 Revocation

This Instrument of Sub-Delegation may be revoked at any time by the Chief Executive Officer, if in the view of the Chief Executive Officer the Board is not managing the Airport in the best interests of Council, the community and users.

# Mathison Park Community Asset Committee *Terms of Reference*





## Terms of Reference

Pursuant to the exercise of the power conferred by section 65 of the *Local Government Act 2020*, Latrobe City Council (the Council) hereby establishes Mathison Park Community Asset Committee (the Committee), with the purpose and rules set out in the Schedules attached:

1. These Terms of Reference are authorised by a resolution of Council passed on [#date#].

[#Council seal clause#]



## Schedule One: Role, Membership and Meeting Procedures of the Community Asset Committee

### 1. DEFINITIONS

1.1. In these terms of reference and schedules, the following words have the following meanings:

The Committee	means the Mathison Park Community Asset Committee appointed pursuant to the provisions of section 65 of the <i>Local Government Act 2020</i> .
Community Asset Committee	means a committee established by the Council under section 65 of the <i>Local Government Act 2020</i> and to which the Chief Executive Officer delegates a duty, function or power under section 47 of the <i>Local Government Act 2020</i> .
Council	means Latrobe City Council, being a body corporate constituted as a municipal Council under the Act.
Councillor	means a person who holds the office of a member of Latrobe City Council.
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
Facility	means the reserve and buildings known as Mathison Park which is identified on the attached plan in Schedule 2 that is subject to these Terms of Reference.
Governance Rules	means the Governance Rules of Latrobe City Council adopted pursuant to section 60 of the <i>Local Government Act 2020</i> and as amended from time to time.
Management	includes the maintenance, hire, control, operation, conservation, promotion and/or development of property exercised subject to any limitations or restrictions in these Terms of Reference and any Instrument of Sub-Delegation to the Committee by the Chief Executive



Officer.

## **2. ROLE AND FUNCTIONS OF THE COMMUNITY ASSET COMMITTEE**

- 2.1. The purpose and role of the Committee is to act as an agent of Latrobe City Council and not as an independent entity in operating and managing the Facility which is entrusted to the Committee's care and to undertake functions relating to the Facility, in particular:
- (a) Managing the Facility on behalf of Council taking into account the actions to achieve the goals that are identified in the Mathison Park Management Plan;
  - (b) Providing advice and information to Council about the operation, use and future use and activities to be undertaken at the Facility;
  - (c) Liaising between the Council and the community when necessary, including users of the Facility;
  - (d) Encouraging public interest and maximising involvement and participation of the community as far as practicable in any development occurring in the Facility;
  - (e) Undertaking maintenance of the Facility, including equipment, buildings and facilities in it, to enhance it as one of Latrobe City's regional attractions;
  - (f) Ensuring effective financial management and control of funds allocated by way of grants for maintaining and/or improving the Facility and providing amenities for the better use and enjoyment by the community and public; and
  - (g) Carrying out such other functions, matters and things incidental to and in furtherance of achieving the matters set out above.

## **3. DELEGATIONS**

- 3.1. The Committee will exercise the powers, functions and duties delegated to it by the Chief Executive Officer in an instrument of sub-delegation made in accordance with section 47 of the *Local Government Act 2020*.
- 3.2. The Chief Executive Officer may, at any time, review and vary the delegations to the Committee and will notify any variations to the Committee by providing an updated instrument of delegation.



#### **4. COMPOSITION OF COMMITTEE**

##### **4.1. Membership**

The Committee will comprise of up to 9 members appointed by the Council being:

- (a) Up to 2 Councillors;
- (b) 1 Council officer;
- (c) 1 representative of the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) where GLaWAC chooses to nominate a representative; and
- (d) up to 6 community representatives who must be residents of the Latrobe City municipality unless otherwise approved by Council.

4.2. The appointment of the community representatives must be as described in clause 4.5.

4.3. Each member may also nominate a substitute representative to attend meetings of the Committee (with voting rights) in the absence of the appointed person. The substitute representative may attend meetings at other times only as an observer (without voting rights) at the invitation of the Committee.

4.4. No person may be or act as a member of the Committee until endorsed by Council.

##### **4.5. Expression of Interest Process – Community Representatives**

- (a) A public notice calling for expressions of interest from members of the community for Committee membership must be published in a newspaper within 28 days of the Council's decision to appoint a Community Asset Committee;
- (b) Expressions of interest must be in writing and must be received within 14 days of the public notice;
- (c) Council may appoint a person as a community representative whose name has not been submitted through the above process.

##### **4.6. Qualifications for Committee - General**

- (a) Except with the prior approval of the Council, a person cannot be appointed to the Committee unless such person has attained the age of eighteen (18) years and resides, or owns property, or works within the municipality;



- (b) All Committee members must be prepared to comply with Conflict of Interest provisions in the *Local Government Act 2020* and the procedures for disclosure of a conflict of interest set out in the Governance Rules of Latrobe City Council;
  - (c) Committee members must complete a *Nominee Declaration Form* to qualify to be a member of the Committee.
- 4.7. The Committee may co-opt people to assist it from time to time with specific projects or tasks to enable it to fulfil the Committee's objectives.

#### **5. TERM OF OFFICE**

- 5.1. All members of the Committee will (subject to Clause 6) hold office for a period of three (3) years from the date that their appointment is endorsed by Council but the existing Committee will continue to undertake the functions and powers delegated to it by the Chief Executive Officer until the Council appoints a new Committee following the process required under clause 4.5.
- 5.2. A member appointed to fill a casual vacancy on the Committee will retire at the end of the three year period applicable to that member whose inability to complete their term (for whatever reason) caused the vacancy.
- 5.3. A member of the Committee is eligible for re-nomination at the expiration of the period of office.

#### **6. VACANCIES**

- 6.1. Notwithstanding anything else contained herein, the Council may at any time terminate the office of any or all of the members of the Committee.
- 6.2. If any Committee member misses three (3) consecutive meetings of the Committee without submitting their apology prior to the meeting such person will cease to be a member of the Committee upon confirmation by Council.
- 6.3. Casual Vacancies
  - (a) Where a vacancy on the Committee occurs through retirement, resignation, death, incapacity or loss of qualification, the Committee will within one month of this occurring, advise the Council and nominate a suitable person to Council for appointment to the vacancy for the period remaining of the original tenure; and
  - (b) Any vacancy caused by the resignation of a member who is a community representative may only be filled by following an expression of interest process.



## **7. OFFICE BEARERS**

- 7.1. Within 1 month of the Council's endorsement of the appointment of members of the Committee, the Committee must call and hold a meeting to appoint its office bearers.
- 7.2. The office bearers to be appointed and who will hold office for a period of twelve (12) months will be:
  - Chairperson
  - Treasurer
  - Secretary
- 7.3. The Committee must provide all nomination forms and notify the Council of the name and address of each office bearer within seven (7) days of that person's appointment.

## **8. COMMITTEE MEETINGS**

### **8.1. General Provisions**

- (a) Except where a contrary intention is indicated in these Terms of Reference, the Governance Rules of Latrobe City Council apply to the Committee and any meetings of the Committee. In the event of any inconsistency between the Governance Rules and these Terms of Reference, these Terms of Reference shall prevail.
- (b) The Committee must hold at least four (4) meetings during the year on such dates as the Chairperson appoints with the first meeting of the Committee to be held within one (1) month of the Committee's appointment.
- (c) The Secretary must distribute a notice of the meeting to all members of the Committee at least seven (7) clear days prior to the meeting and advise the Council of any Committee meetings.

### **8.2. Meeting Procedures**

- (a) All requirements of the *Local Government Act 2020* must be complied with.
- (b) All requirements of the Governance Rules of Latrobe City Council must be adhered to unless specified otherwise in these Terms of Reference.
- (c) The Chairperson shall take the chair at all meetings at which the





Chairperson is present. If the Chairperson is absent the Chairperson's nominated representative must take the chair and if that nominated representative is not present, the members present may appoint one of their numbers to chair the meeting.

#### 8.3. Quorum

- (a) A meeting of the Committee must not proceed if a quorum cannot be established within 30 minutes of the commencement time contained in the notice of the meeting.
- (b) The quorum must be as defined in the Governance Rules of Latrobe City Council.

#### 8.4. Annual General Meeting

Each year the Committee will hold an annual general meeting which will:

- (a) Elect members to the positions listed in clause 7.2;
- (b) Receive and consider the Committee's annual report;
- (c) Receive and consider a report on the program of activities proposed for the next year; and
- (d) Receive and adopt the annual financial statements.

#### 8.5. Unscheduled Meetings

- (a) The Chairperson may call an unscheduled meeting and must call an unscheduled meeting if a written request is received from 3 members of the Committee and must give notice of the meeting in accordance with the requirements of clause 8.
- (b) The notice of an unscheduled meeting and any request by the 3 Committee members must contain a statement of the purpose of the meeting.
- (c) The meeting will be held on such date and at such time as fixed by the Chairperson.
- (d) In cases where the Chairperson calls a meeting in response to a request from 3 Committee members, the meeting must be held within 21 days of receiving the request. The Chairperson must arrange for notice of the meeting to be given to all Committee members.
- (e) No other business other than that specified in the notice must be



transacted at the meeting.

#### 8.6. Minutes of meetings

- (a) The Chairperson of the Committee must arrange for minutes of each meeting of the Committee to be kept.
- (b) The Chairperson must submit the Minutes of a Committee meeting to the next meeting of the Committee for confirmation. If the minutes are confirmed the Chairperson at the meeting must sign the minutes and certify that they have been confirmed.
- (c) The minutes of a meeting of the Committee must:
  - contain details of the proceedings and resolutions made;
  - be clearly expressed; and
  - be self-explanatory.
- (d) Relevant reports or a summary of the relevant reports considered in the decision making process must be incorporated in relation to resolutions recorded in the minutes.
- (e) The Chairperson must ensure a copy of the minutes of each meeting of the Committee is sent to Council within seven (7) days of the meeting.
- (f) The Chairperson must ensure that the form and availability of all minutes of Committee meetings are otherwise in accordance with the Governance Rules of Latrobe City Council.

#### 8.7. Voting

- (a) Each member present at a meeting of the Committee will have one vote on each matter being considered by the Committee.
- (b) In the event that voting on any matter is equal, the Chairperson shall have a casting vote.
- (c) A motion before a meeting of the Committee is to be determined as follows:
  - (i) Each member of the Committee who is entitled to vote is entitled to one vote;
  - (ii) Unless otherwise prohibited by the *Local Government Act 2020*, each member of the Committee present must vote;
  - (iii) Unless the procedures of the Committee otherwise provide,



voting must be by show of hands;

- (iv) The Motion is determined by a majority of the vote;
- (v) If there is an equality of votes the Chairperson has a second vote.
- (d) Any decision of the Committee which does not relate to a matter delegated to the Committee by the Chief Executive Officer cannot be actioned until approved by Council.
- (e) In the event of any unresolved dispute arising between Committee members, the matter shall be submitted to Council in writing and any decision made thereon by the Council shall be final.
- (f) The Committee may form Sub-Committees from amongst its members for the purpose of recommending on matters pertaining to the provisions of these Terms of Reference or an Instrument of Sub-Delegation to the Committee by the Chief Executive Officer, provided that no decision is made.
- (g) The Chairperson will be an ex-officio member of all Sub-Committees.
- (h) A Sub-Committee may only be established by resolution of the Committee and may only carry out the functions stated in the resolution.

#### 8.8. Conflict of Interest

- (a) If a member of the Committee has a Conflict of Interest in any matter in which the Committee is concerned, the member must disclose the Conflict of Interest in accordance with the procedure contained in the Governance Rules of Latrobe City Council.
- (b) The member must disclose the nature of that interest at the meeting at which the matter is to be discussed and not remain in the room in which the meeting is being held during any discussion or any vote taken on the matter.
- (c) The Minutes must record the Conflict of Interest and the time the member left and returned to the meeting.

### 9. GENERAL REQUIREMENTS

#### 9.1. Communications

The Committee must comply with any Council Policy applying to public



relations, communications and use of social media.

#### 9.2. Disputes

In the event of any dispute between the Committee and any other party, the matter will be referred to the General Manager Assets and Presentation for resolution subject to any dispute process in any written agreement between the Committee and the other party.

#### 9.3. Indemnity

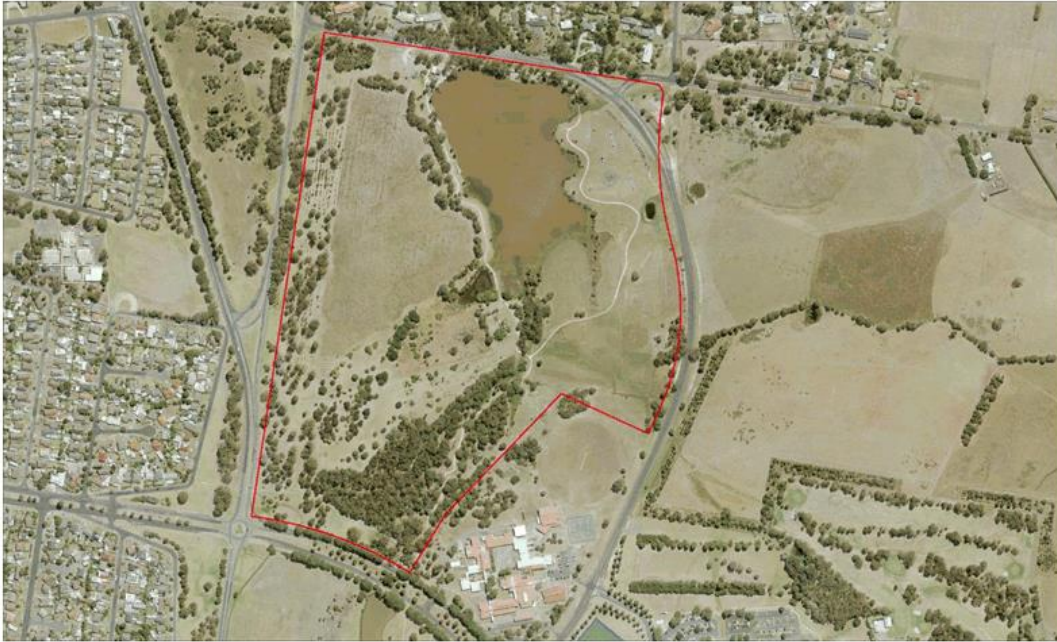
The Council will indemnify members of the Committee against any action, liability, claim or demand on account of any matter or thing done by them on behalf of the Committee when they are acting in accordance with these Terms of Reference and an Instrument of Sub-Delegation to the Committee by the Chief Executive Officer and in the honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Committee.

#### 9.4. Changes to Terms of Reference

No alteration to these Terms of Reference or the schedules shall be effective unless first approved by Council.



## Schedule 2: GIS Imagery of managed land



# Mathison Park Community Asset Committee

*Instrument of Sub-Delegation by  
Chief Executive Officer*





# Instrument of Sub-Delegation

Pursuant to the exercise of the power conferred by section 47(1)(b) of the *Local Government Act 2020*, I, as Chief Executive Officer of Latrobe City Council (the Council) hereby delegate to the members of the Community Asset Committee established by resolution of Council passed on (*date*) and known as Mathison Park Community Asset Committee (the Committee), the powers, duties and functions set out in the Schedule attached and declare that:

- 1. This Instrument of Sub-Delegation:
  - 1.1. Comes into force immediately upon its execution;
  - 1.2. Remains in force until varied or revoked;
  - 1.3. Must be exercised in accordance with the attached schedule, and is subject to any conditions and limitations set out in the schedule;
  - 1.4. Must be exercised in accordance with any guidelines or policies which Council from time to time adopts.
- 2. The Committee must annually report to the Chief Executive Officer concerning its activities and performance for the preceding 12 months including decisions made and finances of the Committee during that period.

**This Instrument of Sub-Delegation** is dated the        day of        and is made by the Chief Executive Officer.

**Signed** by the Chief Executive Officer of        )  
Council in the presence of:                                )

.....  
Witness

Date: .....



## Schedule: Powers, Functions and Duties of the Community Asset Committee

### 1. DEFINITIONS

3.1. In this sub-delegation and schedule, the following words have the following meanings:

The Committee	means the Mathison Park Community Asset Committee appointed pursuant to the provisions of section 65 of the <i>Local Government Act 2020</i> .
Community Asset Committee	means a committee established by the Council under section 65 of the <i>Local Government Act 2020</i> and to which the Chief Executive Officer delegates a duty, function or power under section 47 of the <i>Local Government Act 2020</i> .
Council	means Latrobe City Council, being a body corporate constituted as a municipal Council under the Act.
Councillor	means a person who holds the office of a member of Latrobe City Council.
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
Facility	means the reserve and buildings known as Mathison Park and identified on the plan in Schedule 2 to the Terms of Reference for the Committee that is subject to this Sub-Delegation.
Governance Rules	means the Governance Rules of Latrobe City Council adopted pursuant to section 60 of the <i>Local Government Act 2020</i> and as amended from time to time.
Management	includes the maintenance, hire, control, operation, conservation, promotion and/or development of property exercised subject to any limitations or restrictions in this





## Instrument of Sub-Delegation.

### **2. ROLE AND FUNCTIONS OF THE COMMUNITY ASSET COMMITTEE**

- 2.1 The principle role of the Committee is to act as an agent of Latrobe City Council and not as an independent entity in operating and managing the Facility.
- 2.2 The purpose of the Committee and functions for which it has been established by Council are as defined in the Terms of Reference for the Committee as updated from time to time.

