



# **LATROBE CITY COUNCIL**

**AGENDA FOR THE  
ORDINARY COUNCIL**

**TO BE HELD IN NAMBUR WARIGA MEETING ROOM  
CORPORATE HEADQUARTERS, MORWELL  
AT 6:00PM ON  
11 AUGUST 2014**

**CM444**



## *Latrobe Community* **Vision**

*"In 2026 the Latrobe Valley is a liveable and sustainable region with collaborative and inclusive community leadership."*

## *Council* **Mission**

Latrobe City continues to implement the values, corporate directions and partnerships necessary to bring reality to the Latrobe's 2026 community vision for a liveable and sustainable region with collaborative and inclusive community leadership.

## *Council* **Values**

Latrobe City Council's values describe how it is committed to achieving the Latrobe 2026 community vision through:

- Providing responsive, sustainable and community focused services;
- Planning strategically and acting responsibly;
- Accountability, transparency and honesty;
- Listening to and working with the community; and
- Respect, fairness and equity.

**ORDINARY COUNCIL MEETING AGENDA  
11 AUGUST 2014 (CM444)**

**TABLE OF CONTENTS**

<b>1. OPENING PRAYER.....</b>	<b>3</b>
<b>2. ACKNOWLEDGEMENT OF THE TRADITIONAL OWNERS OF THE LAND .....</b>	<b>3</b>
<b>3. APOLOGIES AND LEAVE OF ABSENCE.....</b>	<b>3</b>
<b>4. DECLARATION OF CONFLICT OF INTEREST .....</b>	<b>3</b>
<b>5. ADOPTION OF MINUTES .....</b>	<b>3</b>
<b>6. PUBLIC QUESTION TIME.....</b>	<b>3</b>
<b>7. ITEMS HELD OVER FOR REPORT AND/OR CONSIDERATION/QUESTIONS ON NOTICE .....</b>	<b>4</b>
<b>8. NOTICES OF MOTION.....</b>	<b>12</b>
8.1 2014/13 - NOTICE OF MOTION - MEETING WITH PROFESSOR MARGARET GARDNER AO .....	12
8.2 2014/14 – NOTICE OF MOTION - HIRE FEE KERNOT HALL, MORWELL .....	13
<b>9. ITEMS REFERRED BY THE COUNCIL TO THIS MEETING FOR CONSIDERATION .....</b>	<b>15</b>
<b>10. CORRESPONDENCE .....</b>	<b>17</b>
<b>11. PRESENTATION OF PETITIONS .....</b>	<b>19</b>
<b>12. OFFICE OF THE CHIEF EXECUTIVE.....</b>	<b>21</b>
12.1 DOCUMENTS PRESENTED FOR SIGNING AND SEALING .....	21
12.2 ASSEMBLY OF COUNCILLORS.....	22
<b>13. PLANNING &amp; ECONOMIC SUSTAINABILITY.....</b>	<b>33</b>
13.1 OPERATIONS OF THE HYLAND HIGHWAY MUNICIPAL LANDFILL CONSULTATIVE COMMITTEE.....	33
<b>14. COMMUNITY, INFRASTRUCTURE &amp; RECREATION.....</b>	<b>50</b>
<b>15. COMMUNITY LIVEABILITY .....</b>	<b>52</b>
<b>16. CORPORATE SERVICES .....</b>	<b>54</b>
16.1 AUTHORISATION OF COUNCIL OFFICERS UNDER THE PLANNING AND ENVIRONMENT ACT 1987. ....	54

**ORDINARY COUNCIL MEETING AGENDA  
11 AUGUST 2014 (CM444)**

**17. MEETING CLOSED TO THE PUBLIC .....63**  
**QUESTIONS ON NOTICE - CONFIDENTIAL .....65**  
17.1 ADOPTION OF MINUTES.....66  
17.2 CONFIDENTIAL ITEMS .....67  
17.3 GEOTECHNICAL INVESTIGATION AND DETAILED DESIGN  
REMEDICATION TREATMENTS OF LANDSLIPS .....68  
17.4 CONSIDERATION OF NEXT STEPS FOR 2-10 KEITH MORGAN  
DRIVE - TRARALGON SOUTH SERVICE STATION.....73  
17.5 AUSTRALIAN PAPER - REQUEST FOR ASSISTANCE .....114  
17.6 LATROBE CITY COUNCIL AUDIT COMMITTEE MEMBERSHIP.....140

**ORDINARY COUNCIL MEETING AGENDA  
11 AUGUST 2014 (CM444)****1. OPENING PRAYER**

*Our Father in Heaven, hallowed be your Name, your kingdom come, your will be done on earth as in Heaven. Give us today our daily bread. Forgive us our sins as we forgive those who sin against us. Save us from the time of trial and deliver us from evil. For the kingdom, the power, and the glory are yours now and forever.*

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

*We respectfully acknowledge that we are meeting here today on the traditional land of the Braiakaulung people of the Gunnai/Ku and pay our respect to their past and present elders*

*□rmai Clan*

**3. APOLOGIES AND LEAVE OF ABSENCE****4. DECLARATION OF CONFLICT OF INTEREST****5. ADOPTION OF MINUTES****RECOMMENDATION**

**That the minutes of the Ordinary Council Meeting held on 21 July 2014 and Special Council Meeting held on 28 July 2014 be confirmed.**