### **3. FINANCE**

#### 3.1. Financial Administration

- (a) The Financial Year of the Committee shall be from 1st July to 30th June next.
- (b) The Committee must ensure the effective financial control of the Committee and must submit reports to each meeting of the Committee that accurately represent the financial position of the Committee at that time.
- (c) The Committee must not borrow or obtain funds by way of overdraft or loan.
- (d) All monies received on behalf of the Committee must be banked within fourteen (14) days of receipt in a bank account in the name of the Committee.
- (e) The Committee must when requested by Council produce any information in relation to its bank accounts.
- (f) All accounts over fifty dollars (\$50) (including GST) must be paid by either:
  - Cheque: all cheques must be signed by two (2) Committee members or office bearers appointed by resolution of the Committee; or
  - Electronic funds transfer (EFT): all EFT payments must be authorised by two (2) Committee members or office bearers appointed by resolution of the Committee. As such this method must not be used unless the bank account from which payment is to be made has an electronic banking restriction in place with



the financial institution where the account is held requiring dual authorisation for all EFT payments.

- (g) The Treasurer must:
- list all accounts received for payment to each meeting of the Committee;
  - report on the state of the Committee's finances and make such recommendations as he or she considers necessary; and
  - ensure that the information provided to the meeting is recorded in the minutes of the meeting.
- (h) Monies held by the Committee shall not exceed fifty thousand dollars (\$50,000) at the end of any given financial year, unless otherwise approved by Council.
- (i) All monies received by the Committee must be applied to the maintenance, operations, promotion and improvements of the Facility and any other expenses which may be incurred by the Committee in its management of the Facility.
- (j) Committee members are entitled to be reimbursed through Committee funds for any out of pocket expenses which:
- are bona fide expenses;
  - have been reasonably incurred while carrying out the functions set out in this Sub-Delegation or the Terms of Reference for the Committee;
  - are reasonably necessary to carry out those functions;
  - a tax invoice receipt is provided.
- (k) No member of the Committee is entitled to receive any remuneration or honorarium for carrying out any of his/her duties as a member of the Committee without approval from the Council.
- (l) On dissolution of the Committee, the outgoing Committee must close all accounts and transfer the remaining funds to Council and provide evidence that the accounts have been closed.

### 3.2. Annual Statements and Reports



- (a) The Committee must on or before the 10th day of July in each year ensure that:
- the accounts of the Committee are balanced (up to the 30th day of June preceding);
  - annual Financial Statements are provided to the Chief Executive Officer;
  - an acquittal report is provided to Council as required under the *Grant Governance Policy*, with the Chief Executive Officer to be notified when this has been completed;
  - a written report is provided to the Chief Executive Officer on the operation of the Facility which will be considered the Annual Report.
- (b) Council will supply a standard template and information document to assist the Committee with the preparation of its annual financial statement.

### 3.3 Determination of charges

- (a) If the Committee considers that fees and charges should be applied for the use of the Facility, the Committee must provide Council with a proposed list of fees and charges by 1 October each year to be included for consideration and adoption by Council within the Council budget process. The Chief Executive Officer is to be notified by the Committee when this has been completed.
- (b) A member appointed by the Committee to collect any fees or charges must within seven (7) days after he or she has received any monies on account of the Committee ensure same is paid into the Committee's bank account unless other arrangements have been approved by Council.
- (c) Every member appointed for the collection of fees and charges by the Committee must issue a receipt on collection.

## 4. MANAGEMENT OF THE FACILITY

### 4.1 General Requirements

- (a) The Committee must manage the Facility by:



- (i) actively promoting its use;
  - (ii) assisting the community and user groups to access the facilities;
  - (iii) monitoring the physical condition of all Facility assets, ensuring they are generally maintained in a safe and clean condition and are fit for purpose;
  - (iv) working with Council officers on asset maintenance and development plans;
  - (v) ensuring that conditions of use imposed by Council Local Laws and policies and State and Federal Laws are enforced to the extent practicable for the Committee and to report any breaches which occur to the Council;
  - (vi) making recommendations to Council on the development of future capital works and the provision of future facilities and amenities to the Facility.
- (b) The Committee may seek advice, assistance and expertise from the Council as is necessary for the proper and efficient management of the Facility within the constraints of the budget and including the ability to invite persons to the meetings of the Committee as observers or advisers.
- (c) The Committee must take all reasonable steps to:
- (i) liaise with Council and its staff to ensure continuing co-operation and co-ordination of the Facility.
  - (ii) ensure the safety requirements and relevant legislation applying to the management of the Facility are adhered to.
  - (iii) ensure that the Committee and its servants do not commit, or permit to be carried out, any act which will render the operation of Council's insurance policies invalid.
  - (iv) require all users to comply with the conditions of use or any rules made by the Committee and to advise Council and give effect to any requirements made by the Council applicable to the Facility.

#### 4.2 Planning

- (a) Management Plans for the Facility will be prepared by the Committee



with support from the Council. Plans must be reviewed at least once every five (5) years.

- (b) The Committee may work with Council officers to develop a Capital Works Program, for consideration by Council.

#### 4.3 Undertaking Works and Maintenance

- (a) The Committee must not proceed with any capital works (being works exceeding a cost of five thousand dollars (\$5,000)), developments or construction on the Facility or appoint any architect or consultant, without first obtaining approval by Council.
- (b) The Committee may undertake tasks associated with general day to day maintenance and upkeep of the Facility but must require volunteers, including volunteer contractors to complete a *Volunteer Registration* form (available online) if they are assisting the Committee.
- (c) The Committee must not carry out or authorise any capital works or alterations, extensions, additions or materially alter the buildings or surrounds of the Facility without prior written approval from the Council.
- (d) The Committee may with Council's prior approval engage and pay people or contractors for the maintenance and upkeep of the Facility and the performance of any other matters required to be done for the proper management and control of the Facility.
- (e) The Committee must promptly report to Council any breakage or damage to the Facility including any risks likely to arise as a result, any malfunction or mechanical hazard, any abnormal damage to any playing surfaces or surrounds or any equipment used at the Facility.

#### 4.4 Entering into Commercial Arrangements

- (a) The Committee may subject to clause 4.3 and complying with Council's *Procurement Policy* enter into contracts or other agreements not exceeding a value of five thousand dollars (\$5,000) per annum associated with the management of the Facility.
- (b) The Committee must not establish any commercial or occupancy agreements for any part of the Facility.
- (c) The Committee must not without the approval of the Council allow the Facility to be occupied or used in any way that excludes the public



except by a club or group of persons having a common purpose or object of a sporting, recreational or cultural nature.

- (d) The Committee may only accept casual occupation by commercial operators when:
- (i) a commercial fee is charged and paid;
  - (ii) the Facility is not being used by a member of the public, a club or group of persons having a common purpose or object of a sporting, recreational or cultural nature; and
  - (iii) the commercial venture has a common purpose or object of a sporting, recreational or cultural nature.

## 5 GENERAL REQUIREMENTS

### 5.1 The Committee must not:

- (a) delegate any of the powers delegated to it by the Chief Executive Officer; or
- (b) seek or obtain independent legal advice.

### 5.2 The Committee must:

- (a) maintain a Post Office box and ensure that all correspondence is directed to that box.
- (b) ensure that any applicable Council policies and requirements of the Council's Local Laws and Planning Scheme are complied with, including by users of the Facility.
- (c) comply with any requests and directions, financial rules, relevant policies or requirements made by Council.

### 5.3 Powers Excluded

The Committee is not by this Instrument of Sub-Delegation empowered to do any of the following things without the prior written approval of the Council:

- (a) Enter into contracts exceeding a value of five thousand dollars (\$5,000) per annum;
- (b) Borrow money; or
- (c) Incur any banking overdraft.



#### 5.4 Changes to Sub-Delegation

No alteration to this sub-delegation or the schedule shall be effective unless first approved by the Chief Executive Officer.

#### 5.5 Revocation

This Instrument of Sub-Delegation may be revoked at any time by the Chief Executive Officer, if in the view of the Chief Executive Officer the Committee is not managing the Facility in the best interests of the community and Council.

# Morwell Centenary Rose Garden Community Asset Committee *Terms of Reference*







## Terms of Reference

Pursuant to the exercise of the power conferred by section 65 of the *Local Government Act 2020*, Latrobe City Council (the Council) hereby establishes Morwell Centenary Rose Garden Community Asset Committee (the Committee), with the purposes and rules set out in the Schedules attached:

1. These Terms of Reference are authorised by a resolution of Council passed on [#date#].

[#Council seal clause#]



## Schedule One: Role, Membership and Meeting Procedures of the Community Asset Committee

### 1. DEFINITIONS

1.1. In these terms of reference and schedules, the following words have the following meanings:

The Committee	means the Morwell Centenary Rose Garden Community Asset Committee appointed pursuant to the provisions of section 65 of the <i>Local Government Act 2020</i> .
Community Asset Committee	means a committee established by the Council under section 65 of the <i>Local Government Act 2020</i> and to which the Chief Executive Officer delegates a duty, function or power under section 47 of the <i>Local Government Act 2020</i> .
Council	means Latrobe City Council, being a body corporate constituted as a municipal Council under the Act.
Councillor	means a person who holds the office of a member of Latrobe City Council.
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
The Rose Garden	means the Morwell Centenary Rose Garden being the areas located within the median and verges of Maryvale Crescent, Avondale Road, Commercial Road and the Jane Street Bridge, Morwell and its immediate environs, as identified on the attached plan in Schedule 2 that is subject to these Terms of Reference.
Governance Rules	means the Governance Rules of Latrobe City Council adopted pursuant to section 60 of the <i>Local Government Act 2020</i> and as amended from time to time.

### 2. ROLE AND FUNCTIONS OF THE COMMUNITY ASSET COMMITTEE

2.1. The principle purpose and role of the Committee is to manage and maintain the



Rose Garden to ensure that the original aims when the Rose Garden was first established are continued, these being:

- (a) Maintaining the Rose Garden at a high standard of excellence capable of achieving recognition by International, State and National horticultural associations; and
- (b) That the Rose Garden is readily accessible to the public for their pleasure, enjoyment and education in the culture of roses and horticulture in general.

### **3. DELEGATIONS**

- 3.1. The Committee will exercise the powers, functions and duties delegated to it by the Chief Executive Officer in an instrument of sub-delegation made in accordance with section 47 of the *Local Government Act 2020*.
- 3.2. The Chief Executive Officer may, at any time, review and vary the delegations to the Committee and will notify any variations to the Committee by providing an updated instrument of delegation.

### **4. COMPOSITION OF COMMITTEE**

#### **4.1. Membership**

The Committee will comprise of up to 14 members appointed by the Council being:

- (a) 1 Councillor;
  - (b) 2 Council officers;
  - (c) 1 representative of the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) where GLaWAC chooses to nominate a representative; and
  - (d) up to 4 community representatives;
  - (e) up to 6 volunteers nominated by the Friends of Morwell Centenary Rose Garden Group (Friends Group).
- 4.2. The appointment of the community representatives must be as described in clause 4.5.
  - 4.3. Each member may also nominate a substitute representative to attend meetings of the Committee (with voting rights) in the absence of the appointed person. The substitute representative may attend meetings at other times only as an observer (without voting rights) at the invitation of the Committee.



- 4.4. No person may be or act as a member of the Committee until endorsed by Council.
- 4.5. Expression of Interest Process – Community Representatives
- (a) A public notice calling for expressions of interest from members of the community for Committee membership must be published in a newspaper within 28 days of the Council's decision to appoint a Community Asset Committee;
  - (b) Expressions of interest must be in writing and must be received within 14 days of the public notice;
  - (c) Council may appoint a person as a community representative whose name has not been submitted through the above process.
- 4.6. At least 14 days before calling for expressions of interest under subclause 4.5, Council will request that the Friends Group convene a meeting to determine registered members of that Group who are elected as nominees for membership of the Committee.
- 4.7. Qualifications for Committee - General
- (a) Except with the prior approval of the Council, a person cannot be appointed to the Committee unless such person has attained the age of eighteen (18) years;
  - (b) All Committee members must be prepared to comply with Conflict of Interest provisions in the *Local Government Act 2020* and the procedures for disclosure of a conflict of interest set out in the Governance Rules of Latrobe City Council;
  - (c) Committee members must complete a *Nominee Declaration Form* to qualify to be a member of the Committee.

## 5. TERM OF OFFICE

- 5.1. All members of the Committee will (subject to Clause 6) hold office for a period of three (3) years from the date that their appointment is endorsed by Council but the existing Committee will continue to undertake the functions and powers delegated to it by the Chief Executive Officer until the Council appoints a new Committee following the process required under clauses 4.5 and 4.6.
- 5.2. A member appointed to fill a casual vacancy on the Committee will retire at the end of the 3 year period applicable to that member whose inability to complete their term (for whatever reason) caused the vacancy.



5.3. A member of the Committee is eligible for re-nomination at the expiration of the period of office.

## **6. VACANCIES**

6.1. Notwithstanding anything else contained herein, the Council may at any time terminate the office of any or all of the members of the Committee.

6.2. If any Committee member misses three (3) consecutive meetings of the Committee without submitting their apology prior to the meeting such person will cease to be a member of the Committee upon confirmation by Council.

6.3. Casual Vacancies

(a) Where a vacancy on the Committee occurs through retirement, resignation, death, incapacity or loss of qualification, the Committee will within one month of this occurring, advise the Council and nominate a suitable person to Council for appointment to the vacancy for the period remaining of the original tenure; and

(b) The Council may determine that a vacancy arising as a result of the circumstances in clause 6.3(a) may only be filled after a public notice calling for an expression of interest in the position.

## **7. OFFICE BEARERS**

7.1. Within 1 month of the Council's endorsement of the appointment of members of the Committee, the Committee must call and hold a meeting to appoint its office bearers.

7.2. The office bearers to be appointed and who will hold office for a period of twelve (12) months will be:

- Chairperson
- Deputy Chairperson
- Treasurer
- Secretary
- Other positions determined by the Committee as being necessary for the efficient functioning of the Committee.

7.3. There must be segregation of duties amongst office bearers i.e. no one person may hold more than one office bearing position. In circumstances where it is not possible to segregate the role, one person may, with the approval of



Council, hold both the positions of Treasurer and Secretary.

- 7.4. The Committee must provide all nomination forms and notify the Council of the name and address of each office bearer within seven (7) days of that person's appointment.

## **8. COMMITTEE MEETINGS**

### 8.1. General Provisions

- (a) Except where a contrary intention is indicated in these Terms of Reference, the Governance Rules of Latrobe City Council apply to the Committee and any meetings of the Committee. In the event of any inconsistency between the Governance Rules and these Terms of Reference, these Terms of Reference shall prevail.
- (b) The Committee must meet on the days and times determined at the annual general meeting but must hold at least six (6) meetings during the year, with the first meeting of the Committee to be held within one (1) month of the Committee's appointment by Council.
- (c) The Secretary must distribute a notice of the meeting to all members of the Committee at least seven (7) clear days prior to the meeting and advise the Council of any Committee meetings.

### 8.2. Meeting Procedures

- (a) All requirements of the *Local Government Act 2020* must be complied with.
- (b) All requirements of the Governance Rules of Latrobe City Council must be adhered to unless specified otherwise in these Terms of Reference.
- (c) The Chairperson shall take the chair at all meetings at which the Chairperson is present. If the Chairperson is absent the members present must appoint one of their numbers to chair the meeting.

### 8.3. Quorum

- (a) A meeting of the Committee must not proceed if a quorum cannot be established within 30 minutes of the commencement time contained in the notice of the meeting.
- (b) The quorum must be as defined in the Governance Rules of Latrobe City Council.

### 8.4. Annual General Meeting



In August each year the Committee will hold an annual general meeting which will:

- (a) Elect members to the positions listed in clause 7.2;
- (b) Receive and consider the Committee's annual report;
- (c) Receive and consider a report on the program of activities proposed for the next year; and
- (d) Receive and adopt the annual financial statements.

#### 8.5. Unscheduled Meetings

- (a) The Chairperson may call an unscheduled meeting and must call an unscheduled meeting if a written request is received from 3 members of the Committee and must give notice of the meeting in accordance with the requirements of clause 8.
- (b) An unscheduled meeting may also be called by Council providing that notice of the unscheduled meeting is issued no later than 48 hours prior to its commencement.
- (c) The notice of an unscheduled meeting and any request by the 3 Committee members must contain a statement of the purpose of the meeting.
- (d) The meeting will be held on such date and at such time as fixed by the Chairperson.
- (e) In cases where the Chairperson calls a meeting in response to a request from 3 Committee members, the meeting must be held within 21 days of receiving the request. The Chairperson must arrange for notice of the meeting to be given to all Committee members.
- (f) No other business other than that specified in the notice must be transacted at the meeting.

#### 8.6. Minutes of meetings

- (a) The Chairperson of the Committee must arrange for minutes of each meeting of the Committee to be kept.
- (b) The Chairperson must submit the Minutes of a Committee meeting to the next meeting of the Committee for confirmation. If the minutes are confirmed the Chairperson at the meeting must sign the minutes and certify that they have been confirmed.



- (c) The minutes of a meeting of the Committee must:
- contain details of the proceedings and resolutions made;
  - be clearly expressed; and
  - be self-explanatory.
- (d) Relevant reports or a summary of the relevant reports considered in the decision making process must be incorporated in relation to resolutions recorded in the minutes.
- (e) The Chairperson must ensure a copy of the minutes of each meeting of the Committee is sent to Council within seven (7) days of the meeting.
- (f) The Chairperson must ensure that the form and availability of all minutes of Committee meetings are otherwise in accordance with the Governance Rules of Latrobe City Council.

#### 8.7. Voting

- (a) Each member present at a meeting of the Committee will have one vote on each matter being considered by the Committee.
- (b) In the event that voting on any matter is equal, the Chairperson shall have a casting vote.
- (c) A motion before a meeting of the Committee is to be determined as follows:
- (i) Each member of the Committee who is entitled to vote is entitled to one vote;
  - (ii) Unless otherwise prohibited by the *Local Government Act 2020*, each member of the Committee present must vote;
  - (iii) Unless the procedures of the Committee otherwise provide, voting must be by show of hands;
  - (iv) The Motion is determined by a majority of the vote;
  - (v) If there is an equality of votes the Chairperson has a second vote.
- (d) Any decision of the Committee which does not relate to a matter delegated to the Committee by the Chief Executive Officer cannot be actioned until approved by Council.
- (e) In the event of any unresolved dispute arising between Committee





members, the matter shall be submitted to Council in writing and any decision made thereon by the Council shall be final.

- (f) The Committee may form Sub-Committees from amongst its members for the purpose of recommending on matters pertaining to the provisions of these Terms of Reference or an Instrument of Sub-Delegation to the Committee by the Chief Executive Officer, provided that no decision is made.
- (g) The Chairperson will be an ex-officio member of all Sub-Committees.
- (h) A Sub-Committee may only be established by resolution of the Committee and may only carry out the functions stated in the resolution.

#### 8.8. Conflict of Interest

- (a) If a member of the Committee has a Conflict of Interest in any matter in which the Committee is concerned, the member must disclose the Conflict of Interest in accordance with the procedure contained in the Governance Rules of Latrobe City Council.
- (b) The member must disclose the nature of that interest at the meeting at which the matter is to be discussed and not remain in the room in which the meeting is being held during any discussion or any vote taken on the matter.
- (c) The Minutes must record the Conflict of Interest and the time the member left and returned to the meeting.

### 9. GENERAL REQUIREMENTS

#### 9.1. Communications

- (a) The Committee must comply with any Council Policy applying to public relations, communications and use of social media.
- (b) The Council and the Committee will work together to develop a harmonious relationship that takes into account the needs and wants of stakeholders.

#### 9.2. Disputes

- (a) In the event of any dispute between the Committee and any organisation, club, sporting body or other party, any party to the dispute may refer the matter to the General Manager Assets and Presentation



for resolution subject to any dispute process in any written agreement between the Committee and the other party.

- (b) In the absence of any agreement, the Committee will accept a decision of the General Manager Assets and Presentation as final.

### 9.3. Indemnity

The Council will indemnify members of the Committee against any action, liability, claim or demand on account of any matter or thing done by them on behalf of the Committee when they are acting in accordance with these Terms of Reference and an Instrument of Sub-Delegation to the Committee by the Chief Executive Officer and in the honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Committee.

### 9.4. Changes to Terms of Reference

No alteration to these Terms of Reference or the schedules shall be effective unless first approved by Council.



## Schedule 2: GIS Imagery of managed land



# Morwell Centenary Rose Garden Community Asset Committee

*Instrument of Sub-Delegation by  
Chief Executive Officer*







## Schedule: Powers, Functions and Duties of the Community Asset Committee

### 1. DEFINITIONS

3.1. In this sub-delegation and schedule, the following words have the following meanings:

The Committee	means the Morwell Centenary Rose Garden Community Asset Committee appointed pursuant to the provisions of section 65 of the <i>Local Government Act 2020</i> .
Community Asset Committee	means a committee established by the Council under section 65 of the <i>Local Government Act 2020</i> and to which the Chief Executive Officer delegates a duty, function or power under section 47 of the <i>Local Government Act 2020</i> .
Council	means Latrobe City Council, being a body corporate constituted as a municipal Council under the Act.
Councillor	means a person who holds the office of a member of Latrobe City Council.
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
The Rose Garden	means the Morwell Centenary Rose Garden being the areas located within the median and verges of Maryvale Crescent, Avondale Road, Commercial Road and the Jane Street Bridge, Morwell and its immediate environs as identified on the plan in Schedule 2 to the Terms of Reference for the Committee that is subject to this Sub-Delegation.
Governance Rules	means the Governance Rules of Latrobe City Council adopted pursuant to section 60 of the <i>Local Government Act 2020</i> and as amended from time to time.



## **2. ROLE AND FUNCTION OF THE COMMUNITY ASSET COMMITTEE**

2.1 The principle role and function of the Committee is to manage and maintain the Rose Garden to ensure that the original aims when the Rose Garden was first established are continued, as set out in the Terms of Reference for the Committee.

## **3. FINANCE**

### **3.1. Financial Administration**

- (a) The Financial Year of the Committee shall be from 1st July to 30th June next.
- (b) The Committee must ensure the effective financial control of the Committee and must submit reports to each meeting of the Committee that accurately represent the financial position of the Committee at that time.
- (c) The Committee must not borrow or obtain funds by way of overdraft or loan.
- (d) All monies received on behalf of the Committee must be banked within fourteen (14) days of receipt.
- (e) All monies received from grants, other than from Council as part of its Grants Program, and any donations received by the Committee for the use of the Rose Garden must be paid into a Trust Account in the name of the Committee that is maintained by Council.
- (f) All monies received by the Committee must be applied to the maintenance, operation of and improvements to the Rose Garden and any other expenses which may be incurred by the Committee in carrying out its functions.
- (g) Committee members are entitled to be reimbursed through Committee funds for any out of pocket expenses which:
  - are bona fide expenses;
  - have been reasonably incurred while carrying out the functions set out in this Sub-Delegation or the Terms of Reference for the Committee;
  - are reasonably necessary to carry out those functions;



- a tax invoice receipt is provided.

(h) No member of the Committee is entitled to receive any remuneration or honorarium for carrying out any of his/her duties as a member of the Committee without approval from the Council.

### 3.2. Annual Statements and Reports

- (a) The Committee must on or before the 10th day of July in each year ensure that:
- the accounts of the Committee are balanced (up to the 30th day of June preceding);
  - annual Financial Statements are provided to the Chief Executive Officer;
  - a written report is provided to the Chief Executive Officer on the operation of the Rose Garden which will be considered the Annual Report.
- (b) The Committee member elected as Secretary or Treasurer must present an operating statement and statements of financial position at the conclusion of each financial year for presentation to the designated meeting of the Committee.
- (c) Council will supply a standard template and information document to assist the Committee with the preparation of its annual financial statement.

### 3.3 Grants and Fundraising

The Committee may apply for grants subject to consultation with the Council and obtaining Council's prior consent which must not be unreasonably withheld.

## 4. MANAGEMENT OF THE ROSE GARDEN

### 4.1 General Requirements

- (a) The Committee must manage the Rose Garden by:
- (i) coordinating the specialised maintenance of the Rose Garden;
  - (ii) acting as an advisory body to the Council about the Rose Garden;
  - (iii) encouraging public interest in the Rose Garden, including





- fostering and coordinating the Friends of the Morwell Centenary Rose Garden;
- (iv) making the Rose Garden accessible to the community and visitors; and
  - (v) carrying out such other functions, objectives, matters and things incidental to and in furtherance of the Committee's objectives.
- (b) In undertaking its management function, the Committee will:
- (i) undertake the scope of works agreed in the Memorandum of Understanding between Council and the Committee;
  - (ii) foster and coordinate the Friends of Morwell Centenary Rose Garden to assist the Committee in performing its functions;
  - (iii) identify and prioritise projects to continuously improve the Rose Garden;
  - (iv) promote the Rose Garden in conjunction with special events and public demonstrations;
  - (v) propose to Council any rules or policies applying to the use of the Rose Garden by the public;
  - (vi) continually assess risks to public safety and report potential risks to Council as soon as they are identified;
  - (vii) work with Council officers on asset maintenance and development plans;
  - (viii) ensure that any conditions or requirements of use imposed by Council's Local Laws and Policies and State and Federal laws are observed and any breaches which occur are reported to Council; and
  - (ix) recommend proposals to Council for the development of and any future capital works considered appropriate for the Rose Garden.
- (c) The Committee may seek advice, assistance and expertise from the Council as is necessary for the proper and efficient management of the Rose Garden within the constraints of the budget and including the ability to invite persons to the meetings of the Committee as observers or advisers.



- (d) The Committee must take all reasonable steps to:
- (i) liaise with Council and its staff to ensure continuing co-operation and co-ordination of the Rose Garden.
  - (ii) ensure the safety requirements and acts and regulations appropriate to the management of the Rose Garden are adhered to.
  - (iii) ensure that the Committee and its servants do not commit, or permit to be carried out, any act which will render the operation of Council's insurance policies invalid.
  - (iv) require all users to comply with the conditions of use or any rules made by the Committee.

#### 4.2 Undertaking Works and Maintenance

- (a) The Committee must not proceed with any works (other than maintenance), development or construction of anything in the Rose Garden or appoint any architect or consultant, without first obtaining approval by Council.
- (b) The Committee may undertake tasks associated with maintenance and upkeep of the Rose Garden but must require volunteers, including volunteer contractors to complete a *Volunteer Registration* form (available online) if they are assisting the Committee. When engaging contractors, the Committee must ensure they are accredited with Council.
- (c) The Committee must not carry out or authorise any capital works, extensions, additions or materially alter the Rose Garden without prior written approval from the Council.

### 5 GENERAL REQUIREMENTS

#### 5.1 The Committee must not:

- (a) delegate any of the powers delegated to it by the Chief Executive Officer; or
- (b) subject to prior consultation with Council, seek or obtain independent legal advice.



#### 5.2 The Committee must:

- (a) comply with any applicable Policies, requirements, directions or financial rules made by Council.
- (b) permit the Council and its officers and agents to enter the Rose Garden at all reasonable times.

#### 5.3 Powers Excluded

The Committee is not by this Instrument of Sub-Delegation empowered to do any of the following things without the prior written approval of the Council:

- (a) Enter into contracts exceeding a value of five thousand dollars (\$5,000) per annum;
- (b) Borrow money;
- (c) Incur any banking overdraft; or
- (d) Make any alterations or additions to the Rose Garden.

#### 5.4 Changes to Sub-Delegation

No alteration to this sub-delegation or the schedule shall be effective unless first approved by the Chief Executive Officer.

#### 5.5 Revocation

This Instrument of Sub-Delegation may be revoked at any time by the Chief Executive Officer, if in the view of the Chief Executive Officer the Committee is not managing the Rose Garden in the best interests of user groups, the community and Council.

# Traralgon Railway Reservoir Conservation Reserve Community Asset Committee *Terms of Reference*





## Terms of Reference

Pursuant to the exercise of the power conferred by section 65 of the *Local Government Act 2020*, Latrobe City Council (the Council) hereby establishes Traralgon Railway Reservoir Conservation Reserve Community Asset Committee (the Committee), with the purposes and rules set out in the Schedules attached:

1. These Terms of Reference are authorised by a resolution of Council passed on [#date#].

[#Council seal clause#]



## Schedule One: Role, Membership and Meeting Procedures of the Community Asset Committee

### 1. DEFINITIONS

1.1. In these terms of reference and schedules, the following words have the following meanings:

The Committee	means the Traralgon Railway Reservoir Conservation Reserve Community Asset Committee appointed pursuant to the provisions of section 65 of the <i>Local Government Act 2020</i> .
Community Asset Committee	means a committee established by the Council under section 65 of the <i>Local Government Act 2020</i> and to which the Chief Executive Officer delegates a duty, function or power under section 47 of the <i>Local Government Act 2020</i> .
Council	means Latrobe City Council, being a body corporate constituted as a municipal Council under the Act.
Councillor	means a person who holds the office of a member of Latrobe City Council.
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
Facility	means the reserve and buildings situated at Traralgon Railway Reservoir Conservation Reserve which is identified on the attached plan in Schedule 2 that is subject to these Terms of Reference.
Governance Rules	means the Governance Rules of Latrobe City Council adopted pursuant to section 60 of the <i>Local Government Act 2020</i> and as amended from time to time.
Management	includes the maintenance, hire, control, operation, conservation, promotion and/or development of property exercised subject to any limitations or restrictions in these



Terms of Reference and any Instrument of Sub-Delegation to the Committee by the Chief Executive Officer.

## **2. ROLE AND FUNCTIONS OF THE COMMUNITY ASSET COMMITTEE**

2.1. The role of the Committee is to act as an agent of Latrobe City Council and not as an independent entity in operating and managing the Facility which is entrusted in the Committee's care and to undertake functions relating to the Facility, in particular:

- (a) Managing the Facility on behalf of Council taking into account the actions to achieve the goals identified in any management plan;
- (b) Providing advice and information to Council about the operation, use and future use and activities to be undertaken at the Facility;
- (c) Liaising between the Council and the community, including users of the Facility;
- (d) Encouraging public interest and maximising involvement and participation of the community in any development occurring in the Facility;
- (e) Undertaking maintenance of the Facility, including equipment, buildings and facilities in it, to enhance it as a regional attraction;
- (f) Ensuring effective financial management and control of the funds allocated by way of grants for maintaining and/or improving the Facility and providing amenities for the better use and enjoyment by the community and public; and
- (g) Carrying out such other functions, matters and things incidental to and in furtherance of achieving the matters set out above.

## **3. DELEGATIONS**

- 3.1. The Committee will exercise the powers, functions and duties delegated to it by the Chief Executive Officer in an instrument of sub-delegation made in accordance with section 47 of the *Local Government Act 2020*.
- 3.2. The Chief Executive Officer may, at any time, review and vary the delegations to the Committee and will notify any variations to the Committee by providing an updated instrument of delegation.



#### **4. COMPOSITION OF COMMITTEE**

##### **4.1. Membership**

The Committee will comprise of up to 13 members appointed by the Council being:

- (a) Up to 3 Councillors;
- (b) 1 Council officer;
- (c) 1 representative of the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) where GLaWAC chooses to nominate a representative; and
- (d) up to 8 community representatives who must be residents of the Latrobe City municipality unless otherwise approved by Council.

4.2. The appointment of the community representatives must be as described in clause 4.5.

4.3. Each member may also nominate a substitute representative to attend meetings of the Committee (with voting rights) in the absence of the appointed person. The substitute representative may attend meetings at other times only as an observer (without voting rights) at the invitation of the Committee.

4.4. No person may be or act as a member of the Committee until endorsed by Council.

##### **4.5. Expression of Interest Process – Community Representatives**

- (a) A public notice calling for expressions of interest from members of the community for Committee membership must be published in a newspaper within 28 days of the Council's decision to appoint a Community Asset Committee;
- (b) Expressions of interest must be in writing and must be received within 14 days of the public notice;
- (c) Council may appoint a person as a community representative whose name has not been submitted through the above process.

##### **4.6. Qualifications for Committee - General**

- (a) Except with the prior approval of the Council, a person cannot be appointed to the Committee unless such person has attained the age of eighteen (18) years and resides, or owns property, or works within the municipality;





- (b) All Committee members must be prepared to comply with Conflict of Interest provisions in the *Local Government Act 2020* and the procedures for disclosure of a conflict of interest set out in the Governance Rules of Latrobe City Council;
- (c) Committee members must complete a *Nominee Declaration Form* to qualify to be a member of the Committee.

## 5. TERM OF OFFICE

- 5.1. All members of the Committee will (subject to Clause 6) hold office for a period of three (3) years from the date that their appointment is endorsed by Council but the existing Committee will continue to undertake the functions and powers delegated to it by the Chief Executive Officer until the Council appoints a new Committee following the process required under clause 4.5.

## 6. VACANCIES

- 6.1. Notwithstanding anything else contained herein, the Council may at any time terminate the office of any or all of the members of the Committee.
- 6.2. If any Committee member misses three (3) consecutive meetings of the Committee without submitting their apology prior to the meeting such person will cease to be a member of the Committee upon confirmation by Council.
- 6.3. Casual Vacancies
  - (a) Where a vacancy on the Committee occurs through retirement, resignation, death, incapacity or loss of qualification, the Committee will within one month of this occurring, advise the Council and nominate a suitable person to Council for appointment to the vacancy for the period remaining of the original tenure; and
  - (b) The Council may determine that a vacancy arising as a result of the circumstances in clause 6.3(a) may only be filled by after a public notice calling for an expression of interest in the position.

## 7. OFFICE BEARERS

- 7.1. Within 1 month of the Council's endorsement of the appointment of members of the Committee, the Committee must call and hold a meeting to appoint its office bearers.
- 7.2. The office bearers to be appointed and who will hold office for a period of twelve (12) months will be:



- Chairperson
- Treasurer
- Secretary

7.3. There must be segregation of duties amongst office bearers i.e. no one person may hold more than one office bearing position. In circumstances where it is not possible to segregate the role, one person may, with the approval of Council, hold both the positions of Treasurer and Secretary.

7.4. The Committee must provide all nomination forms and notify the Council of the name and address of each office bearer within seven (7) days of that person's appointment.

## **8. COMMITTEE MEETINGS**

### **8.1. General Provisions**

- (a) Except where a contrary intention is indicated in these Terms of Reference, the Governance Rules of Latrobe City Council apply to the Committee and any meetings of the Committee. In the event of any inconsistency between the Governance Rules and these Terms of Reference, these Terms of Reference shall prevail.
- (b) The Committee must hold at least four (4) meetings during the year on such dates as the Chairperson appoints with the first meeting of the Committee to be held within one (1) month of the Committee's appointment.
- (c) The Secretary must distribute a notice of the meeting to all members of the Committee at least seven (7) clear days prior to the meeting and advise the Council of any Committee meetings.

### **8.2. Meeting Procedures**

- (a) All requirements of the *Local Government Act 2020* must be complied with.
- (b) All requirements of the Governance Rules of Latrobe City Council must be adhered to unless specified otherwise in these Terms of Reference.
- (c) The Chairperson shall take the chair at all meetings at which the Chairperson is present. If the Chairperson is absent the Chairperson's nominated representative must take the chair and if that nominated representative is not present, the members present may appoint one of



their numbers to chair the meeting.

#### 8.3. Quorum

- (a) A meeting of the Committee must not proceed if a quorum cannot be established within 30 minutes of the commencement time contained in the notice of the meeting.
- (b) The quorum must be as defined in the Governance Rules of Latrobe City Council.