**6. PUBLIC QUESTION TIME**

**ORDINARY COUNCIL MEETING AGENDA  
11 AUGUST 2014 (CM444)**

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

<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>	<b>Responsible Officer</b>
19/09/11	Traralgon Activity Centre Plan Key Directions Report	<p>That having considered all submissions received in respect to the Stage 2 Key Directions Report September 2011, Council resolves the following:</p> <ol style="list-style-type: none"> <li>1. To defer the endorsement of the Stage 2 Key Directions Report September 2011 until:               <ol style="list-style-type: none"> <li>(a) Council has been presented with the Traralgon Growth Area Review</li> <li>(b) Council has received information on the results of the Latrobe Valley Bus Review</li> </ol> </li> <li>2. That Council writes to the State Government asking them what their commitment to Latrobe City in respect to providing an efficient public transport system and that the response be tabled at a Council Meeting.</li> <li>3. That Council proceeds with the Parking Precinct Plan and investigate integrated public parking solutions.</li> <li>4. That the Communication Strategy be amended to take into consideration that the November/December timelines are inappropriate to concerned stakeholders and that the revised Communication Strategy be presented to Council for approval.</li> <li>5. That in recognition of community concern regarding car parking in Traralgon the Chief Executive Officer establish a Traralgon Parking Precinct Plan Working Party comprising key stakeholders and to be chaired by the Dunbar Ward Councillor. Activities of the Traralgon Parking Precinct Plan Working Party to be informed by the Communication Strategy for the Traralgon Activity Centre Plan Stage 2 Final Reports (Attachment 3).</li> </ol>	<p><u>Status:</u> A review of Traralgon Activity Centre Plan project required to be undertaken by officers following adoption of Traralgon Growth Areas Review</p> <p><u>Status:</u> Letter sent 10 August 2010. Response received 24 August 2010</p> <p><u>Status:</u> Letter sent 10 October 2011. No response received</p> <p><u>Status:</u> Parking Strategy completed September 2013. Planning Scheme Amendment Process commenced</p> <p><u>Status:</u> Adopted by Council 6 February 2012</p> <p><u>Status:</u> Working Party endorsed by Council, 20 February 2012</p>	General Manager Planning and Economic Sustainability

## ORDINARY COUNCIL MEETING AGENDA 11 AUGUST 2014 (CM444)

Council Meeting Date	Item	Resolution	Status Update	Responsible Officer
5/12/11	Investigation into Mechanisms Restricting the sale of Hubert Osborne Park Traralgon	That a draft policy be prepared relating to Hubert Osborne Park and be presented to Council for consideration.	Investigations continuing into a possible mechanism for this purpose.	Office of the Chief Executive
19/12/11	Traralgon Greyhound Racing Club – Proposed Development and Request for Alterations to Lease	That a further report be presented to Council following negotiations with the Latrobe Valley Racing Club, Robert Lont and the Traralgon Greyhound Club seeking Council approval to the new lease arrangements at Glenview Park.	Preparation underway to commence negotiations for a new lease. A further report to be presented to Council.	Office of Chief Executive
3/12/12	Geotechnical Investigation and Detailed Design Remediation Treatments of Landslips	<ol style="list-style-type: none"> <li>1. That Council resolve that the geotechnical investigations and detailed design for the remediation treatment of landslips meets the requirements of Section 186 of the <i>Local Government Act 1989</i> and that the contract must be entered into because of an emergency.</li> <li>2. That Council resolves to enter into a schedule of rates contract with GHD Pty Ltd for the geotechnical investigations and detailed design for the remediation treatment of landslips due to it being an emergency.</li> <li>3. That a report be presented to a future Council meeting at the completion of the geotechnical investigations and detailed design for the remediation treatment of landslips outlining the actual costs incurred.</li> <li>4. That Council authorise the Chief Executive Officer to advise those residents impacted by landslips of Council's process and timelines for remediating landslips throughout the municipality.</li> </ol>	Report to be presented to Council at the Ordinary Council Meeting 11 August 2014.	General Manager Community, Infrastructure & Recreation

## ORDINARY COUNCIL MEETING AGENDA 11 AUGUST 2014 (CM444)

Council Meeting Date	Item	Resolution	Status Update	Responsible Officer
18/02/13	Affordable Housing Project – Our future our place	<ol style="list-style-type: none"> <li>1. That Council proceeds to publically call for Expressions of Interest as a mechanism to assess the viability and interest in developing an affordable housing project on land known as the Kingsford Reserve in Moe.</li> <li>2. That a further report be presented to Council for consideration on the outcome of the Expression of Interest process for the development of an affordable housing project on land known as the Kingsford Reserve in Moe.</li> </ol>	This project is currently under review, with a Council report to be presented to Council in September 2014.	General Manager Community, Infrastructure & Recreation
6/05/13	Latrobe City International Relations Advisory Committee - Amended Terms of Reference	That the item be deferred pending further discussion by Councillors relating to the Terms of Reference.	<p>Advice from Council Operations Legal Counsel team on the International Relations Terms of Reference is as follows:</p> <p>At present, we (Council Operations Legal Counsel team) will be meeting with the Councillors' in late July to establish a project plan around a review of the Council Committees. This review will also include how to best move forward establishing a general Terms of Reference for Advisory Committee.</p> <p>Everything is currently on hold until this meeting to see what direction the review will take, including the draft General TOR for the International Relations Committee.</p>	General Manager Planning & Economic Sustainability



**ORDINARY COUNCIL MEETING AGENDA  
11 AUGUST 2014 (CM444)**

<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>	<b>Responsible Officer</b>
6/5/14	Former Moe Early Learning Centre	<ol style="list-style-type: none"> <li>1. That a community engagement process be undertaken to inform a potential Expression of Interest for funding from the State Government's <i>Putting Locals First Program</i> to redevelop the former Moe Early Learning Centre as a centre for community organisations, addressing the stated funding criteria. That subject to the community engagement process identifying a community need meeting the funding criteria, that an Expression of Interest for funding from the State Government's <i>Putting Locals First Program</i> be prepared and submitted.</li> <li>2. That a further report be presented to Council for consideration outlining the draft design of the former Moe Early Learning Centre based on feedback received during the community engagement process.</li> </ol>	<p><b>Status:</b> Focus Group meetings were held on Tuesday, 22/10/13 and Wednesday, 23/10/13 at the Moe Town Hall. Attendance: Tuesday – 24, Wednesday – 11. Survey available online and in hard copy at Latrobe City Service Centres &amp; Libraries between Monday, 3/2/14 and Friday, 7/3/14. Letter/email sent to 77 community groups in the Moe and District area to promote and encourage participation in the survey.</p> <p><b>Status:</b> Results of community engagement process analysed and Expression of Interest prepared and submitted for funding from the State Government's <i>Putting Locals First Program</i>. Awaiting feedback from Regional Development Victoria.</p> <p><b>Status:</b> Community engagement process for the design of the building is yet to commence. To occur in the next financial year and is subject to outcome of funding application.</p>	General Manager Community Liveability

## ORDINARY COUNCIL MEETING AGENDA 11 AUGUST 2014 (CM444)

Council Meeting Date	Item	Resolution	Status Update	Responsible Officer
16/09/13	14.3 Hazelwood Pondage Waterway And Caravan Park Lease	<ol style="list-style-type: none"> <li>1. That Council authorise the Chief Executive Officer to commence negotiations with IPH GDF Suez for the lease of the caravan park, southern boat ramp and surrounds, northern boat ramp and surrounds and management of the waterway for recreational purposes, ensuring the following principals are addressed: <ul style="list-style-type: none"> <li>• GDF SUEZ to retain full accountability for Blue Green Algae and water quality testing;</li> <li>• GDF SUEZ to remain fully accountable for the pondage integrity;</li> <li>• Fair and equitable termination clauses should the power station close earlier than 2025;</li> <li>• Clarify risk, release and indemnity conditions;</li> <li>• Liquidated damages;</li> <li>• Clarify the end of lease conditions;</li> <li>• Clarify the early termination conditions</li> </ul> </li> <li>2. That a further report be presented to Council following negotiations with IPH GDF SUEZ seeking Council approval of the new lease arrangements at Hazelwood Pondage.</li> <li>3. 3. That Council write to the Minister for Regional &amp; Rural Development and advise of Council's resolution to commence negotiations with IPH GDF SUEZ .</li> </ol>	Negotiations with GDF Suez ongoing.	General Manager Community, Infrastructure & Recreation
6/11/13	Latrobe Regional Motorsport Complex	<ol style="list-style-type: none"> <li>1. That Council requests the members of the Latrobe Regional Motorsports Complex Advisory Committee to investigate potential sites for the motorsports complex and to advise Council of any sites identified so that further investigation can be undertaken by Council officers.</li> <li>2. That Council officers meet with Energy Australia to discuss other possible sites for a motorsports complex on their land.</li> <li>3. That a further report be presented to Council at such time that site options have been investigated.</li> </ol>	Initial advice from Energy Australia and HVP is that land is not currently available for this use. Officers continuing to work with both parties to identify potential sites for further investigation.	General Manager Community, Infrastructure & Recreation

## ORDINARY COUNCIL MEETING AGENDA 11 AUGUST 2014 (CM444)

Council Meeting Date	Item	Resolution	Status Update	Responsible Officer
19/05/14	Drainage Investigation At Adam View Court, Tanjil South	That Council defer consideration of this item, so that a meeting between the Acting CEO, Mrs Kellie Fraser, the neighbouring property owners and the West Gippsland Catchment Management Authority, can be undertaken to explore the most appropriate options to mitigate the flooding issues.	Meeting held with officers and representative of WGCMA and resident on site. Potential solution has been identified with design to be done by LCC staff and presented to resident for them to consider implementing.	General Manager Community, Infrastructure & Recreation
10/06/14	Urgent Business - TED SUMMERTON RESERVE	<p>In light of concerns raised with drainage issues and other problems at the Ted Summerton Reserve by the user group, Council brings back a report carried out by an independent body specialising in purchasing, supply and contracts to be tabled in Open Council within 2 months detailing the following;</p> <p>The works and their costs including all variations, carried out at the Ted Summerton Reserve            What Quality control inspections were carried out, by whom and a copy of the report            Tender specifications for the drainage works            If the Material used was up to specification            The Tender brief for all works            A solution to any issues raised or found at the site</p>	Review of issues being undertaken and a further report to be presented to Council.	General Manager Community, Infrastructure & Recreation
10/06/14	Proposed Sale Of Land - Franklin Street, Traralgon	<ol style="list-style-type: none"> <li>1. That Council seek expressions of interest from real estate agents in Traralgon to resume actively marketing the former Traralgon Early Learning Centre site at 196 Franklin Street, Traralgon, and seek offers for sale of the property.</li> <li>2. That Council authorise the Chief Executive Officer to negotiate the sale of the former Traralgon Early Learning Centre site at 196 Franklin Street, Traralgon, with a prospective purchaser</li> <li>3. That a further report be presented to Council upon negotiation of an offer consistent with the valuation of the former Traralgon Early Learning Centre site at 196 Franklin Street, Traralgon.</li> </ol>	Preparation underway to seek Expression of Interest from Real Estate agents in Traralgon.	Office of the Chief Executive

**ORDINARY COUNCIL MEETING AGENDA  
11 AUGUST 2014 (CM444)**

<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>	<b>Responsible Officer</b>
21 July 2014	Cultural Diversity Action Plan 2014-2018	<p style="text-align: center;">ALT MOTION</p> <p>1. That the draft Cultural Diversity Action Plan 2014-2018 be released for community comment in accordance with the Community Engagement Plan 2010 – 2014 from 22 July 2014 to 23 September 2014.</p> <p>2. That following the community consultation process a further report on the Cultural Diversity Action Plan 2014-2018 be presented to Council for consideration.</p>		General Manager Community Liveability

# NOTICES OF MOTION

**8. NOTICES OF MOTION**

**8.1 2014/13 - NOTICE OF MOTION - MEETING WITH PROFESSOR  
MARGARET GARDNER AO**

**Cr Christine Sindt**

**Attachments  
Nil**

**That Latrobe City Council write to Professor Margaret Gardner, AO, Vice-Chancellor and President, RMIT University, GPO Box 2476, Melbourne VIC 3001, who commences her role as Vice-Chancellor and President of Monash University on 1 September 2014, requesting a Meeting between herself and Latrobe City Council, to:**

- 1. Review the RMIT University contribution to the Morwell CBD Revitalisation Plan**
- 2. Discuss research opportunities and partnerships with Latrobe City in relation to Health and Aerospace Technology**
- 3. Discuss the Victorian Auditor-General's Report on "Access to Education for Rural students" dated 3 April 2014, in the context of two documents:**

**VAGO File No.: 89:07 dated 19 March 2014**

**VAGO File No.: 07.08.02/5-4 dated 26 June 2014**

**ORDINARY COUNCIL MEETING AGENDA  
11 AUGUST 2014 (CM444)**

**8.2 2014/14 – NOTICE OF MOTION - HIRE FEE KERNOT HALL,  
MORWELL**

**Cr Christine Sindt**

**Attachments**  
Nil

**That the fee for hire of Kernot Hall be waived for the Morwell Fire  
Brigade Centenary Ball to be held on Saturday 13 June 2015.**

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



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

Nil reports

# CORRESPONDENCE

**10. CORRESPONDENCE**

Nil reports

# PRESENTATION OF PETITIONS

**11. PRESENTATION OF PETITIONS**

Nil reports

# OFFICE OF THE CHIEF EXECUTIVE

**12. OFFICE OF THE CHIEF EXECUTIVE**

**12.1 DOCUMENTS PRESENTED FOR SIGNING AND SEALING**

**Office of the Chief Executive**

**For Decision**

**DECLARATION OF INTEREST**

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

**DOCUMENTS**

Transfer of Land	Transfer of Land for various properties on Volume 9640 Folio 218, Volume 9640 Folio 219, Volume 9726 Folio 908, Volume 9726 Folio 907 and Volume 10766 Folio 946 being roads and reserves in Blair-Athol Drive, Traralgon from Petard Pty Ltd to Latrobe City Council for the consideration of \$1.00.
------------------	--