#### 8.4. Annual General Meeting

Each year the Committee will hold an annual general meeting which will:

- (a) Elect members to the positions listed in clause 7.2;
- (b) Receive and consider the Committee's annual report;
- (c) Receive and consider a report on the program of activities proposed for the next year; and
- (d) Receive and adopt the annual financial statements.

#### 8.5. Unscheduled Meetings

- (a) The Chairperson may call an unscheduled meeting and must call an unscheduled meeting if a written request is received from 3 members of the Committee and must give notice of the meeting in accordance with the requirements of clause 8.
- (b) The notice of an unscheduled meeting and any request by the 3 Committee members must contain a statement of the purpose of the meeting.
- (c) The meeting will be held on such date and at such time as fixed by the Chairperson.
- (d) In cases where the Chairperson calls a meeting in response to a request from 3 Committee members, the meeting must be held within 21 days of receiving the request. The Chairperson must arrange for notice of the meeting to be given to all Committee members.
- (e) No other business other than that specified in the notice must be transacted at the meeting.

#### 8.6. Minutes of meetings

- (a) The Chairperson of the Committee must arrange for minutes of each



meeting of the Committee to be kept.

- (b) The Chairperson must submit the Minutes of a Committee meeting to the next meeting of the Committee for confirmation. If the minutes are confirmed the Chairperson at the meeting must sign the minutes and certify that they have been confirmed.
- (c) The minutes of a meeting of the Committee must:
  - contain details of the proceedings and resolutions made;
  - be clearly expressed; and
  - be self-explanatory.
- (d) Relevant reports or a summary of the relevant reports considered in the decision making process must be incorporated in relation to resolutions recorded in the minutes.
- (e) The Chairperson must ensure a copy of the minutes of each meeting of the Committee is sent to Council within seven (7) days of the meeting.
- (f) The Chairperson must ensure that the form and availability of all minutes of Committee meetings are otherwise in accordance with the Governance Rules of Latrobe City Council.

#### 8.7. Voting

- (a) Each member present at a meeting of the Committee will have one vote on each matter being considered by the Committee.
- (b) In the event that voting on any matter is equal, the Chairperson shall have a casting vote.
- (c) A motion before a meeting of the Committee is to be determined as follows:
  - (i) Each member of the Committee who is entitled to vote is entitled to one vote;
  - (ii) Unless otherwise prohibited by the *Local Government Act 2020*, each member of the Committee present must vote;
  - (iii) Unless the procedures of the Committee otherwise provide, voting must be by show of hands;
  - (iv) The Motion is determined by a majority of the vote;
  - (v) If there is an equality of votes the Chairperson has a second



vote.

- (d) Any decision of the Committee which does not relate to a matter delegated to the Committee by the Chief Executive Officer cannot be actioned until approved by Council.
- (e) In the event of any unresolved dispute arising between Committee members, the matter shall be submitted to Council in writing and any decision made thereon by the Council shall be final.
- (f) The Committee may form Sub-Committees from amongst its members for the purpose of recommending on matters pertaining to the provisions of these Terms of Reference or an Instrument of Sub-Delegation to the Committee by the Chief Executive Officer, provided that no decision is made.
- (g) The Chairperson will be an ex-officio member of all Sub-Committees.
- (h) A Sub-Committee may only be established by resolution of the Committee and may only carry out the functions stated in the resolution.

#### 8.8. Conflict of Interest

- (a) If a member of the Committee has a Conflict of Interest in any matter in which the Committee is concerned, the member must disclose the Conflict of Interest in accordance with the procedure contained in the Governance Rules of Latrobe City Council.
- (b) The member must disclose the nature of that interest at the meeting at which the matter is to be discussed and not remain in the room in which the meeting is being held during any discussion or any vote taken on the matter.
- (c) The Minutes must record the Conflict of Interest and the time the member left and returned to the meeting.

### 9. GENERAL REQUIREMENTS

#### 9.1. Communications

The Committee must comply with any Council Policy applying to public relations, communications and use of social media.

#### 9.2. Disputes

In the event of any dispute between the Committee and any other party, the



matter will be referred to the General Manager Assets and Presentation for resolution subject to any dispute process in any written agreement between the Committee and the other party.

### 9.3. Indemnity

The Council will indemnify members of the Committee against any action, liability, claim or demand on account of any matter or thing done by them on behalf of the Committee when they are acting in accordance with these Terms of Reference and an Instrument of Sub-Delegation to the Committee by the Chief Executive Officer and in the honest and reasonable belief or under a mistake of law that the member was properly exercising any function or power of the Committee.

### 9.4. Changes to Terms of Reference

No alteration to these Terms of Reference or the schedules shall be effective unless first approved by Council.



## Schedule 2: GIS Imagery of managed land



# Traralgon Railway Reservoir Conservation Reserve Community Asset Committee

*Instrument of Sub-Delegation by  
Chief Executive Officer*









## Schedule: Powers, Functions and Duties of the Community Asset Committee

### 1. DEFINITIONS

3.1. In this sub-delegation and schedule, the following words have the following meanings:

The Committee	means the Traralgon Railway Reservoir Conservation Reserve Community Asset Committee appointed pursuant to the provisions of section 65 of the <i>Local Government Act 2020</i> .
Community Asset Committee	means a committee established by the Council under section 65 of the <i>Local Government Act 2020</i> and to which the Chief Executive Officer delegates a duty, function or power under section 47 of the <i>Local Government Act 2020</i> .
Council	means Latrobe City Council, being a body corporate constituted as a municipal Council under the Act.
Councillor	means a person who holds the office of a member of Latrobe City Council.
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
Facility	means the reserve and buildings situated at Traralgon Railway Reservoir Conservation Reserve and as identified on the plan in Schedule 2 to the Terms of Reference for the Committee that is subject to this Sub-Delegation.
Governance Rules	means the Governance Rules of Latrobe City Council adopted pursuant to section 60 of the <i>Local Government Act 2020</i> and as amended from time to time.
Management	includes the maintenance, hire, control, operation, conservation, promotion and/or development of property



exercised subject to any limitations or restrictions in this Instrument of Sub-Delegation.

## **2. ROLE AND FUNCTIONS OF THE COMMUNITY ASSET COMMITTEE**

- 2.1 The principle role of the Committee is to act as an agent of Latrobe City Council and not as an independent entity in operating and managing the Facility.
- 2.2 The purpose of the Committee and functions for which it has been established by Council are as defined in the Terms of Reference for the Committee as updated from time to time.

## **3. FINANCE**

### **3.1. Financial Administration**

- (a) The Financial Year of the Committee shall be from 1st July to 30th June next.
- (b) The Committee must ensure the effective financial control of the Committee and must submit reports to each meeting of the Committee that accurately represent the financial position of the Committee at that time.
- (c) The Committee must not borrow or obtain funds by way of overdraft or loan.
- (d) All monies received on behalf of the Committee must be banked within fourteen (14) days of receipt in a bank account in the name of the Committee.
- (e) The Committee must when requested by Council produce any information in relation to its bank accounts.
- (f) All accounts over fifty dollars (\$50) (including GST) must be paid by either:
  - Cheque: all cheques must be signed by two (2) Committee members or office bearers appointed by resolution of the Committee; or
  - Electronic funds transfer (EFT): all EFT payments must be authorised by two (2) Committee members or office bearers appointed by resolution of the Committee. As such this method must not be used unless the bank account from which payment



is to be made has an electronic banking restriction in place with the financial institution where the account is held requiring dual authorisation for all EFT payments.

- (g) The Treasurer must:
- list all accounts received for payment to each meeting of the Committee;
  - report on the state of the Committee's finances and make such recommendations as he or she considers necessary; and
  - ensure that the information provided to the meeting is recorded in the minutes of the meeting.
- (h) Monies held by the Committee shall not exceed fifty thousand dollars (\$50,000) at the end of any given financial year, unless otherwise approved by Council.
- (i) All monies received by the Committee must be applied to the maintenance, operations, promotion and improvements of the Facility and any other expenses which may be incurred by the Committee in its management of the Facility.
- (j) Committee members are entitled to be reimbursed through Committee funds for any out of pocket expenses which:
- are bona fide expenses;
  - have been reasonably incurred while carrying out the functions set out in this Sub-Delegation or the Terms of Reference for the Committee;
  - are reasonably necessary to carry out those functions;
  - a tax invoice receipt is provided.
- (k) No member of the Committee is entitled to receive any remuneration or honorarium for carrying out any of his/her duties as a member of the Committee without approval from the Council.
- (l) On dissolution of the Committee, the outgoing Committee must close all accounts and transfer the remaining funds to Council and provide evidence that the accounts have been closed



### 3.2. Annual Statements and Reports

- (a) The Committee must on or before the 10th day of July in each year ensure that:
- the accounts of the Committee are balanced (up to the 30th day of June preceding);
  - annual Financial Statements are provided to the Chief Executive Officer;
  - an acquittal report is provided to Council as required under the *Grant Governance Policy*, with the Chief Executive Officer to be notified when this has been completed;
  - a written report is provided to the Chief Executive Officer on the operation of the Facility which will be considered the Annual Report.
- (b) The Committee member elected as Secretary or Treasurer must present an operating statement and statements of financial position at the conclusion of each financial year for presentation to the designated meeting of the Committee.
- (c) Council will supply a standard template and information document to assist the Committee with the preparation of its annual financial statement.

### 3.3 Determination of charges

- (a) If the Committee considers that fees and charges should be applied for the use of the Facility, the Committee must provide Council with a proposed list of fees and charges by 1 October each year to be included for consideration and adoption by Council within the Council budget process. The Chief Executive Officer is to be notified by the Committee when this has been completed.
- (b) A member appointed by the Committee to collect any fees or charges must within seven (7) days after he or she has received any monies on account of the Committee ensure same is paid into the Committee's bank account unless other arrangements have been approved by Council.
- (c) Every member appointed for the collection of fees and charges by the



Committee must issue a receipt on collection.

#### **4. MANAGEMENT OF THE FACILITY**

##### **4.1 General Requirements**

- (a) The Committee must manage the Facility by:
  - (i) actively promoting its use;
  - (ii) assisting the community and user groups to access the facilities;
  - (iii) monitoring the physical condition of all Facility assets, ensuring they are generally maintained in a safe and clean condition and are fit for purpose;
  - (iv) working with Council officers on asset maintenance and development plans;
  - (v) ensuring that conditions of use imposed by Council Local Laws and policies and State and Federal Laws are enforced to the extent practicable for the Committee and to report any breaches which occur to the Council;
  - (vi) making recommendations to Council on the development of future capital works and the provision of future facilities and amenities to the Facility.
- (b) The Committee may seek advice, assistance and expertise from the Council as is necessary for the proper and efficient management of the Facility within the constraints of the budget and including the ability to invite persons to the meetings of the Committee as observers or advisers.
- (c) The Committee must take all reasonable steps to:
  - (i) liaise with Council and its staff to ensure continuing co-operation and co-ordination of the Facility.
  - (ii) ensure the safety requirements and acts and regulations appropriate to the management of the Facility are adhered to.
  - (iii) ensure that the Committee and its servants do not commit, or permit to be carried out, any act which will render the operation of Council's insurance policies invalid.



- (iv) require all users to comply with the conditions of use or any rules made by the Committee and to advise Council and give effect to any requirements made by the Council applicable to the Facility.

#### 4.2 Planning

- (a) Management Plans for the Facility will be prepared by the Committee with support from the Council. Plans must be reviewed at least once every five (5) years.
- (b) The Committee may work with Council officers to develop a Capital Works Program on an annual basis, for consideration by Council.

#### 4.3 Undertaking Works and Maintenance

- (a) The Committee must not proceed with any capital works (being works exceeding a cost of five thousand dollars (\$5,000)), developments or construction on the Facility or appoint any architect or consultant, without first obtaining approval by Council.
- (b) The Committee may undertake tasks associated with general day to day maintenance and upkeep of the Facility but must require volunteers, including volunteer contractors to complete a *Volunteer Registration* form (available online) if they are assisting the Committee.
- (c) The Committee must not carry out or authorise any capital works, extensions, additions or materially alter the buildings or surrounds of the Facility without prior written approval from the Council.
- (d) The Committee may with Council's prior approval engage and pay people or contractors for the maintenance and upkeep of the Facility and the performance of any other matters required to be done for the proper management and control of the Facility.
- (e) The Committee must promptly report to Council any breakage or damage to the Facility including any risks likely to arise as a result, any malfunction or mechanical hazard, any abnormal damage to any playing surfaces or surrounds or any equipment used at the Facility.

#### 4.4 Entering into Commercial Arrangements

- (a) The Committee may subject to clause 4.3 and complying with Council's *Procurement Policy* enter into contracts or other agreements not exceeding a value of five thousand dollars (\$5,000) per annum



associated with the management of the Facility.

- (b) The Committee must not establish any commercial or occupancy agreements for any part of the Facility.
- (c) The Committee must not without the approval of the Council allow the Facility to be occupied or used in any way that excludes the public except by a club or group of persons having a common purpose or object of a sporting, recreational or cultural nature.
- (d) The Committee may only accept casual occupation by commercial operators when:
  - (i) a commercial fee is charged and paid;
  - (ii) the Facility is not being used by a member of the public, a club or group of persons having a common purpose or object of a sporting, recreational or cultural nature; and
  - (iii) the commercial venture has a common purpose or object of a sporting, recreational or cultural nature.

## **5 GENERAL REQUIREMENTS**

5.1 The Committee must not:

- (a) delegate any of the powers delegated to it by the Chief Executive Officer; or
- (b) seek or obtain independent legal advice.

5.2 The Committee must:

- (a) maintain a Post Office box and ensure that all correspondence is directed to that box.
- (b) ensure that any applicable Council policies and requirements of the Council's Local Laws and Planning Scheme are complied with, including by users of the Facility.
- (c) comply with any requests and directions, financial rules, relevant policies or requirements made by Council.

5.3 Powers Excluded

The Committee is not by this Instrument of Sub-Delegation empowered to do any of the following things without the prior written approval of the Council:





- (a) Enter into contracts exceeding a value of five thousand dollars (\$5,000) per annum;
- (b) Borrow money; or
- (c) Incur any banking overdraft.

#### 5.4 Changes to Sub-Delegation

No alteration to this sub-delegation or the schedule shall be effective unless first approved by the Chief Executive Officer.

#### 5.5 Revocation

This Instrument of Sub-Delegation may be revoked at any time by the Chief Executive Officer, if in the view of the Chief Executive Officer the Committee is not managing the Facility in the best interests of the community and Council.

# Yallourn North Community Housing Community Asset Committee

*Terms of Reference*





## Terms of Reference

Pursuant to the exercise of the power conferred by section 65 of the *Local Government Act 2020*, Latrobe City Council (the Council) hereby establishes Yallourn North Community Housing Community Asset Committee (the Committee), with the purposes and rules set out in the Schedules attached:

1. These Terms of Reference are authorised by a resolution of Council passed on [#date#].

[#Council seal clause#]



## Schedule One: Role, Membership and Meeting Procedures of the Community Asset Committee

### 1. DEFINITIONS

1.1. In these terms of reference and schedules, the following words have the following meanings:

The Committee	means the Yallourn North Community Housing Community Asset Committee appointed pursuant to the provisions of section 65 of the <i>Local Government Act 2020</i> .
Community Asset Committee	means a committee established by the Council under section 65 of the <i>Local Government Act 2020</i> and to which the Chief Executive Officer delegates a duty, function or power under section 47 of the <i>Local Government Act 2020</i> .
Council	means Latrobe City Council, being a body corporate constituted as a municipal Council under the Act.
Councillor	means a person who holds the office of a member of Latrobe City Council.
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
The Units	means the land and buildings known as Yallourn North Community Housing and which is identified on the attached plan in Schedule 2 that is subject to these Terms of Reference.
Governance Rules	means the Governance Rules of Latrobe City Council adopted pursuant to section 60 of the <i>Local Government Act 2020</i> and as amended from time to time.
Management	includes the maintenance, control, operation, undertaking improvements and leasing of the Units, exercised subject to any limitations or restrictions in these Terms of



Reference and any Instrument of Sub-Delegation to the Committee by the Chief Executive Officer.

## **2. ROLE AND FUNCTIONS OF THE COMMUNITY ASSET COMMITTEE**

- 2.1. The purpose and role of the Committee is to act as an agent of Latrobe City Council and not as an independent entity in managing the Units which are entrusted in the Committee's care and to undertake functions relating to the Facility, in particular:
- (a) Carrying out the day to day management of the Units; and
  - (b) Ensuring that the Units operate in compliance with any relevant legislation, Council Local Laws and Policies, any Department of Health and Human Services (or equivalent Department) requirements and consistently with the community's housing and cultural needs.

## **3. DELEGATIONS**

- 3.1. The Committee will exercise the powers, functions and duties delegated to it by the Chief Executive Officer in an instrument of sub-delegation made in accordance with section 47 of the *Local Government Act 2020*.
- 3.2. The Chief Executive Officer may, at any time, review and vary the delegations to the Committee and will notify any variations to the Committee by providing an updated instrument of delegation.

## **4. COMPOSITION OF COMMITTEE**

### **4.1. Membership**

The Committee will comprise of up to 9 members appointed by the Council being:

- (a) 1 Councillor;
  - (b) 1 Council officer;
  - (c) 1 representative of the Gunaikurnai Land and Waters Aboriginal Corporation (GLaWAC) where GLaWAC chooses to nominate a representative; and
  - (d) up to 6 community representatives, one of whom will be a resident of the Units.
- 4.2. The appointment of the community representatives must be as described in clause 4.5.