**Attachments**  
Nil

**RECOMMENDATION**

- 1. That Council authorises the Acting Chief Executive Officer to sign and seal the Transfer of Land for various properties on Volume 9640 Folio 218, Volume 9640 Folio 219, Volume 9726 Folio 908, Volume 9726 Folio 907 and Volume 10766 Folio 946 being roads and reserves in Blair-Athol Drive, Traralgon from Petard Pty Ltd to Latrobe City Council for the consideration of \$1.00.**

**ORDINARY COUNCIL MEETING AGENDA  
11 AUGUST 2014 (CM444)**

**12.2 ASSEMBLY OF COUNCILLORS**

**Office of the Chief Executive**

**For Decision**

**PURPOSE**

The purpose of this report is to present to Council, the Assembly of Councillors forms submitted since the Ordinary Council Meeting held 21 July 2014.

**DECLARATION OF INTEREST**

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

**OFFICER COMMENTS**

The following Assembly of Councillors took place:

<b>Date:</b>	<b>Assembly Details / Matters Discussed:</b>	<b>In Attendance:</b>	<b>Conflicts of Interest Declared:</b>
15 July 2014	<p>Sporting Hall of Fame Committee Meeting</p> <ul style="list-style-type: none"> <li>• Criteria of Sporting Hall of Fame</li> <li>• Issues and concerns from last induction event</li> <li>• Proposed 2014 time frames to coincide with Australia Day media</li> <li>• Proposed draft budget</li> <li>• Approval for nomination forms and nomination schedule</li> <li>• Advertising options and approval of media schedule</li> <li>• Travelling Sporting Hall of Fame display options</li> <li>• Options of Sporting Hall of Fame Ambassador or previous inductees playing a role in award ceremony</li> <li>• Update on induction event arrangement details to be incorporated with the 2015 Australia Day Civic Function</li> </ul>	<p><b>Councillors:</b> Cr Gibson, Cr White.</p> <p><b>Officers:</b> Sheree Callenberg, Geoff Hill, Jess Lloyd</p>	NIL



**ORDINARY COUNCIL MEETING AGENDA  
11 AUGUST 2014 (CM444)**

17 July 2014	<p>Traralgon CBD Safety Committee Meeting</p> <ul style="list-style-type: none"><li>• No Smoking Signs Update</li><li>• Late Night Venue operating hours update,</li><li>• Late Night Bus Service,</li><li>• Victoria Police Update,</li><li>• Traralgon liquor Accord Update,</li><li>• Late Night Venure report,</li><li>• Latrobe City Council Report,</li><li>• Newsletter,</li><li>• LCHS operationg hours and services</li></ul>	<p><b>Councillors:</b> Cr Rossiter, Cr Kam.</p> <p><b>Officers:</b> Andrew Legge, Steve Tong.</p>	NIL
--------------	--	---	-----

**Attachments**

1. Attachment 1
2. Attachment 2

**RECOMMENDATION**

**That Council note this report.**

## **12.2**

### **Assembly of Councillors**

<b>1</b>	<b>Attachment 1 .....</b>	<b>25</b>
<b>2</b>	<b>Attachment 2 .....</b>	<b>29</b>



## Assembly of Councillors Record

This form **MUST** be completed by the attending Council officer and returned **IMMEDIATELY** to the Council Operations Team for filing. {see over for Explanation/Guide Notes}.

**Assembly details:** Sporting Hall of Fame Committee Meeting

**Date:** 15 July, 2014

**Time:** 11.00 am to 12.10 pm

**Assembly Location:** Exec Meeting Room, Council Headquarters, Morwell

**In Attendance:**

**Councillors:** Cr Sharon Gibson & Cr Darrell White

**Officer/s:** Sheree Callenberg, Geoff Hill, Jess Lloyd

**Matter/s Discussed:**

- Criteria of Sporting Hall of Fame
- Issues and concerns from last induction event
- Proposed 2014 time frames to coincide with Australia Day media
- Proposed draft budget
- Approval for nomination forms and nomination schedule
- Advertising options and approval of media schedule
- Travelling Sporting Hall of Fame display options
- Options of Sporting Hall of Fame Ambassador or previous inductees playing a role in award ceremony
- Update on induction event arrangement details to be incorporated with the 2015 Australia Day Civic Function

**Are the matters considered confidential under the Local Government Act: NO**

**Conflict of Interest Disclosures:** (refer 3. over page)

**Councillors:** N/A

**Officer/s:** N/A



**Times that Officers / Councillors left/returned to the room: N/A**

**Completed by: Sheree Callenberg**



### Assembly of Councillors Record Explanation / Guide Notes

Required pursuant to the Local Government Act 1989 as amended.

#### 1. Section 80A requirements (re: *Written Record to be made by Council staff member*):

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

"At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending under subsection (3);
- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly."

The above required information is:

- to be reported to an Ordinary meeting of the Council; and
- incorporated in the minutes of that Ordinary meeting.

#### 2. Section 76AA definition:

"**Assembly of Councillors** (however titled, e.g: meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

#### **Brief Explanation:**

Some examples of an *Assembly of Councillors* will include:

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

providing **at least 5 Councillors and 1 Council staff member are present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

*Effectively it is probable, that any meeting of at least 5 Councillors and 1 Council staff member will come under the new requirements as the assembly will in most cases be considering a matter which will come before Council or be the subject of a delegated officer's decision at some later time. If you require further clarification, please call the Manager Council Operations – Legal Counsel.*

**Please note:** an Advisory Committee meeting requires only one Councillor to be in attendance. An advisory committee is defined as any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

#### 3. Section 80A and 80B requirements (re: **Conflict of Interest**):

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

##### **Section 80A(3)**

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly."

##### **Section 80B**

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.



## Assembly of Councillors Record

This form **MUST** be completed by the attending Council officer and returned **IMMEDIATELY** to the Council Operations Team for filing. {see over for Explanation/Guide Notes}.

**Assembly details:** Traralgon CBD Safety Committee Meeting

**Date:** Thursday, 17 July 2014

**Time:** 9.01 am - 9.36 am

**Assembly Location:** Latrobe City Traralgon Service Centre, Kay Street Traralgon.  
(e.g: Town Hall, TOWN, No. xx ADDRESS, Latrobe City Council Offices).

**In Attendance:**

**Councillors:** Michael Rossiter, Sandy Kam

**Officer/s:** Andrew Legge, Steve Tong

**Matter/s Discussed:** No Smoking Signs Update, Late Night Venue operating hours update, Late Night Bus Service, Victoria Police Update, Traralgon liquor Accord Update, Late Night Venure report, Latrobe City Council Report, Newsletter, LCHS operating hours and services.

(e.g: Proposed Development in TOWN discussion with residents, Planning Permit Application No. xxxx re: proposed xx story development at ADDRESS, etc)

**Are the matters considered confidential under the Local Government Act: No**

**Conflict of Interest Disclosures:** (refer 3. over page)

**Councillors:** Nil

**Officer/s:** Nil

**Times that Officers / Councillors left/returned to the room: Nil**



Completed by: Andrew Legge





### Assembly of Councillors Record Explanation / Guide Notes

Required pursuant to the Local Government Act 1989 as amended.

#### 1. Section 80A requirements (re: *Written Record to be made by Council staff member*):

Amendments to the Local Government Act 1989 (Section 80A), operative from 2 December 2008 now stipulate:

"At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of:

- the names of all Councillors and members of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending under subsection (3);
- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly."

The above required information is:

- to be reported to an Ordinary meeting of the Council; and
- incorporated in the minutes of that Ordinary meeting.

#### 2. Section 76AA definition:

"**Assembly of Councillors** (however titled, e.g: meeting / inspection / consultation etc) is a meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of staff which considers matters that are intended or likely to be;

- The subject of a decision of the Council; or
- Subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

#### **Brief Explanation:**

Some examples of an *Assembly of Councillors* will include:

- Councillor Briefings;
- on site inspections, generally meetings re: any matters;
- meetings with residents, developers, other clients of Council, consultations;
- meetings with local organisations, Government Departments, statutory authorities (e.g. VicRoads, etc);

providing **at least 5 Councillors and 1 Council staff member are present** and the matter/s considered are intended **or likely to be** subject of a future decision by the Council **OR** an officer decision under delegated authority.

*Effectively it is probable, that any meeting of at least 5 Councillors and 1 Council staff member will come under the new requirements as the assembly will in most cases be considering a matter which will come before Council or be the subject of a delegated officer's decision at some later time. If you require further clarification, please call the Manager Council Operations – Legal Counsel.*

**Please note:** an Advisory Committee meeting requires only one Councillor to be in attendance. An advisory committee is defined as any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under section 98.

#### 3. Section 80A and 80B requirements (re: **Conflict of Interest**):

Councillors and officers attending an Assembly of Councillors must disclose any conflict of interest.

##### **Section 80A(3)**

"If a Councillor attending an Assembly of Councillors knows, or would reasonably be expected to know, that a matter being considered by the assembly is a matter that, were the matter to be considered and decided by Council, the Councillor would have to disclose a conflict of interest under section 79, the Councillor must disclose either:

- (a) immediately before the matter in relation to the conflict is considered; or
- (b) if the Councillor realises that he/she has a conflict of interest after consideration of the matter has begun, as soon as the Councillor becomes aware of the conflict of interest, leave the assembly whilst the matter is being considered by the assembly."

##### **Section 80B**

A member of Council staff who has a conflict of interest (direct or indirect) in a matter in which they have a delegated power, duty or function must:

- not exercise the power or discharge the duty or function;
- disclose the type of interest and nature of interest to the in writing to the Chief Executive Officer as soon as he/she becomes aware of the conflict of interest. In the instance of the Chief Executive Officer having a pecuniary interest, disclosure in writing shall be made to the Mayor.



# PLANNING & ECONOMIC SUSTAINABILITY

**13. PLANNING & ECONOMIC SUSTAINABILITY**

**13.1 OPERATIONS OF THE HYLAND HIGHWAY MUNICIPAL  
LANDFILL CONSULTATIVE COMMITTEE**

**General Manager**

**Planning & Economic  
Sustainability**

**For Decision**

**PURPOSE**

The purpose of this report is to inform Council on the overall operations of the Latrobe City Hyland Highway Municipal Landfill Consultative Committee (the Committee) from 16 December 2013 to 3 June 2014, in accordance with the objectives contained within the Committee's Terms of Reference.

**DECLARATION OF INTEREST**

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

**STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2013-2017.

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives – Natural Environment*

In 2026, Latrobe Valley enjoys a beautiful natural environment that is managed and protected with respect to ensure a lasting legacy for future generations

*Latrobe City Council Plan 2013 - 2017*

*Theme and Objectives*

*Theme 2: affordable and sustainable facilities, services and recreation*

*Theme 3: Efficient, effective and accountable governance*

*Theme 4: Advocacy for and consultation with our community*

*Theme 5: Planning for the future*

*Strategic Direction –*

Work with stakeholders to maintain and enhance the natural environment and by diversity by Latrobe City and the region.

## ORDINARY COUNCIL MEETING AGENDA 11 AUGUST 2014 (CM444)

Deliver and promote environmentally sustainable waste management services that meet the expectations of the community and industry.

### *Strategy & Plans – Natural Environment*

Natural Environment Sustainability Strategy 2014-2019.

Latrobe City Council Waste Management Strategy 2010-2017.

### *Legislation*

Environmental Protection Act 1970

### **BACKGROUND**

The Environment Protection Authority (EPA) Works Approval (WA61581, 4 March 2008) issued for construction of the Latrobe City Hyland Highway Landfill requires Latrobe City Council to:

*‘... establish a community consultative committee (“the Committee”)...before commencement of works on the premises.’*

The Committee was established in April 2008.

The role of the Committee is to:

- act as a sounding board and advocate for the community and other stakeholders over any issues of concern;
- to act as a channel of communication between the community, stakeholders and Latrobe City Council;
- to review reports and investigations; to assist in the development and review of the environmental improvement plan;
- to advise on the re-vegetation plan for the balance of the land; and to advise on the rehabilitation and after use of the landfill itself.

The Committee Terms of Reference (TOR) requires a report to Council each six months, in June and December of each year, on the overall operations of the Committee. The Committee Terms of Reference are attached to this report.