- 4.3. No person may be or act as a member of the Committee until endorsed by Council.
- 4.4. Expression of Interest Process – Community Representatives
- (a) A public notice calling for expressions of interest from members of the community for Committee membership must be published in a newspaper within 14 days of the Council's decision to appoint a Community Asset Committee;
  - (b) Expressions of interest must be in writing and must be received within 14 days of the public notice;
  - (c) Council may appoint a person as a community representative whose name has not been submitted through the above process.
- 4.5. Qualifications for Committee - General
- (a) Except with the prior approval of the Council, a person cannot be appointed to the Committee unless such person has attained the age of eighteen (18) years and resides, or owns property, or works within the municipality;
  - (b) All Committee members must be prepared to comply with Conflict of Interest provisions in the *Local Government Act 2020* and the procedures for disclosure of a conflict of interest set out in the Governance Rules of Latrobe City Council;
  - (c) Committee members must complete a *Nominee Declaration Form* to qualify to be a member of the Committee.

## 5. TERM OF OFFICE

- 5.1. All members of the Committee will (subject to Clause 6) hold office for a period of three (3) years from the date that their appointment is endorsed by Council but the existing Committee will continue to undertake the functions and powers delegated to it by the Chief Executive Officer until the Council appoints a new Committee following the process required under clause 4.5.
- 5.2. A member appointed to fill a casual vacancy on the Committee must retire at the end of the three (3) year period applicable to the member whose inability to complete their term (for whatever reason) caused the vacancy.
- 5.3. A member of the Committee will be eligible for reappointment at the expiration of the period of office.



## **6. VACANCIES**

- 6.1. Notwithstanding anything else contained herein, the Council may at any time terminate the office of any or all of the members of the Committee.
- 6.2. If any Committee member misses three (3) consecutive meetings of the Committee without submitting their apology prior to the meeting such person will cease to be a member of the Committee upon confirmation by Council.
- 6.3. Casual Vacancies
  - (a) Where a vacancy on the Committee occurs through retirement, resignation, death, incapacity or loss of qualification, the Committee will within one month of this occurring, advise the Council and nominate a suitable person to Council for appointment to the vacancy for the period remaining of the original tenure; and
  - (b) Any vacancy caused by the resignation of a community representative must only be filled by Council via an expression of interest process.

## **7. OFFICE BEARERS**

- 7.1. Within 1 month of the Council's endorsement of the appointment of members of the Committee, the Committee must call and hold a meeting to appoint its office bearers.
- 7.2. The office bearers to be appointed and who will hold office for a period of twelve (12) months will be:
  - Chairperson
  - Treasurer
  - Secretary
- 7.3. There must be segregation of duties amongst office bearers i.e. no one person may hold more than one office bearing position. In circumstances where it is not possible to segregate the role, one person may, with the approval of Council, hold both the positions of Treasurer and Secretary.
- 7.4. The Committee must provide all nomination forms and notify the Council of the name and address of each office bearer within seven (7) days of that person's appointment.

## **8. COMMITTEE MEETINGS**

- 8.1. General Provisions



- (a) Except where a contrary intention is indicated in these Terms of Reference, the Governance Rules of Latrobe City Council apply to the Committee and any meetings of the Committee. In the event of any inconsistency between the Governance Rules and these Terms of Reference, these Terms of Reference shall prevail.
- (b) The Committee must hold at least three (3) meetings during the year on such dates as the Chairperson appoints with the first meeting of the Committee to be held within one (1) month of the Committee's appointment.
- (c) The Secretary must distribute a notice of the meeting to all members of the Committee at least seven (7) clear days prior to the meeting and advise the Council of any Committee meetings.

#### 8.2. Meeting Procedures

- (a) All requirements of the *Local Government Act 2020* must be complied with.
- (b) All requirements of the Governance Rules of Latrobe City Council must be adhered to unless specified otherwise in these Terms of Reference.
- (c) The Chairperson shall take the chair at all meetings at which the Chairperson is present. If the Chairperson is absent the members present may appoint one of their numbers to chair the meeting.

#### 8.3. Quorum

- (a) A meeting of the Committee must not proceed if a quorum cannot be established within 30 minutes of the commencement time contained in the notice of the meeting.
- (b) The quorum must be as defined in the Governance Rules of Latrobe City Council.

#### 8.4. Annual General Meeting

Each year the Committee will hold an annual general meeting which will:

- (a) Elect members to the positions listed in clause 7.2 and other positions determined by the Committee as being necessary for the efficient functioning of the Committee;
- (b) Receive and consider the Committee's annual report;
- (c) Receive and consider a report on the program of planned activities





proposed for the next year; and

- (d) Receive and adopt the annual financial statements.

#### 8.5. Unscheduled Meetings

- (a) The Chairperson may call an unscheduled meeting and must call an unscheduled meeting if a written request is received from two (2) members of the Committee and must give notice of the meeting in accordance with the requirements of clause 8.
- (b) The notice of an unscheduled meeting and any request by the two (2) Committee members must contain a statement of the purpose of the meeting.
- (c) The meeting will be held on such date and at such time as fixed by the Chairperson.
- (d) In cases where the Chairperson calls a meeting in response to a request from two (2) Committee members, the meeting must be held within 21 days of receiving the request. The Chairperson must arrange for notice of the meeting to be given to all Committee members.
- (e) No other business other than that specified in the notice must be transacted at the meeting.

#### 8.6. Minutes of meetings

- (a) The Chairperson of the Committee must arrange for minutes of each meeting of the Committee to be kept.
- (b) The Chairperson must submit the Minutes of a Committee meeting to the next meeting of the Committee for confirmation. If the minutes are confirmed the Chairperson at the meeting must sign the minutes and certify that they have been confirmed.
- (c) The minutes of a meeting of the Committee must:
- contain details of the proceedings and resolutions made;
  - be clearly expressed; and
  - be self-explanatory.
- (d) Relevant reports or a summary of the relevant reports considered in the decision making process must be incorporated in relation to resolutions recorded in the minutes.



- (e) The Chairperson must ensure a copy of the minutes of each meeting of the Committee is sent to Council within twenty eight (28) days of the meeting.
- (f) The Chairperson must ensure that the form and availability of all minutes of Committee meetings are otherwise in accordance with the Governance Rules of Latrobe City Council.

#### 8.7. Voting

- (a) Each member present at a meeting of the Committee will have one vote on each matter being considered by the Committee.
- (b) In the event that voting on any matter is equal, the Chairperson shall have a casting vote.
- (c) A motion before a meeting of the Committee is to be determined as follows:
  - (i) Each member of the Committee who is entitled to vote is entitled to one vote;
  - (ii) Unless otherwise prohibited by the *Local Government Act 2020*, each member of the Committee present must vote;
  - (iii) Unless the procedures of the Committee otherwise provide, voting must be by show of hands;
  - (iv) The Motion is determined by a majority of the vote;
  - (v) If there is an equality of votes the Chairperson has a second vote.
- (d) Any decision of the Committee which does not relate to a matter delegated to the Committee by the Chief Executive Officer cannot be actioned until approved by Council.
- (e) In the event of any unresolved dispute arising between Committee members, the matter shall be submitted to Council in writing and any decision made thereon by the Council shall be final.
- (f) The Committee may form Sub-Committees from amongst its members for the purpose of recommending on matters pertaining to the provisions of these Terms of Reference or an Instrument of Sub-Delegation to the Committee by the Chief Executive Officer, provided that no decision is made.



- (g) The Chairperson will be an ex-officio member of all Sub-Committees.
- (h) A Sub-Committee may only be established by resolution of the Committee and may only carry out the functions stated in the resolution.

#### 8.8. Conflict of Interest

- (a) If a member of the Committee has a Conflict of Interest in any matter in which the Committee is concerned, the member must disclose the Conflict of Interest in accordance with the procedure contained in the Governance Rules of Latrobe City Council.
- (b) The member must disclose the nature of that interest at the meeting at which the matter is to be discussed and not remain in the room in which the meeting is being held during any discussion or any vote taken on the matter.
- (c) The Minutes must record the Conflict of Interest and the time the member left and returned to the meeting.

### 9. GENERAL REQUIREMENTS

#### 9.1. Communications

The Committee must comply with any Council Policy applying to public relations, communications and use of social media.

#### 9.2. Disputes

- (a) In the event of any dispute between the Committee and any tenant of the Units, the dispute resolution procedures in the lease will apply at first instance. If the dispute is not able to be resolved, the Committee will have regard to any other dispute mechanisms available under the *Residential Tenancies Act 1997*.
- (b) If there is a dispute between the Committee and any other party, the matter will be referred to Council for resolution.

#### 9.3. Indemnity

The Council will indemnify members of the Committee against any action, liability, claim or demand on account of any matter or thing done by them on behalf of the Committee when they are acting in accordance with these Terms of Reference and an Instrument of Sub-Delegation to the Committee by the Chief Executive Officer and in the honest and reasonable belief or under a



mistake of law that the member was properly exercising any function or power of the Committee.

#### 9.4. Changes to Terms of Reference

No alteration to these Terms of Reference or the schedules shall be effective unless first approved by Council.



## Schedule 2: GIS Imagery of managed land



# Yallourn North Community Housing Community Asset Committee

*Instrument of Sub-Delegation by  
Chief Executive Officer*







## Schedule: Powers, Functions and Duties of the Community Asset Committee

### 1. DEFINITIONS

3.1. In this sub-delegation and schedule, the following words have the following meanings:

The Committee	means the Yallourn North Community Housing Community Asset Committee appointed pursuant to the provisions of section 65 of the <i>Local Government Act 2020</i> .
Community Asset Committee	means a committee established by the Council under section 65 of the <i>Local Government Act 2020</i> and to which the Chief Executive Officer delegates a duty, function or power under section 47 of the <i>Local Government Act 2020</i> .
Council	means Latrobe City Council, being a body corporate constituted as a municipal Council under the <i>Local Government Act 2020</i> .
Councillor	means a person who holds the office of a member of Latrobe City Council.
Council officer	means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.
The Units	means the land and buildings known as Yallourn North Community Housing and as identified on the plan in Schedule 2 to the Terms of Reference for the Committee that is subject to this Sub-Delegation.
Governance Rules	means the Governance Rules of Latrobe City Council adopted pursuant to section 60 of the <i>Local Government Act 2020</i> and as amended from time to time.
Management	includes the maintenance, control, operation, undertaking





improvements and leasing of the Units, exercised subject to any limitations or restrictions in this Instrument of Sub-Delegation.

## **2. ROLE AND FUNCTIONS OF THE COMMUNITY ASSET COMMITTEE**

- 2.1 The principle role of the Committee is to act as an agent of Latrobe City Council and not as an independent entity in managing the Units.
- 2.2 The purpose of the Committee and functions for which it has been established by Council are as defined in the Terms of Reference for the Committee as updated from time to time.

## **3. FINANCE**

### **3.1. Financial Administration**

- (a) The Financial Year of the Committee shall be from 1st July to 30th June next.
- (b) The Committee must ensure the effective financial control of the Units and must submit an annual budget to Council for consideration and approval by 30 November in each year for the next financial year. The Chief Executive Officer is to be notified by the Committee when this has been completed.
- (c) All monies received on behalf of the Committee must be banked within fourteen (14) days of receipt in a bank account in the name of the Committee.
- (d) All monies received by the Committee must be applied to the maintenance, operations, future developments and improvements of the Units and any other expenses which may be incurred by the Committee in its management of the Units.
- (e) Council must have the ability at all times to access details of Committee bank accounts.
- (f) All accounts over fifty dollars (\$50) (including GST) must be paid by either:
- Cheque: all cheques must be signed by two (2) Committee members or office bearers appointed by resolution of the Committee; or



- Electronic funds transfer (EFT): all EFT payments must be authorised by two (2) Committee members or office bearers appointed by resolution of the Committee. As such this method must not be used unless the bank account from which payment is to be made has an electronic banking restriction in place with the financial institution where the account is held requiring dual authorisation for all EFT payments.
- (g) The Treasurer must at each meeting of the Committee:
- list all accounts received for payment;
  - report on the state of the Committee's finances and make such recommendations as he or she considers necessary; and
  - ensure that the information provided to the meeting is recorded in the minutes of the meeting.
- (h) Monies held by the Committee must not exceed eighty thousand dollars (\$80,000) at the end of any given financial year, unless otherwise approved by Council. Funds in excess of that amount must be transferred to Council to be paid into a Trust Account in the name of the Committee that is maintained by Council.
- (i) Committee members are entitled to be reimbursed through Committee funds for any out of pocket expenses which:
- are bona fide expenses;
  - have been reasonably incurred while carrying out the functions set out in this Sub-Delegation or the Terms of Reference for the Committee;
  - are reasonably necessary to carry out those functions;
  - a tax invoice receipt is provided.
- (j) No voting member of the Committee is entitled to receive any remuneration or honorarium for carrying out any of his/her duties as a member of the Committee without approval from the Council.
- (k) On dissolution of the Committee, the outgoing Committee must close all accounts and transfer the remaining funds to Council and provide evidence that the accounts have been closed.



### 3.2. Annual Statements and Reports

- (a) The Committee must on or before the 10th day of July in each year ensure that:
- the accounts of the Committee are balanced (up to the 30th day of June preceding);
  - annual Financial Statements are provided to the Chief Executive Officer;
  - the Treasurer must present an operating statement and statement of accounts at the conclusion of each financial year for presentation to the Annual General Meeting which will be based on the standard template to be provided by Council pursuant to subclause 3.2(c).
  - a written report is provided to the Chief Executive Officer on the operation of the Units which will be considered the Annual Report.
- (b) The Committee member elected as Secretary or Treasurer must present an operating statement and statements of financial position at the conclusion of each financial year for presentation to the designated meeting of the Committee.
- (c) Council will supply a standard template and information document to assist the Committee with the preparation of its annual financial statement.

### 3.3 Determination of Rent

The Committee must determine the rent to be paid by the tenants having regard to the current Department of Health and Human Services (or equivalent Department) basis for setting rents.

## 4. MANAGEMENT OF THE UNITS

### 4.1 General Requirements

- (a) The Committee must manage the Units by:
- (i) ensuring that the physical condition of the Units is monitored and that the assets are generally maintained in a safe and clean condition and are fit for purpose;



- (ii) ensuring that maintenance of the Units is undertaken to the satisfaction of Council and that the tenants in the Units maintain their units in accordance with their tenancy agreements;
  - (iii) selecting tenants for the Units from eligible applicants in accordance with any guidelines or policies that may prescribe the criteria for eligibility;
  - (iv) identifying any policies or rules that apply to occupation of the Units;
  - (v) ensure the effective financial control of the Units to meet the objectives of Council and the Committee by collecting rentals to offset the operating costs incurred as far as possible;
  - (vi) being an advisory and liaison body between the Council and tenants who occupy the Units;
  - (vii) administering the Units in compliance with any relevant legislation and regulations;
  - (viii) making recommendations to Council on the development of future capital works and the provision of future facilities and amenities to the Units;
  - (ix) doing all other things necessary and incidental to achieve the objectives in this Sub-Delegation.
- (b) The Committee may seek advice, assistance and expertise from the Council as is necessary for the proper and efficient management of the Units within the constraints of the budget and including the ability to invite persons to the meetings of the Committee as observers or advisers.
- (c) The Committee may incur expenditure up to eighty thousand dollars (\$80,000) annually to undertake its functions and powers but must comply with Council's Procurement Policy and must obtain Council's prior written approval before incurring any expenditure in excess of that amount.

#### 4.2 Planning

- (a) A Plan identifying activities for the maintenance and management of the Units for the next three (3) years must be prepared by the



Committee and must be reviewed annually at the Annual General Meeting of the Committee.

- (b) The Committee must at least once per year inspect the Units and develop a schedule of works, prioritising the maintenance and works that need to be undertaken.

#### 4.3 Undertaking Works and Maintenance

- (a) The Committee must not undertake any major capital works (being capital works exceeding a cost of ten thousand dollars (\$10,000)), developments or construction on the Units or appoint any architect or consultant, without first obtaining written approval by Council but may undertake tasks associated with general maintenance and upkeep of the Units.
- (b) Subject to complying with Council's Procurement Policy and subclause 4.3(a), the Committee may engage and pay people or contractors to carry out maintenance and upkeep of the Units and the performance of any other matters required to be done for the proper management and control of the Units. When engaging a contractor, the Committee must ensure the contractor is registered with Council. All volunteers, including volunteer contractors, must complete a *Volunteer Registration* form (available online) if they are assisting the Committee.
- (c) The Committee must monitor any risks as part of its annual inspection and scheduled maintenance program and report to the next Committee meeting any risk or damage that has occurred to the Units.

#### 4.4 Entering into Rental Arrangements

The Committee may enter into rental agreements with tenants of the Units.

### 5 GENERAL REQUIREMENTS

#### 5.1 The Committee must not:

- (a) delegate any of the powers delegated to it by the Chief Executive Officer;
- (b) seek or obtain independent legal advice except with prior approval of Council.

#### 5.2 The Committee must comply with any requests or directions, financial rules, policies or requirements made by Council which relate to management and



operation of the Units.

### 5.3 Powers Excluded

The Committee is not by this Instrument of Sub-Delegation empowered to do any of the following things without the prior written approval of the Council:

- (a) Enter into contracts exceeding a value of ten thousand dollars (\$10,000) per annum;
- (b) Borrow money; or
- (c) Incur any banking overdraft.

### 5.4 Changes to Sub-Delegation

No alteration to this sub-delegation or the schedule shall be effective unless first approved by the Chief Executive Officer.

### 5.5 Revocation

This Instrument of Sub-Delegation may be revoked at any time by the Chief Executive Officer, if in the view of the Chief Executive Officer the Committee is not managing the Units in the best interests of the tenants, the community and Council.