A report was prepared and provided to Council on the operations of the Latrobe City Hyland Highway Municipal Landfill Consultative Committee for the period from 16 December 2013 to 3 June 2014. At the 16 December 2013 Ordinary Council Meeting, Council resolved:

**ORDINARY COUNCIL MEETING AGENDA  
11 AUGUST 2014 (CM444)**

*That Council note the report on the overall operations of the Latrobe City Hyland Highway Municipal Landfill Consultative Committee from 24 June 2013 to 16 December 2013.*

**ISSUES**

Since 16 December 2013, the Committee has convened on one occasion on 3 June 2014.

No meetings were scheduled since 17 December 2013 due to the Manager Waste and Sustainability resignation and resources were being reviewed during this time.

Minutes of the Committee meeting is attached to this report for information.

There has been no change in composition of the Committee during this reporting period.

Members and officers over this period of the Committee operations were:

1. Cr Peter Gibbons (Councillor Delegate)
2. Cr Dale Harriman (Councillor Delegate)
3. Mr Wayne Sim (LCC Officer)
4. Dr Chandana Vidanaarachchi (LCC Officer)
5. Mr Garry Kay (EPA)
6. Mr Matthew Peake (GRWMG) / Ms Karen Humphries (GRWMG)
7. Mr Paul Barrand (Loy Yang Power)
8. Mr David Mackenzie (WGCMA)
9. Dr Dilip Nag (Technical Rep)
10. Mr Ian Ewart (Community Rep)
11. Ms Lynette Van Vondel (Community Rep)
12. Mr Ted Addison (Community Rep)
13. Mr Chris Madsen (Community Rep)

## ORDINARY COUNCIL MEETING AGENDA 11 AUGUST 2014 (CM444)

The following table details attendance of members at meetings of the Committee:

<b>Date of Meeting</b>	3/12/2013	3/6/2014	TOTAL
<b>Member/Representative</b>			
Latrobe City Councillor Delegate	Apology	✓	1/2
Latrobe City Councillor Delegate	✓	✓	2/2
Manager Natural Environment Sustainability*	✓	✓	2/2
Co-ordinator landfill Services *	✓	✓	2/2
West Gippsland Catchment Management Association	✓	✓	2/2
AGL Loy Yang Power	Apology	✓	1/2
Gippsland Regional Waste Management Group	✓	Apology	1/2
Environment Protection Authority	Apology	Apology	0/2
<b>Technical Representative</b>			
Dr Dilip Nag	Apology	Apology	0/2
<b>Community Member</b>			
Mr Ian Ewart	Apology	Apology	0/2
Mr Ted Addison	✓	✓	2/2
Mr Chris Madsen	✓	✓	2/2
Ms Lynette Van Vondel	Apology	✓	1/2
<b>No. Members in Attendance</b>	<b>7/11</b>	<b>8/11</b>	

\* Not members

## ORDINARY COUNCIL MEETING AGENDA 11 AUGUST 2014 (CM444)

Through the recent meeting process the Committee has been, and continues to be consulted, advised and receive updates for comment and discussion regarding:

- Best Practice Environmental Management
- OH&S at the landfill
- Baw Baw Shire use of the landfill
- GRWMG function and Regional Plan
- Website and newsletter
- Cell 3 & 4 construction
- Leachate management
- Landfill airspace
- Odour complaints and investigation
- Landfill operations
- Regional landfill resources
- Reporting of Committee operations

### **FINANCIAL, RISK AND RESOURCES IMPLICATIONS**

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014.

There are no financial or resource implications arising from this report.

### **INTERNAL/EXTERNAL CONSULTATION**

#### *Engagement Method Used:*

The Latrobe City Hyland Highway Municipal Landfill Consultative Committee.

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

The Committee is a mechanism for consultation with the community regarding issues in relation to the Hyland Highway Municipal Landfill.

### **OPTIONS**

Options available to Council include:

1. Accept the report as presented;
2. Request further information regarding the overall operations of the Committee;
3. Not accept the report as presented.

### **CONCLUSION**

The Latrobe City Hyland Highway Municipal Landfill Consultative Committee has convened on one occasion during the period from 17 December 2013 to 3 June 2014.

**ORDINARY COUNCIL MEETING AGENDA  
11 AUGUST 2014 (CM444)**

Through the meeting process the Committee has been, and continues to be consulted, advised and receive updates for comment and discussion in accordance with its Terms of Reference.

The Committee continues to operate in accordance with the Terms of Reference.

**Attachments**

1. Latrobe City Hyland Highway Municipal Landfill Consultative Committee TOR adopted 9 March 2010
2. Landfill Consultative Committee\Minutes\Minutes 3 June 2014

**RECOMMENDATION**

**That Council note the report on the overall operations of the Latrobe City Hyland Highway Municipal Landfill Consultative Committee from 17 December 2013 to 3 June 2014.**

## **13.1**

### **Operations of the Hyland Highway Municipal Landfill Consultative Committee**

- 1 Latrobe City Hyland Highway Municipal Landfill  
Consultative Committee TOR adopted 9 March 2010..... 41**
- 2 Landfill Consultative Committee\Minutes\Minutes 3 June  
2014..... 47**





**Latrobe City Hyland Highway Municipal  
Landfill Consultative Committee**

**TERMS OF REFERENCE  
9 March 2010**

**Contents:**

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

**1. OBJECTIVES**

- a) To act as an advocate and sounding board for the community and other stakeholders bringing to the attention of Latrobe City any issues of concern that may arise during the construction of works and in the operation of the premises.
- b) To act as a channel of communication between the community, stakeholders and Latrobe City.
- c) To review environmental reporting documentation including reports, investigations and studies into aspects of the development and operation of the premises.
- d) To assist Latrobe City and participate in the development and review of an Environment Improvement Plan for the Latrobe City Municipal Landfill Facility.
- e) To provide advice to Latrobe City in the development of a harvesting and re-vegetation plan for the balance of the property not utilised for landfill activities.
- f) To provide advice on the rehabilitation and proposed after use of the entire site.
- g) To report to Council each six months in June and December of each year on the overall operations of the Consultative Committee.

**2. MEMBERSHIP**

- a) The Latrobe City Municipal Landfill Consultative Committee will comprise of a maximum of fifteen (15) representatives and will be provided with administrative support by Latrobe City.
  - The Gonyah Ward Councillor plus one (1) additional Latrobe City Councillor delegate.
  - One (1) representative from the Environment Protection Authority Victoria
  - One (1) representative from the West Gippsland Catchment Management Authority
  - One (1) representative from the Gippsland Regional Waste Management Group
  - One (1) representative from Loy Yang Power
  - One (1) representative from the Department of Sustainability and Environment
  - Up to five (5) Community Members

- Up to three (3) other members with specialist skills and/or industry experience

The Manager Natural Environmental Sustainability and the Co-ordinator Landfill Services will be present at all meetings to provide feedback, advice and identify issues and how such issues are proposed to be addressed.

- b) Members of the Community will be selected based on expressions of interest received. Latrobe City through consultation with local stakeholders and community groups in areas adjacent to the landfill locality shall determine membership of the Committee to the satisfaction of the Environment Protection Authority Victoria (EPA).
- c) Whilst the Consultative Committee will be in place throughout the life of the landfill facility the appointment of members to Latrobe City Municipal Landfill Consultative Committee will be for a term of three (3) years. Prior to the expiration or each three year term, nominations will be called for the next three year term. Current Consultative Committee members are able to renominate.
- d) The Gunyah ward Councillor will Chair the meetings. If the ward councillor is unavailable he/she will delegate a replacement Councillor for purposes of chairing the meeting.
- e) Members will be appointed for a three year term. In the case of casual vacancies, members shall be appointed for a period as determined by Latrobe City, with advice from the committee. The term shall not exceed the date set down for the expiry of the term of office of the retiring member.
- f) A member who misses two consecutive meetings without a formal apology may have their term of office revoked if requested to do so by Latrobe City Council.
- g) Organisational representatives are able to co-opt a temporary member to fulfil their duties and attend meetings after gaining approval from the Chair.

### **3. RESIGNATIONS**

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

### **4. PROCEEDINGS**

**4.1 Meetings**

- a) Each forum will determine its meeting schedule. The meetings will be held at the Traralgon Civic Centre, Kay Street, Traralgon, unless otherwise decided by the committee. Meetings will begin at 6.00pm. Light Refreshments will be provided.
- b) The duration of each forum should not generally exceed two hours.
- c) A record of each meeting will be taken by Latrobe City staff servicing the forum.
- d) Meetings will follow standard meeting procedures.
- e) Meetings of the Committee will be held bi-monthly initially or as may be deemed necessary to fulfil the objectives of the Consultative Committee.
- f) Special meetings may be held on an as needs basis.
- g) Meetings will be open to the public however those non-members in attendance have observer rights only.

**4.2 Quorum**

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

**4.3 Voting**

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

**4.4 Record of Meeting**

- a) A Latrobe City Officer will record the meeting notes and store them on the DataWorks file Landfill Sites that shall state the names of the members present.
- b) A copy of the meeting notes will be distributed to all Committee members.
- c) A copy of the meeting notes are to be provided to all Latrobe City Councillors.
- d) If so needed, the Committee can provide formal reports for Council if agreed to by the Chair.

**5. AUTHORITY LEVELS AND REPORTING**

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

**6. FINANCE & ADMINISTRATION**

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

**7. APPOINTMENT OF ADDITIONAL MEMBERS**

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



### Details

<b>Name of Project</b>	Latrobe City Landfill Consultative Committee Minutes
<b>Date of Meeting</b>	Tuesday 3 June 2014
<b>Meeting Times</b>	5.00 pm – 6.30 pm
<b>Venue</b>	MacFarlane Burnet Room, Traralgon Service Centre

### Attendees

Cr Peter Gibbons	Ted Addison	Wayne Sim
Cr Dale Harriman (Chair)	Chris Madsen	Chandana Vidanaarachchi
David Mackenzie (WGCMA)	Paul Barrand (Loy Yang Power)	Lynette Van Vondel

### Apologies

Garry Kay (EPA Vic)	Dilip Nag (Monash Uni)	Ian Ewert
Karen Humphries/Matthew Peake (GRWMG)		

### Welcome

Cr Dale Harriman chaired the meeting. He welcomed the committee members who attended the meeting.

### Minutes of the previous meeting

The minutes from the previous meeting, 3 December 2013 were discussed. Further issues of a regional landfill were opened by Ted Addison and discussions referring to the statements by Matthew Peake that the Gippsland Regional Waste Management Plan was required prior to the landfill being approved. Lynette Van Vondel stated a different version and has the paperwork to verify.

A general comment was made by David Mackenzie regarding the finite airspace, filling capacity from the region and the impact on the landfill life.

Ted Addison asked Lynette if the Traralgon South community were happy with the landfill information/operation and her response was there was a slight division.

The issue of odour was also raised and there seemed to be reports from the Mattingley Hill Road area. No EPA reports were received that would confirm that odour was detectable outside the landfill boundary, and was confirmed that operational procedures stipulate odour testing is carried out several times per day. Refer to attached a copy of an extract from daily reports for the period .

### Environmental Protection Authority Report

There were no reports from EPA Victoria. The EPA representative is an apology. Discussion regarding the involvement of the EPA representative reported by Chandana that due to resources an EPA Representative would not be available for future meetings. The EPA will attend if an item of specific concern requires EPA advice. EPA reports have been requested for future meetings. Cr Harriman also noted a change to the Terms of Reference will require a review to implement changes to the member numbers.

### OH&S at landfill

No incidence, accidents or near misses to report.

**Communication – Website and News Letter**

The landfill newsletter was not distributed due to internal resources not being allocated at that time. The next newsletter will be completed and distributed prior to the next meeting.

**Cell Construction works – update**

The southern bund wall has been completed and filling has commenced.  
Cell 1 & 2 rehabilitation will commence in July 2014, Contract awarded.  
Landfill gas extraction Expression of Interest is to be re-advertised due to lack of responses.

The Cell 4 plans submitted to the EPA for acceptance, construction works will commence in October 2014.

**Other Items**

Odour – this was covered in detail above, however social media was discussed as a method of gaining assistance by local residents to report any odour detected.

**Operations of the Committee**

In accordance with the committee's terms of reference a report will be presented to Council at the 29 June 2014 Ordinary Council Meeting on the overall operations of the committee for the preceding 6 months. This report will be available online in the minutes of the Council Meeting.

**General Business**

- Sand is on the road near motorcycle track. This was good after VicRoads cleared the drains. Council officers will investigate the cause and notify VicRoads again.

**Next Meeting**

Dates for all 2014 meetings will be sent to Committee members as calendar invitations.

The next meeting to be Tuesday 2 September 2014, at 5.00 pm, Traralgon Service Centre.

Meeting closed at 6.30 pm.