**RECOMMENDATION OF LATROBE CITY COUNCIL****FOR: Delegations by the Chief Executive Officer  
to Community Asset Committees  
under section 47 of the *Local Government Act 2020*****AND WHEREAS:**

- A. Pursuant to section 65 of the *Local Government Act 2020* (the Act) Latrobe City Council (Council) may establish Community Asset Committees to manage community assets within the municipality; and
- B. The Chief Executive Officer (CEO) of Council is empowered by section 47 of the Act to delegate to a Community Asset Committee by instrument of delegation any power, duty or function of Council that has been delegated to the CEO by Council (an instrument of sub-delegation); and
- C. Council wishes to assist the CEO in the exercising the power under section 47 of the Act by providing recommendations as to appropriate delegations to Community Asset Committees, both in relation to specific Committees Council has established or is about to establish, as well as Committees generally; and

**COUNCIL RECOMMENDS THAT:**

- 1. The CEO should not sign an instrument of sub-delegation to a Community Asset Committee unless the proposed instrument of sub-delegation has been considered by Council and formally approved by Council resolution.
- 2. In relation to the **Baillie Reserve Tyers Community Asset Committee** (the Committee), the CEO should place exceptions, conditions and limitations on all powers, functions or duties delegated to the Committee such that the Committee cannot determine an issue, take an action or do an act or thing if the issue, action, act or thing is an issue, action, act or thing which involves:
  - 2.1 without Council's prior written approval:
    - (a) entering into a contract exceeding the value of five thousand dollars (\$5,000);
    - (b) approving the borrowing of money or obtaining funds by way of overdraft or loan;
    - (c) setting fees or charges for use of the community assets entrusted to the Committee for management and operation (the assets);
    - (d) proceeding with any capital works (being works exceeding a cost of five thousand dollars (\$5,000)), developments or construction on the assets or appointing any architect or consultant;
    - (e) carrying out or authorising any capital works or alterations, extensions, additions or materially altering the assets;

- (f) engaging or paying people or contractors for the maintenance and upkeep of the assets or the performance of any other matters required to be done for the proper management and control of the assets;
  - (g) allowing occupation or use of the assets in any way that excludes the public except by a club or group of persons having a common purpose or object of a sporting, recreational or cultural nature;
  - (h) providing any remuneration or honorarium to a Committee member for carrying out his or her duties as a member of the Committee;
- 2.2 banking monies into any bank account other than a bank account in the name of the Committee;
- 2.3 holding more than fifty thousand dollars (\$50,000) in a bank account in the name of the Committee at the end of any given financial year unless authorised by Council;
- 2.4 paying accounts over fifty dollars (\$50) by any payment method other than cheque or electronic funds transfer;
- 2.5 applying monies received by the Committee for any purpose other than maintenance, operations and improvements (including ongoing charges such as insurance or utility charges) of the assets or any other expenses which may be incurred by the Committee in its management of the assets;
- 2.6 reimbursing Committee members through Committee funds for any out of pocket expenses other than those which:
- (a) are bona fide expenses;
  - (b) have been reasonably incurred while carrying out the functions of the Committee;
  - (c) are reasonably necessary to carry out those functions; and
  - (d) a tax invoice receipt is provided;
- 2.7 establishing any commercial or other occupancy agreements in relation to the assets;
- 2.8 accepting casual occupation of the assets by commercial operators except where:
- (a) a commercial fee is charged and paid;
  - (b) the assets are not being used by a member of the public, a club or group of persons having a common purpose or object of a sporting, recreational or cultural nature; and
  - (c) the commercial venture has a common purpose or object of a sporting, recreational or cultural nature;
- 2.9 seeking or obtaining independent legal advice.
3. In relation to the **Callignee and Tralagon South Sporting Facilities Community Asset Committee** (the Committee) the CEO should place exceptions, conditions and limitations on all powers, functions or duties delegated to the Committee such



that the Committee cannot determine an issue, take an action or do an act or thing if the issue, action, act or thing is an issue, action, act or thing which involves:

- 3.1 without Council's prior written approval:
  - (a) entering into a contract;
  - (b) approving the borrowing of money or obtaining funds by way of overdraft or loan;
  - (c) setting fees or charges for use of the community assets entrusted to the Committee for management and operation (the assets);
  - (d) proceeding with any works, developments or construction on the assets or appointing any architect or consultant;
  - (e) carrying out or authorising any capital works or alterations, extensions, additions or materially altering the assets;
  - (f) engaging or paying people or contractors for the maintenance and upkeep of the assets or the performance of any other matters required to be done for the proper management and control of the assets;
  - (g) allowing occupation or use of the assets in any way that excludes the public except by a club or group of persons having a common purpose or object of a sporting, recreational or cultural nature;
  - (h) providing any remuneration or honorarium to a Committee member for carrying out his or her duties as a member of the Committee;
- 3.2 banking monies into any bank account other than a bank account in the name of the Committee;
- 3.3 holding more than fifty thousand dollars (\$50,000) at the end of any given financial year unless authorised by Council;
- 3.4 paying accounts over fifty dollars (\$50) by any payment method other than cheque or electronic funds transfer;
- 3.5 applying monies received by the Committee for any purpose other than maintenance, operations and improvements (including ongoing charges such as insurance or utility charges) of the assets or any other expenses which may be incurred by the Committee in its management of the assets;
- 3.6 reimbursing Committee members through Committee funds for any out of pocket expenses other than those which:
  - (a) are bona fide expenses;
  - (b) have been reasonably incurred while carrying out the functions of the Committee;
  - (c) are reasonably necessary to carry out those functions; and
  - (d) a tax invoice receipt is provided;

- 
- 3.7 establishing any commercial or other occupancy agreements in relation to the assets;
- 3.8 accepting casual occupation of the assets by commercial operators except where:
- (a) a commercial fee is charged and paid;
  - (b) the assets are not being used by a member of the public, a club or group of persons having a common purpose or object of a sporting, recreational or cultural nature; and
  - (c) the commercial venture has a common purpose or object of a sporting, recreational or cultural nature;
- 3.9 seeking or obtaining independent legal advice.
4. In relation to the **George Bates Reserve Community Asset Committee** (the Committee) the CEO should place exceptions, conditions and limitations on all powers, functions or duties delegated to the Committee such that the Committee cannot determine an issue, take an action or do an act or thing if the issue, action, act or thing is an issue, action, act or thing which involves:
- 4.1 without Council's prior written approval:
- (a) entering into a contract exceeding the value of five thousand dollars (\$5,000);
  - (b) approving the borrowing of money or obtaining funds by way of overdraft or loan;
  - (c) setting fees or charges for use of the community assets entrusted to the Committee for management and operation (the assets);
  - (d) proceeding with any capital works (being works exceeding a cost of five thousand dollars (\$5,000)), developments or construction on the assets or appointing any architect or consultant;
  - (e) carrying out or authorising any capital works or alterations, extensions, additions or materially altering the assets;
  - (f) engaging or paying people or contractors for the maintenance and upkeep of the assets or the performance of any other matters required to be done for the proper management and control of the assets;
  - (g) allowing occupation or use of the assets in any way that excludes the public except by a club or group of persons having a common purpose or object of a sporting, recreational or cultural nature;
  - (h) providing any remuneration or honorarium to a Committee member for carrying out his or her duties as a member of the Committee;
- 4.2 banking monies into any bank account other than a bank account in the name of the Committee;
- 4.3 holding more than fifty thousand dollars (\$50,000) in a bank account in the name of the Committee at the end of any given financial year unless authorised by Council;

- 
- 4.4 paying accounts over fifty dollars (\$50) by any payment method other than cheque or electronic funds transfer;
- 4.5 applying monies received by the Committee for any purpose other than maintenance, operations and improvements (including ongoing charges such as insurance or utility charges) of the assets or any other expenses which may be incurred by the Committee in its management of the assets;
- 4.6 reimbursing Committee members through Committee funds for any out of pocket expenses other than those which:
- (a) are bona fide expenses;
  - (b) have been reasonably incurred while carrying out the functions of the Committee;
  - (c) are reasonably necessary to carry out those functions; and
  - (d) a tax invoice receipt is provided;
- 4.7 establishing any commercial or other occupancy agreements in relation to the assets;
- 4.8 accepting casual occupation of the assets by commercial operators except where:
- (a) a commercial fee is charged and paid;
  - (b) the assets are not being used by a member of the public, a club or group of persons having a common purpose or object of a sporting, recreational or cultural nature; and
  - (c) the commercial venture has a common purpose or object of a sporting, recreational or cultural nature;
- 4.9 seeking or obtaining independent legal advice.
5. In relation to the **Latrobe Regional Airport Community Asset Committee** (the Board) the CEO should place exceptions, conditions and limitations on all powers, functions or duties delegated to the Board such that the Board cannot determine an issue, take an action or do an act or thing if the issue, action, act or thing is an issue, action, act or thing which involves:
- 5.1 without Council's prior written approval:
- (a) entering into a contract;
  - (b) setting fees or charges for use of the community assets entrusted to the Board for management and operation (the Airport);
  - (c) proceeding with any works, developments or construction on the Airport or appointing any architect or consultant;
  - (d) carrying out or authorising any capital works, extensions, additions or materially altering the Airport;

- (e) approving any proposed alterations or works to be undertaken at the Airport by tenants or other users;
  - (f) engaging or paying people or contractors for the maintenance and upkeep of the Airport or the performance of any other matters required to be done for the proper management and control of the Airport;
  - (g) providing any remuneration or honorarium to a Board member for carrying out his or her duties as a member of the Board;
  - (h) seeking or obtaining independent legal advice;
- 5.2 adopting or operating in accordance with a budget other than a budget approved by Council;
- 5.3 reimbursing Board members through Board funds for any out of pocket expenses other than those which:
- (a) are bona fide expenses;
  - (b) have been reasonably incurred while carrying out the functions of the Board;
  - (c) are reasonably necessary to carry out those functions; and
  - (d) a tax invoice receipt is provided;
- 5.4 developing and making available non-operational parts of the Airport available for lease to people or companies other than for compatible purposes;
- 5.5 applying the Board's operating budget for any purpose other than maintenance, operations and improvements (including ongoing charges such as utility charges) of the Airport or any other expenses which may be incurred by the Committee in its management of the Airport.
6. In relation to the **Mathison Park Community Asset Committee** (the Committee) the CEO should place exceptions, conditions and limitations on all powers, functions or duties delegated to the Committee such that the Committee cannot determine an issue, take an action or do an act or thing if the issue, action, act or thing is an issue, action, act or thing which involves:
- 6.1 without Council's prior written approval:
- (a) entering into a contract exceeding the value of five thousand dollars (\$5,000);
  - (b) approving the borrowing of money or obtaining funds by way of overdraft or loan;
  - (c) setting fees or charges for use of the community assets entrusted to the Committee for management and operation (the assets);
  - (d) proceeding with any capital works (being works exceeding a cost of five thousand dollars (\$5,000)), developments or construction on the assets or appointing any architect or consultant;
  - (e) carrying out or authorising any capital works or alterations, extensions, additions or materially altering the assets;

- (f) engaging or paying people or contractors for the maintenance and upkeep of the assets or the performance of any other matters required to be done for the proper management and control of the assets;
  - (g) allowing occupation or use of the assets in any way that excludes the public except by a club or group of persons having a common purpose or object of a sporting, recreational or cultural nature;
  - (h) providing any remuneration or honorarium to a Committee member for carrying out his or her duties as a member of the Committee;
- 6.2 banking monies into any bank account other than a bank account in the name of the Committee;
- 6.3 holding more than fifty thousand dollars (\$50,000) in a bank account in the name of the Committee at the end of any given financial year unless authorised by Council;
- 6.4 paying accounts over fifty dollars (\$50) by any payment method other than cheque or electronic funds transfer;
- 6.5 applying monies received by the Committee for any purpose other than maintenance, operations, promotion and improvements of the assets or any other expenses which may be incurred by the Committee in its management of the assets;
- 6.6 reimbursing Committee members through Committee funds for any out of pocket expenses other than those which:
- (a) are bona fide expenses;
  - (b) have been reasonably incurred while carrying out the functions of the Committee;
  - (c) are reasonably necessary to carry out those functions; and
  - (d) a tax invoice receipt is provided;
- 6.7 establishing any commercial or other occupancy agreements in relation to the assets;
- 6.8 accepting casual occupation of the assets by commercial operators except where:
- (a) a commercial fee is charged and paid;
  - (b) the assets are not being used by a member of the public, a club or group of persons having a common purpose or object of a sporting, recreational or cultural nature; and
  - (c) the commercial venture has a common purpose or object of a sporting, recreational or cultural nature;
- 6.9 seeking or obtaining independent legal advice.
7. In relation to the **Morwell Centenary Rose Garden Community Asset Committee** (the Committee) the CEO should place exceptions, conditions and limitations on all powers, functions or duties delegated to the Committee such that the Committee

cannot determine an issue, take an action or do an act or thing if the issue, action, act or thing is an issue, action, act or thing which involves:

- 7.1 without Council's prior written approval:
  - (a) entering into a contract exceeding the value of five thousand dollars (\$5,000);
  - (b) applying for grants;
  - (c) approving the borrowing of money or obtaining funds by way of overdraft or loan;
  - (d) proceeding with any works (other than maintenance), developments or construction of anything in relation to the community assets entrusted to the Committee for management and maintenance (the Rose Garden) or appointing any architect or consultant;
  - (e) carrying out or authorising any capital works, extensions, additions or altering the Rose Garden;
  - (f) providing any remuneration or honorarium to a Committee member for carrying out his or her duties as a member of the Committee;
  - (g) seeking or obtaining independent legal advice;
- 7.2 banking all monies received from grants (other than from Council as part of its Grants Program) and any donations received for use of Rose Garden) into any bank account other than a trust account in the name of the Committee that is maintained by Council;
- 7.3 applying monies received by the Committee for any purpose other than maintenance, operations and improvements to the Rose Garden or any other expenses which may be incurred by the Committee in carrying out its functions;
- 7.4 reimbursing Committee members through Committee funds for any out of pocket expenses other than those which:
  - (a) are bona fide expenses;
  - (b) have been reasonably incurred while carrying out the functions of the Committee;
  - (c) are reasonably necessary to carry out those functions; and
  - (d) a tax invoice receipt is provided.
8. In relation to the **Traralgon Railway Reservoir Conservation Reserve Community Asset Committee** (the Committee) the CEO should place exceptions, conditions and limitations on all powers, functions or duties delegated to the Committee such that the Committee cannot determine an issue, take an action or do an act or thing if the issue, action, act or thing is an issue, action, act or thing which involves:
  - 8.1 without Council's prior written approval:
    - (a) entering into a contract exceeding the value of five thousand dollars (\$5,000);

- (b) approving the borrowing of money or obtaining funds by way of overdraft or loan;
  - (c) setting fees or charges for use of the community assets entrusted to the Committee for management and operation (the assets);
  - (d) proceeding with any capital works (being works exceeding a cost of five thousand dollars (\$5,000)), developments or construction on the assets or appointing any architect or consultant;
  - (e) carrying out or authorising any capital works, extensions, additions or materially altering the assets;
  - (f) engaging or paying people or contractors for the maintenance and upkeep of the assets or the performance of any other matters required to be done for the proper management and control of the assets;
  - (g) allowing occupation or use of the assets in any way that excludes the public except by a club or group of persons having a common purpose or object of a sporting, recreational or cultural nature;
  - (h) providing any remuneration or honorarium to a Committee member for carrying out his or her duties as a member of the Committee;
- 8.2 banking monies into any bank account other than a bank account in the name of the Committee;
- 8.3 holding more than fifty thousand dollars (\$50,000) in a bank account in the name of the Committee at the end of any given financial year unless authorised by Council;
- 8.4 paying accounts over fifty dollars (\$50) by any payment method other than cheque or electronic funds transfer;
- 8.5 applying monies received by the Committee for any purpose other than maintenance, operations, promotion and improvements of the assets or any other expenses which may be incurred by the Committee in its management of the assets;
- 8.6 reimbursing Committee members through Committee funds for any out of pocket expenses other than those which:
- (a) are bona fide expenses;
  - (b) have been reasonably incurred while carrying out the functions of the Committee;
  - (c) are reasonably necessary to carry out those functions; and
  - (d) a tax invoice receipt is provided;
- 8.7 establishing any commercial or other occupancy agreements in relation to the assets;
- 8.8 accepting casual occupation of the assets by commercial operators except where:
- (a) a commercial fee is charged and paid;
  - (b) the assets are not being used by a member of the public, a club or group of

- persons having a common purpose or object of a sporting, recreational or cultural nature; and
- (c) the commercial venture has a common purpose or object of a sporting, recreational or cultural nature;
- 8.9 seeking or obtaining independent legal advice.
9. In relation to the **Yallourn North Community Housing Community Asset Committee** (the Committee) the CEO should place exceptions, conditions and limitations on all powers, functions or duties delegated to the Committee such that the Committee cannot determine an issue, take an action or do an act or thing if the issue, action, act or thing is an issue, action, act or thing which involves:
- 9.1 without Council's prior written approval:
- (a) entering into a contract exceeding the value of ten thousand dollars (\$10,000);
- (b) incurring expenditure of more than eighty thousand dollars (\$80,000) annually;
- (c) approving the borrowing of money or obtaining funds by way of overdraft or loan;
- (d) proceeding with any capital works (being works exceeding a cost of ten thousand dollars (\$10,000)), developments or construction on the assets or appointing any architect or consultant;
- (e) providing any remuneration or honorarium to a Committee member for carrying out his or her duties as a member of the Committee;
- (f) seeking or obtaining independent legal advice;
- 9.2 adopting or operating in accordance with a budget other than a budget approved by Council;
- 9.3 banking monies into any bank account other than a bank account in the name of the Committee;
- 9.4 holding more than eighty thousand dollars (\$80,000) in a bank account in the name of the Committee at the end of any given financial year unless authorised by Council;
- 9.5 paying accounts over fifty dollars (\$50) by any payment method other than cheque or electronic funds transfer;
- 9.6 applying monies received by the Committee for any purpose other than maintenance, operations, future developments and improvements of the Units or any other expenses which may be incurred by the Committee in its management of the assets;
- 9.7 reimbursing Committee members through Committee funds for any out of pocket expenses other than those which:
- (a) are bona fide expenses;



- (b) have been reasonably incurred while carrying out the functions of the Committee;
  - (c) are reasonably necessary to carry out those functions; and
  - (d) a tax invoice receipt is provided;
- 9.8 determining rent to be paid by tenants of the assets unless regard has been had to the current Department of Health and Human Services (or equivalent Department) basis for setting rents.
- 10. In relation to **all Community Asset Committees**, the CEO should place exceptions, conditions and limitations on all powers, functions or duties delegated to a Committee such that the Committee cannot determine an issue, take an action or do an act or thing if the issue, action, act or thing is an issue, action, act or thing which involves:
  - 10.1 if the issue, action, act or thing is an issue, action, act or thing which is required by law to be done by Council resolution;
  - 10.2 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;
  - 10.3 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a
    - (a) policy; or
    - (b) strategyadopted by Council;
  - 10.4 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation, whether on account of section 11(2)(a)-(n) (inclusive) of the Act or otherwise; or
  - 10.5 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff.

**Agenda Item: 17.6**

**Agenda Item: Tabling of 'Assembly of Councillors' Records**

**Sponsor: General Manager, Organisational Performance**

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

**Status: For Information**

**MOTION**

**Moved:** Cr Middlemiss

**Seconded:** Cr Gibson

**That Council receives and notes the Assembly of Councillors records tabled for the period 2 June 2020 to 17 August 2020.**

**CARRIED UNANIMOUSLY**

**Executive Summary:**

The following Assembly of Councillor records have been submitted for tabling since the last ordinary Council meeting:

<b>Date</b>	<b>Assembly Details</b>	<b>In Attendance</b>	<b>Confidential</b>	<b>Declarations of Interest</b>
2 June 2020	Municipal Emergency Management Planning Committee	<b>Councillors</b> Cr Howe  <b>Officers</b> Lance King	No	Nil

Date	Assembly Details	In Attendance	Confidential	Declarations of Interest
16 June 2020	Latrobe Creative Precinct Project Reference Group	<p><b>Councillors</b> Cr McFarlane Cr Harriman Cr Clancey</p> <p><b>Officers</b> Larry Sengstock Gail Gatt Clint Hong Rebecca Cole Andrea Stanlake Kathleen Roberts Brian Feltham Michael Chapman</p>	Yes – Section (a) of the definition of confidential information contained in Section 3(1) as it relates to Council business information.	Nil
13 July 2020	Road and Place Name Advisory Committee	<p><b>Councillors</b> Cr McFarlane Cr Harriman Cr Clancey Cr Gibson</p> <p><b>Officers</b> Greg Drumm Larry Sengstock Gail Gatt Lauren Carey</p>	Yes	Nil
13 July 2020	Latrobe City Council and Youth Council Meeting	<p><b>Councillors</b> Cr McFarlane Cr Middlemiss Cr White OAM Cr Harriman Cr O'Callaghan Cr Howe Cr Clancey Cr Gibson</p> <p><b>Officers</b> Steven Piasente Gail Gatt Larry Sengstock Suzanne Miller Andrew Legge Rebecca Fenton</p>	No	Nil

<b>Date</b>	<b>Assembly Details</b>	<b>In Attendance</b>	<b>Confidential</b>	<b>Declarations of Interest</b>
15 July 2020	Future Morwell Steering Committee	<b>Councillors</b> Cr Middlemiss  <b>Officers</b> Daniel Kelabora Peter Stewart Greg Lawrence Stuart Simmie	No	Nil
20 July 2020	Councillor Briefing	<b>Councillors</b> Cr McFarlane Cr Middlemiss Cr White OAM Cr Harriman Cr O'Callaghan Cr Howe Cr Clancey Cr Law Cr Gibson  <b>Officers</b> Steven Piasente Gail Gatt Larry Sengstock Suzanne Miller Greg Drumm	Yes – Section (a), (e) and (f) of the definition of confidential information contained in Section 3(1) as it relates to Council business information; legal privileged information; and personal information.	Nil
21 July 2020	Gippsland Regional Aquatic Centre Project Reference Group	<b>Councillors</b> Cr Harriman Cr O'Callaghan Cr Howe  <b>Officers</b> Larry Sengstock Luke McGrath Tania Eleftheriou	No	Nil
22 July 2020	Road and Place Name Advisory Committee	<b>Councillors</b> Cr McFarlane Cr Harriman Cr Clancey Cr Gibson  <b>Officers</b> Greg Drumm	Yes	Nil

Date	Assembly Details	In Attendance	Confidential	Declarations of Interest
27 July 2020	Councillor Briefing	<p><b>Councillors</b> Cr McFarlane Cr Middlemiss Cr White OAM Cr Harriman Cr O’Callaghan Cr Howe Cr Clancey Cr Law Cr Gibson</p> <p><b>Officers</b> Steven Piasente Gail Gatt Larry Sengstock Suzanne Miller Greg Drumm</p>	Yes – Section (h) of the definition of confidential information contained in Section 3(1) as it relates to confidential meeting information.	Nil
5 August 2020	Braiakaulung Advisory Committee	<p><b>Councillors</b> Cr White OAM</p> <p><b>Officers</b> Liam Bantock Chelsea Stewart Joanne Brunt</p>	No	Nil
5 August 2020	Moe Southside Community Precinct Advisory Committee	<p><b>Councillors</b> Cr Gibson</p> <p><b>Officers</b> Simon Clark</p>	No	Nil
11 August 2020	Churchill & District Community Hub Advisory Committee	<p><b>Councillors</b> Cr White OAM</p> <p><b>Officers</b> Shay Ferguson Carole Ayres</p>	No	Nil

Date	Assembly Details	In Attendance	Confidential	Declarations of Interest
12 August 2020	Latrobe Creative Precinct Project Reference Group	<b>Councillors</b> Cr McFarlane Cr Harriman Cr Clancey  <b>Officers</b> Larry Sengstock Gail Gatt Clint Hong Rebecca Cole Andrea Stanlake Brian Feltham Michael Chapman	Yes – Section (a) of the definition of confidential information contained in Section 3(1) as it relates to Council business information.	Nil
17 August 2020	Latrobe City Council and Youth Council Meeting	<b>Councillors</b> Cr McFarlane Cr Middlemiss Cr White OAM Cr Harriman Cr O’Callaghan Cr Howe Cr Clancey Cr Gibson  <b>Officers</b> Steven Piasente Gail Gatt Larry Sengstock Suzanne Miller Andrew Legge Rebecca Fenton	No	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 1989*.

**Reasons for Proposed Resolution:**

The attached *Assembly of Councillors* records have been submitted for tabling.

Section 80(A)2 of the *Local Government Act 1989* states ‘*The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as is practicable - (a) reported at an ordinary meeting of the Council; and (b) incorporated in the minutes of that Council meeting*’.

**Attachments**

- 1 [↓](#). Municipal Emergency Management Planning Committee
- 2 [↓](#). Latrobe Creative Precinct Project Reference Group
- 3 [↓](#). Road and Place Name Advisory Committee
- 4 [↓](#). Council and Youth Council
- 5 [↓](#). Future Morwell Steering Committee
- 6 [↓](#). Councillor Briefing
- 7 [↓](#). Gippsland Regional Aquatic Centre Project Reference Group
- 8 [↓](#). Road and Place Name Advisory Committee
- 9 [↓](#). Councillor Briefing
- 10 [↓](#). Braiakaulung Advisory Committee
- 11 [↓](#). Moe Southside Community Precinct Advisory Committee
- 12 [↓](#). Churchill and District Community Hub Advisory Committee
- 13 [↓](#). Latrobe Creative Precinct Project Reference Group Meeting
- 14 [↓](#). Council and Youth Council

## 17.6

### Tabling of 'Assembly of Councillors' Records

1	Municipal Emergency Management Planning Committee .....	640
2	Latrobe Creative Precinct Project Reference Group .....	642
3	Road and Place Name Advisory Committee .....	643
4	Council and Youth Council .....	644
5	Future Morwell Steering Committee .....	645
6	Councillor Briefing .....	646
7	Gippsland Regional Aquatic Centre Project Reference Group .....	648
8	Road and Place Name Advisory Committee .....	649
9	Councillor Briefing .....	650
10	Braiakaulung Advisory Committee .....	652
11	Moe Southside Community Precinct Advisory Committee.....	653
12	Churchill and District Community Hub Advisory Committee .....	654
13	Latrobe Creative Precinct Project Reference Group Meeting .....	655
14	Council and Youth Council .....	656





### Assembly of Councillors Record

<b>Assembly details:</b>	Municipal Emergency Management Planning Committee Meeting
<b>Date:</b>	02 June 2020
<b>Time:</b>	10am -12pm
<b>Assembly Location:</b>	Virtual Meeting

#### In Attendance

<b>Councillors:</b>  <b>Arrival / Departure Time:</b>	<input type="checkbox"/> Cr McFarlane	<input type="checkbox"/> Cr Middlemiss	<input type="checkbox"/> Cr White OAM
	<input type="checkbox"/> Cr Harriman	<input type="checkbox"/> Cr O'Callaghan	<input checked="" type="checkbox"/> Cr Howe 10am - 12pm
	<input type="checkbox"/> Cr Clancey	<input type="checkbox"/> Cr Law	<input type="checkbox"/> Cr Gibson
<b>Officer/s:</b>	Lance King		
<b>Matters discussed:</b>	LEAP Reports Agency reports MECC Activations Training and Exercise MEMP Audit Sub Plan Review CERA Update General Business		
<b>Are any of the matters discussed, considered confidential under the <i>Local Government Act 2020</i>?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.			

#### Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No



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**Record Completed by:** Rebecca Johnson

*(Please use the **Quick Add Profile** when registering this form on ECM)*





### Assembly of Councillors Record

<b>Assembly details:</b>	Latrobe Creative Precinct Project Reference Group
<b>Date:</b>	16 June 2020
<b>Time:</b>	3.30 pm
<b>Assembly Location:</b>	Teleconference, GoToMeeting

#### In Attendance

<b>Councillors:</b>	<input checked="" type="checkbox"/> Cr McFarlane	<input type="checkbox"/> Cr Middlemiss	<input type="checkbox"/> Cr White OAM
<b>Arrival / Departure Time:</b>	<input checked="" type="checkbox"/> Cr Harriman	<input type="checkbox"/> Cr O'Callaghan	<input type="checkbox"/> Cr Howe
	<input checked="" type="checkbox"/> Cr Clancey	<input type="checkbox"/> Cr Law	<input type="checkbox"/> Cr Gibson
<b>Officer/s:</b>	Larry Sengstock, Gail Gatt, Clint Hong, Rebecca Cole, Andrea Stanlake, Kathleen Roberts, Brian Feltham, Michael Chapman		
<b>Matters discussed:</b>	Audience Research and Development Project Update - Designated confidential under s3(1)(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released. Operational Issues		
<b>Are any of the matters discussed, considered confidential under the <i>Local Government Act 2020</i>?</b>			
<input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>			
Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.			

#### Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No
Nil	

**Record Completed by:** Michael Chapman

(Please use the **Quick Add Profile** when registering this form on ECM)



### Assembly of Councillors Record

<b>Assembly details:</b>	Road and Place Name Advisory Committee Meeting
<b>Date:</b>	13 July 2020
<b>Time:</b>	1.08pm - 2.20pm
<b>Assembly Location:</b>	Online Virtual Meeting

#### In Attendance

<b>Councillors:</b>  <b>Arrival / Departure Time:</b>	<input checked="" type="checkbox"/> Cr McFarlane	<input type="checkbox"/> Cr Middlemiss	<input type="checkbox"/> Cr White OAM
	<input checked="" type="checkbox"/> Cr Harriman	<input type="checkbox"/> Cr O'Callaghan	<input type="checkbox"/> Cr Howe
	<input checked="" type="checkbox"/> Cr Clancey	<input type="checkbox"/> Cr Law	<input checked="" type="checkbox"/> Cr Gibson
<b>Officer/s:</b>	Greg Drumm - GM Organisational Performance Larry Sengstock - GM Assets and Presentation Gail Gatt - GM Regional City Growth and Investment Lauren Carey - Manager Engagement and Customer Focus		
<b>Matters discussed:</b>	1. Facilities Naming and Branding Framework		
<p><b>Are any of the matters discussed, considered confidential under the <i>Local Government Act 2020</i>?</b></p> <p><input checked="" type="checkbox"/> <b>Yes</b>      <input type="checkbox"/> <b>No</b></p> <p>Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.</p>			

#### Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No

**Record Completed by:** Greg Drumm

*(Please use the **Quick Add Profile** when registering this form on ECM)*



## Assembly of Councillors Record

<b>Assembly details:</b>	Latrobe City Council and Youth Council Meeting
<b>Date:</b>	Monday 13 July 2020
<b>Time:</b>	5.30 pm - 6.45 pm
<b>Assembly Location:</b>	Online GoTo Meeting

### In Attendance

<b>Councillors:</b>  <b>Arrival / Departure Time:</b>	<input checked="" type="checkbox"/> Cr McFarlane 5.30 pm	<input checked="" type="checkbox"/> Cr Middlemiss 5.30 pm	<input checked="" type="checkbox"/> Cr White OAM 5.30 pm
	<input checked="" type="checkbox"/> Cr Harriman 5.30 pm	<input checked="" type="checkbox"/> Cr O'Callaghan 5.30 pm	<input checked="" type="checkbox"/> Cr Howe 5.30 pm
	<input checked="" type="checkbox"/> Cr Clancey 5.30 pm	<input type="checkbox"/> Cr Law	<input checked="" type="checkbox"/> Cr Gibson 5.30 pm
<b>Officer/s:</b>	Steven Piasente, Suzanne Miller, Gail Gatt, Larry Sengstock, Andrew Legge, Rebecca Fenton		
<b>Matters discussed:</b>	Introductory meeting for Youth Council, Latrobe City Councillors, Executive team and Council Officers. Everyone introduced themselves individually and discussed their backgrounds and their passions.  The Youth Council and Councillors held a discussion regarding the Youth Councillor's observations from the Monday 6 July Council Meeting.		
<b>Are any of the matters discussed, considered confidential under the <i>Local Government Act 2020</i>?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.			

### Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No

**Record Completed by:** Rebecca Fenton

(Please use the **Quick Add Profile** when registering this form on ECM)



## Assembly of Councillors Record

<b>Assembly details:</b>	Future Morwell Steering Committee
<b>Date:</b>	15 July 2020
<b>Time:</b>	6.00 pm until 7.30 pm
<b>Assembly Location:</b>	Go-To-Meeting (Video Conference)

### In Attendance

<b>Councillors:</b>  <b>Arrival / Departure Time:</b>	<input type="checkbox"/> Cr McFarlane	<input checked="" type="checkbox"/> Cr Middlemiss	<input type="checkbox"/> Cr White OAM
	<input type="checkbox"/> Cr Harriman	<input type="checkbox"/> Cr O'Callaghan	<input type="checkbox"/> Cr Howe
	<input type="checkbox"/> Cr Clancey	<input type="checkbox"/> Cr Law	<input type="checkbox"/> Cr Gibson
<b>Officer/s:</b>	Daniel Kelabora, Peter Stewart, Greg Lawrence and Stuart Simmie		
<b>Matters discussed:</b>	<p>Morwell CBD revitalisation project - construction update for completion of project.</p> <p>Proposed community celebration activity - soft and full launch options for project.</p>		
<p><b>Are any of the matters discussed, considered confidential under the <i>Local Government Act 2020</i>?</b></p> <p><input type="checkbox"/> Yes                      <input checked="" type="checkbox"/> No</p> <p>Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.</p>			

### Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No

**Record Completed by:** Stuart Simmie, Coordinator Community Resilience  
*(Please use the **Quick Add Profile** when registering this form on ECM)*



### Assembly of Councillors Record

<b>Assembly details:</b>	Councillor Briefing
<b>Date:</b>	20 July 2020
<b>Time:</b>	5pm to 10.09pm
<b>Assembly Location:</b>	Via audio-visual link

#### In Attendance

<b>Councillors:</b>	<input checked="" type="checkbox"/> Cr McFarlane	<input checked="" type="checkbox"/> Cr Middlemiss	<input checked="" type="checkbox"/> Cr White OAM
<b>Arrival / Departure Time:</b>	<input checked="" type="checkbox"/> Cr Harriman Left 9.30pm	<input checked="" type="checkbox"/> Cr O'Callaghan	<input checked="" type="checkbox"/> Cr Howe
	<input checked="" type="checkbox"/> Cr Clancey	<input checked="" type="checkbox"/> Cr Law	<input checked="" type="checkbox"/> Cr Gibson Left 9.38pm
	<b>Officer/s:</b> Steven Piasente From 7.17pm Gail Gatt, Larry Sengstock, Suzanne Miller and Greg Drumm		
<b>Matters discussed:</b>	<p>Declaration of Interests</p> <p>Future Presentations</p> <p>Mayor's Update</p> <p>Chief Executive Officer's Update</p> <p>Major Project Reference Group Update</p> <p>Latrobe City Submission - Victorian Parliamentary Inquiry Into Covid-19</p> <p>Agnes Brereton Netball Court Condition - Status Update - This matter is designated as confidential under section (a) and (e) of the definition of confidential information contained in section 3(1) of the Local Government Act 2020, as it deals with Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released; and legal privileged information, being information to which legal professional privilege or client legal privilege applies. The Briefing includes an assessment of legal advice and issues, and the result of negotiations in progress.</p> <p>Awarding Contracts Under Ceo Delegation - 2020 Capital Works Projects</p> <p>2019/2020 Outdoor Pool Season Review</p> <p>Appointment Of Members To The Cultural Diversity Advisory Committee - This matter is designated as confidential under section (f) of the definition of confidential information contained in section 3(1) of the Local Government Act 2020, as it deals with personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. Releasing this information would result</p>		



	<p>in the unreasonable disclosure of personal information of an individual.</p> <p>Consideration Of Local Government Act 2020 Delegated Committees And Community Asset Committees Including Draft Template Documentation</p> <p>Consideration Of Draft Councillor And Delegated Committee Member Expenses, Resources And Support Policy</p> <p>Audit And Risk Committee Charter And Appointments</p> <p>Changes To Destination Gippsland Constitution And Board Membership</p> <p>Proposed Planning Scheme Amendment - Bushfire And Rural Rezoning</p> <p>Investment Roadmap</p> <p>Economic Development Update</p> <p>Outstanding Issues</p> <p>Strategic Issues For Future Briefings</p>
<p><b>Are any of the matters discussed, considered confidential under the <i>Local Government Act 2020</i>?</b></p> <p><input checked="" type="checkbox"/> <b>Yes</b>                      <input type="checkbox"/> <b>No</b></p> <p>Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.</p>	

**Conflict Of Interest Disclosures:**

Councillor / Officer making disclosure	Left Meeting: Yes / No
Nil	

**Record Completed by:** Greg Drumm, General Manager Organisational Performance  
 (Please use the **Quick Add Profile** when registering this form on ECM)







### Assembly of Councillors Record

<b>Assembly details:</b>	Gippsland Regional Aquatic Centre Project Reference Group
<b>Date:</b>	21 July 2020
<b>Time:</b>	4.15 pm
<b>Assembly Location:</b>	Video Conference

#### In Attendance

<b>Councillors:</b>	<input type="checkbox"/> Cr McFarlane	<input type="checkbox"/> Cr Middlemiss	<input type="checkbox"/> Cr White OAM
<b>Arrival / Departure Time:</b>	<input checked="" type="checkbox"/> Cr Harriman 4.30pm - 5.01pm	<input checked="" type="checkbox"/> Cr O'Callaghan 4.21pm - 5.01pm	<input checked="" type="checkbox"/> Cr Howe 4.14pm - 5.01pm
	<input type="checkbox"/> Cr Clancey	<input type="checkbox"/> Cr Law	<input type="checkbox"/> Cr Gibson
<b>Officer/s:</b>	Larry Sengstock, Luke McGrath, Tania Eleftheriou		
<b>Matters discussed:</b>	Project Manager update GRAC Operations Tender		
<p><b>Are any of the matters discussed, considered confidential under the <i>Local Government Act 2020</i>?</b></p> <p><input type="checkbox"/> Yes                      <input checked="" type="checkbox"/> No</p> <p>Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.</p>			

#### Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No

**Record Completed by:** Tania Eleftheriou, Project Officer Major Recreation Projects  
(Please use the **Quick Add Profile** when registering this form on ECM)



### Assembly of Councillors Record

<b>Assembly details:</b>	Road and Place Name Advisory Committee Meeting
<b>Date:</b>	22 July 2020
<b>Time:</b>	4.00pm - 5.00pm
<b>Assembly Location:</b>	Online Virtual Meeting

#### In Attendance

<b>Councillors:</b>  <b>Arrival / Departure Time:</b>	<input checked="" type="checkbox"/> Cr McFarlane	<input type="checkbox"/> Cr Middlemiss	<input type="checkbox"/> Cr White OAM
	<input checked="" type="checkbox"/> Cr Harriman	<input type="checkbox"/> Cr O'Callaghan	<input type="checkbox"/> Cr Howe
	<input checked="" type="checkbox"/> Cr Clancey	<input type="checkbox"/> Cr Law	<input checked="" type="checkbox"/> Cr Gibson
<b>Officer/s:</b>	Greg Drumm - GM Organisational Performance		
<b>Matters discussed:</b>	Continued from 13 July 2020 Meeting 1. Ashley Avenue Morwell Road Re-naming 2. Lane Naming 3. Gunaikurnai Land and Waters Aboriginal Corporation 4. Letter from Women in Gippsland		
<b>Are any of the matters discussed, considered confidential under the <i>Local Government Act 2020</i>?</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.			

#### Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No

**Record Completed by:** Greg Drumm

(Please use the **Quick Add Profile** when registering this form on ECM)



### Assembly of Councillors Record

<b>Assembly details:</b>	Councillor Briefing
<b>Date:</b>	27 July 2020
<b>Time:</b>	5pm to 9.13pm
<b>Assembly Location:</b>	Via audio-visual link

#### In Attendance

<b>Councillors:</b>	<input checked="" type="checkbox"/> Cr McFarlane	<input checked="" type="checkbox"/> Cr Middlemiss	<input checked="" type="checkbox"/> Cr White OAM
<b>Arrival / Departure Time:</b>	<input checked="" type="checkbox"/> Cr Harriman	<input checked="" type="checkbox"/> Cr O'Callaghan	<input checked="" type="checkbox"/> Cr Howe
	<input checked="" type="checkbox"/> Cr Clancey	<input checked="" type="checkbox"/> Cr Law	<input checked="" type="checkbox"/> Cr Gibson Arrived 6.20pm
<b>Officer/s:</b>	Steven Piasente From 6.05pm Gail Gatt, Larry Sengstock, Suzanne Miller and Greg Drumm		
<b>Matters discussed:</b>	<p>Future Presentations</p> <p>Upcoming Council Meeting</p> <p>Notice of Motion Requests</p> <p>Points of Clarification</p> <p>Alternate Motion Requests</p> <p>Mayor's Update</p> <p>Chief Executive Officer's Update</p> <p>Draft 2020/21 Budget - Consideration of Submissions</p> <p>State Government request for Transition Plans for Household Recycling Reforms</p> <p>Hazelwood House</p> <p>Branding and Naming of New Major Venues</p> <p>Community Feedback - Community Housing Victoria Ltd Potential Unit Development Former Tobruck Street School Site Morwell (placeholder)</p> <p>Community Feedback - Community Housing Victoria Ltd Potential Unit Development Former Tobruck Street School Site Morwell</p> <p>Provision of 3 Year Old Kindergarten</p> <p>Latrobe Creative Precinct Operating Model - This matter is designated as confidential under section (h) of the definition of confidential information contained in section 3(1) of the Local Government Act 2020, as it deals with confidential meeting information, being the records of meetings closed to the</p>		



public under section 66(2)(a). The report contains confidential information related to officer contracts and employment conditions.

2019/20 Quarterly Performance Report - Quarter 4  
 2019/20 Quarterly Organisation Report - Quarter 4  
 Outstanding Issues  
 Strategic Issues for Future Briefings

**Are any of the matters discussed, considered confidential under the *Local Government Act 2020*?**

**Yes**                       **No**

Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.

**Conflict Of Interest Disclosures:**

Councillor / Officer making disclosure	Left Meeting: Yes / No
Nil	

**Record Completed by:** Greg Drumm, General Manager Organisational Performance  
 (Please use the **Quick Add Profile** when registering this form on ECM)





## Assembly of Councillors Record

<b>Assembly details:</b>	Braiakaulung Advisory Committee
<b>Date:</b>	5 August 2020
<b>Time:</b>	10am -12pm
<b>Assembly Location:</b>	GoTo meeting online

### In Attendance

<b>Councillors:</b>  <b>Arrival / Departure Time:</b>	<input type="checkbox"/> Cr McFarlane	<input type="checkbox"/> Cr Middlemiss	<input checked="" type="checkbox"/> Cr White OAM 10am-12pm
	<input type="checkbox"/> Cr Harriman	<input type="checkbox"/> Cr O'Callaghan	<input type="checkbox"/> Cr Howe
	<input type="checkbox"/> Cr Clancey	<input type="checkbox"/> Cr Law	<input type="checkbox"/> Cr Gibson
<b>Officer/s:</b>	Liam Bantock, Chelsea Stewart and Joanne Brunt		
<b>Matters discussed:</b>	Proposed Magnesium smelter BAC Terms of Reference Latrobe Health Advocate report		
<p><b>Are any of the matters discussed, considered confidential under the <i>Local Government Act 2020</i>?</b></p> <p><input type="checkbox"/> Yes                      <input checked="" type="checkbox"/> No</p> <p>Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.</p>			

### Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No

**Record Completed by:** Chelsea Stewart

*(Please use the **Quick Add Profile** when registering this form on ECM)*



### Assembly of Councillors Record

<b>Assembly details:</b>	Moe Southside Community Precinct Advisory Committee
<b>Date:</b>	5 August 2020
<b>Time:</b>	4:33pm
<b>Assembly Location:</b>	Online - GoToMeeting Format

**In Attendance**

<b>Councillors:</b>  <b>Arrival / Departure Time:</b>	<input type="checkbox"/> Cr McFarlane	<input type="checkbox"/> Cr Middlemiss	<input type="checkbox"/> Cr White OAM
	<input type="checkbox"/> Cr Harriman	<input type="checkbox"/> Cr O'Callaghan	<input type="checkbox"/> Cr Howe
	<input type="checkbox"/> Cr Clancey	<input type="checkbox"/> Cr Law	<input checked="" type="checkbox"/> Cr Gibson
<b>Officer/s:</b>	Simon Clark		
<b>Matters discussed:</b>	1. Oval surface drainage pits. 2. Organisation of a meeting to discuss management of turf wicket bench. 3. Organisation of a meeting to discuss the electricity account agreement.		
<b>Are any of the matters discussed, considered confidential under the <i>Local Government Act 2020</i>?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.			

**Conflict Of Interest Disclosures:**

<b>Councillor / Officer making disclosure</b>	<b>Left Meeting: Yes / No</b>
Nil	

**Record Completed by:** Simon Clark

*(Please use the **Quick Add Profile** when registering this form on ECM)*





### Assembly of Councillors Record

<b>Assembly details:</b>	Churchill & District Community Hub Advisory Committee
<b>Date:</b>	11 August 2020
<b>Time:</b>	4.32 pm to 5.12 pm
<b>Assembly Location:</b>	GO TO Meeting platform (virtual conference)

#### In Attendance

<b>Councillors:</b>  <b>Arrival / Departure Time:</b>	<input type="checkbox"/> Cr McFarlane	<input type="checkbox"/> Cr Middlemiss	<input checked="" type="checkbox"/> Cr White OAM 4.30pm/5.13pm
	<input type="checkbox"/> Cr Harriman	<input type="checkbox"/> Cr O'Callaghan	<input type="checkbox"/> Cr Howe
	<input type="checkbox"/> Cr Clancey	<input type="checkbox"/> Cr Law	<input type="checkbox"/> Cr Gibson
<b>Officer/s:</b>	Shay Ferguson, Manager Active Communities & Partnerships Carole Ayres, Executive Assistant Community Health & Wellbeing		
<b>Matters discussed:</b>	Four Year Strategic Plan Draft COVID- Safety Plans for Hub Operation of services during Hub during this unprecedented time.		
<p><b>Are any of the matters discussed, considered confidential under the <i>Local Government Act 2020</i>?</b></p> <p><input type="checkbox"/> Yes                      <input checked="" type="checkbox"/> No</p> <p>Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.</p>			

#### Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No

**Record Completed by:** Carole Ayres, EA Community Health and Wellbeing

*(Please use the **Quick Add Profile Assembly of Councillors – Advisory Committees** when registering this form on Ci Anywhere)*



### Assembly of Councillors Record

<b>Assembly details:</b>	Latrobe Creative Precinct Project Reference Group
<b>Date:</b>	12 August 2020
<b>Time:</b>	3.30 pm
<b>Assembly Location:</b>	Teleconference, GoToMeeting

#### In Attendance

<b>Councillors:</b>	<input checked="" type="checkbox"/> Cr McFarlane	<input type="checkbox"/> Cr Middlemiss	<input type="checkbox"/> Cr White OAM
<b>Arrival / Departure Time:</b>	<input checked="" type="checkbox"/> Cr Harriman	<input type="checkbox"/> Cr O'Callaghan	<input type="checkbox"/> Cr Howe
	<input checked="" type="checkbox"/> Cr Clancey	<input type="checkbox"/> Cr Law	<input type="checkbox"/> Cr Gibson
	<b>Officer/s:</b> Larry Sengstock, Gail Gatt, Clint Hong, Rebecca Cole, Andrea Stanlake, Brian Feltham, Michael Chapman		
<b>Matters discussed:</b>	Audience Research and Development Project Update - Designated confidential under s3(1)(a) Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released. Operational Issues		
<b>Are any of the matters discussed, considered confidential under the <i>Local Government Act 2020</i>?</b>			
<input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b>			
Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.			

#### Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No
Nil	

**Record Completed by:** Michael Chapman

(Please use the **Quick Add Profile** when registering this form on ECM)





## Assembly of Councillors Record

<b>Assembly details:</b>	Latrobe City Council and Youth Council Meeting
<b>Date:</b>	17 August 2020
<b>Time:</b>	5.30 pm - 6.30 pm
<b>Assembly Location:</b>	Online - GoTo Meeting

### In Attendance

<b>Councillors:</b>  <b>Arrival / Departure Time:</b>	<input checked="" type="checkbox"/> Cr McFarlane 5.30 pm - 6.30 pm	<input checked="" type="checkbox"/> Cr Middlemiss 5.30 pm - 6.30 pm	<input checked="" type="checkbox"/> Cr White OAM 5.30 pm - 6.30 pm
	<input checked="" type="checkbox"/> Cr Harriman 5.30 pm - 6.30 pm	<input checked="" type="checkbox"/> Cr O'Callaghan 6.01 pm - 6.30 pm	<input checked="" type="checkbox"/> Cr Howe 5.30 pm - 6.30 pm
	<input checked="" type="checkbox"/> Cr Clancey 5.15 pm - 6.30 pm	<input type="checkbox"/> Cr Law	<input checked="" type="checkbox"/> Cr Gibson 5.30 pm - 6.30 pm
<b>Officer/s:</b>	Steven Piasente, Suzanne Miller, Larry Sengstock, Gail Gatt, Andrew Legge, Rebecca Fenton		
<b>Matters discussed:</b>	<ol style="list-style-type: none"> <li>1. Catch up meeting between Councillors, Officers and Youth Council.</li> <li>2. COVID check ins for Youth Councillors</li> <li>3. Presentation and naming of 2020 of Youth Mayor and Deputy Youth Mayor.</li> <li>4. Observation questions and conversations for Youth Councillors regarding the Council meeting held on 3 August 2020</li> <li>5. Youth Council questions to Councillors in relation to Council Meeting and general discussions.</li> </ol>		
<p><b>Are any of the matters discussed, considered confidential under the <i>Local Government Act 2020</i>?</b></p> <p><input type="checkbox"/> Yes                      <input checked="" type="checkbox"/> No</p> <p>Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.</p>			

### Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No



**Record Completed by:** Rebecca Fenton

*(Please use the **Quick Add Profile Assembly of Councillors – Advisory Committees** when registering this form on Ci Anywhere)*



# **URGENT BUSINESS**

**18. URGENT BUSINESS**

Business may be admitted to this meeting as urgent business in accordance with clause 19 of the *Meeting Procedure Local Law 2017*, by resolution of Council and only then if it:

1. Relates to or arises out of a matter which has arisen since distribution of the agenda; and
2. Cannot reasonably or conveniently be deferred until the next Ordinary 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*.

**MOTION**

**Moved:** Cr Gibson

**Seconded:** Cr White

**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 2020/10: Notice of Rescission - LCC-648 Road Reconstruction of Gilmour Street and Canfield Crescent Traralgon**

**Agenda item 19.1 *2020/10: Notice of Rescission - LCC-648 Road Reconstruction of Gilmour Street and Canfield Crescent Traralgon* is designated as confidential under subsection (h) of the definition of confidential information contained in section 3(1) of the *Local Government Act 2020*, as it relates to confidential meeting information, being the records of meetings closed to the public under section 66(2)(a). The rescission motion relates to a resolution awarding a contract, being a record of a meeting closed to the public**

**19.2 Proposed Planning Scheme Amendment - Bushfire and Rural Rezonings (BARR)**

**Agenda item 19.2 *Proposed Planning Scheme Amendment - Bushfire and Rural Rezonings (BARR)* is designated as confidential under subsection (c) of the definition of confidential information contained in section 3(1) of the *Local Government***

*Act 2020*, as it relates to land use planning information, being information that if prematurely released is likely to encourage speculation in land values. The report seeks a resolution to proceed to a Planning Scheme Amendment that will rezone land and apply planning overlays

**19.3 Major Project - Status Update**

Agenda item 19.3 *Major Project - Status Update* is designated as confidential under subsection (a) 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. This resolution is required to allow Council to conclude commercial negotiations where early notification would prejudice Council's negotiating position.

**19.4 Awarding Contracts Under CEO Delegation - 2020 Capital Works projects**

Agenda item 19.4 *Awarding Contracts Under CEO Delegation - 2020 Capital Works projects* is designated as confidential under subsection (a) 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. Funding for projects included in this report are subject to confidential applications to the funding body and have not yet been released to the public.

**19.5 LCC-649 Management and Operation of GRAC**

Agenda item 19.5 *LCC-649 Management and Operation of GRAC* 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 would expose tender participants to disadvantage by releasing commercially sensitive information to competitors, partners and potential partners

**19.6 LCC-651 Supply and Installation of Playground Equipment, Under Surfacing and Shade Sails**

Agenda item 19.6 *LCC-651 Supply and Installation of Playground Equipment, Under Surfacing and Shade Sails* 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.

**19.7** LCC-653 Provision of Metal Fabrication and Welding Services  
Agenda item 19.7 *LCC-653 Provision of Metal Fabrication and Welding 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.

**19.8** LCC-654 Supply and Installation of Municipal Street Furniture  
Agenda item 19.8 *LCC-654 Supply and Installation of Municipal Street Furniture* 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.

**CARRIED UNANIMOUSLY**



**The Meeting closed to the public at 7.58pm.**

**The meeting re-opened to the public at 8.52pm.**

**There being no further business the meeting was declared closed at 8.52pm.**

**I certify that these minutes have been confirmed.**

**Mayor:** \_\_\_\_\_

**Date:** \_\_\_\_\_