# COMMUNITY, INFRASTRUCTURE & RECREATION



**14. COMMUNITY, INFRASTRUCTURE & RECREATION**

Nil reports

# COMMUNITY LIVEABILITY

**15. COMMUNITY LIVEABILITY**

Nil reports

# CORPORATE SERVICES

16. CORPORATE SERVICES

**16.1 AUTHORISATION OF COUNCIL OFFICERS UNDER THE  
PLANNING AND ENVIRONMENT ACT 1987.**

General Manager

Corporate Services

For Decision

**PURPOSE**

The purpose of this report is for Council to consider specifically authorising new incumbent, Fiona Farrand, Statutory Planner in her own right pursuant to section 147 of the *Planning and Environment Act 1987*.

**DECLARATION OF INTEREST**

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

**STRATEGIC FRAMEWORK**

This report is consistent with Latrobe 2026: The Community Vision for Latrobe Valley and the Latrobe City Council Plan 2012-2016.

*Latrobe 2026: The Community Vision for Latrobe Valley*

*Strategic Objectives – Planning for the future*

*To provide clear and concise policies and directions in all aspects of planning.*

*Latrobe City Council Plan 2013 - 2017*

*Shaping Our Future*

*Strategic Direction – Provide efficient and effective planning services and decision making to encourage development and new investment opportunities.*

*Service Provision – Legal Services*

Administer legal advice and services for Latrobe City Council.

*Legislation –*

Local Government Act 1989

*Planning and Environment Act 1987*

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

**224. Authorised officers**

## ORDINARY COUNCIL MEETING AGENDA 11 AUGUST 2014 (CM444)

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

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

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

However, Section 188(2)(c) of the *Planning and Environment Act 1987*, stipulates that Council cannot delegate the power to authorise officers for the purpose of enforcing that Act:

### **188. Planning authorities and responsible authorities may delegate powers**

*(5) A planning authority or responsible authority other than the Minister may by instrument delegate any of its powers, discretions or functions under this Act to-*

- (a) *a committee of the authority; or*
- (b) *an officer of the authority; or*
- (c) *the Growth Areas Authority; or*
- (d) *the Chief Executive Officer of the Growth Areas Authority.*

*(6) Subsection (1) does not apply to-*

- (a) *the powers of as planning authority under sections 28, 29 and 191 and subsection (1); and*
- (b) *the powers of a responsible authority under sections 125, 171(2)(b),(c),(d) and (e), 172 and 191 and subsection (1); and*
- (c) *the power of a responsible authority to authorise any officer to carry out a duty or function or to exercise a power.*

**BACKGROUND**

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

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

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

For this reason, Latrobe City Council subscribes to the Maddocks Delegation and Authorisation Service. This service updates the organisation on legislative amendments and requirement and provides appropriate Instrument templates for our use.

**ISSUES**

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

Fiona Farrand, Statutory Planner has recently been appointed to her position. It is therefore necessary and appropriate for Council to personally appoint and authorise her specifically under section 147(4) of the *Planning and Environment Act 1987* and generally under section 232 of the *Local Government Act 1989* to enable her to fulfil the duties and functions of the role.

Accordingly, the attached S11A. Instrument of Appointment and Authorisations (*Planning and Environment Act 1987*) has been prepared and is now presented for consideration by Council.

**FINANCIAL, RISK AND RESOURCES IMPLICATIONS**

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014.

**INTERNAL/EXTERNAL CONSULTATION***Engagement Method Used:*

Internally, senior Planning staff have been consulted in relation to the nomination of the officers for appointment.

*Details of Community Consultation / Results of Engagement:*

No external consultation has been undertaken.

**ORDINARY COUNCIL MEETING AGENDA  
11 AUGUST 2014 (CM444)****OPTIONS**

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

1. Authorise the nominated officer in accordance with the attached Instrument.
2. Not specifically authorise the nominated officer under the *Planning and Environment Act 1987* which may impede her ability to fully perform their duties.

**CONCLUSION**

The *Planning and Environment Act 1987* requires direct authorisation from Council to council officers in order to perform certain statutory duties.

By authorising the nominated officer specifically under the *Planning and Environment Act 1987* and generally under section 232 of the *Local Government Act 1989*, Council will ensure that the nominated officer will be able to fully perform her duties under each Act.

**Attachments**

1. S11A. Instrument of Appointment & Authorisation (P&EA)

**RECOMMENDATION**

**That, in exercise of the powers conferred by Section 224 of the *Local Government Act 1989* and Section 147(4) of the *Planning and Environment Act 1987* Council resolves –**

1. **That Fiona Farrand be appointed and authorised as an Authorised Officer for the purposes of the *Planning and Environment Act 1987* and the regulation made under that Act.**
2. **That the Acting Chief Executive Officer is authorised to sign and seal the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) as presented.**
3. **That the S11A Instrument of Appointment and Authorisation (*Planning and Environment Act 1987*) comes into force immediately the common seal of Council is affixed.**



## **16.1**

### **Authorisation of Council Officers Under the Planning and Environment Act 1987.**

- 1 S11A. Instrument of Appointment & Authorisation  
(P&EA) ..... 59**

Maddocks Delegations and Authorisations

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



**Latrobe City Council**

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

**August 2014**

**Fiona Farrand**

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

In this instrument "**officer**" means -

**Fiona Farrand**

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

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officers for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 232 of the *Local Government Act 1989* authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.
3. Any planning application which has received one or more objection(s).  
  
Any planning application recommended for refusal (including planning applications where Council has no discretion for approval).  
  
Any application of strategic significance (at the discretion of the CEO).  
  
Any matter relating to the signing and sealing of Section 173 Agreements.

**It is declared that** this instrument -

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

This instrument is authorised by a resolution of the Council on 28 April 2014.

The Common Seal of **LATROBE CITY COUNCIL**  
was affixed in accordance with Local Law No. 1  
this    day of        2014 in the presence of:

\_\_\_\_\_  
JOHN MITCHELL - *Acting Chief Executive Officer*

# MEETING CLOSED TO THE PUBLIC

## 17. MEETING CLOSED TO THE PUBLIC

Section 89(2) of the Local Government Act 1989 enables the Council to close the meeting to the public if the meeting is discussing any of the following:

- (a) Personnel matters;
- (b) The personal hardship of any resident or ratepayer;
- (c) Industrial matters;
- (d) Contractual matters;
- (e) Proposed developments;
- (f) Legal advice;
- (g) Matters affecting the security of Council property;
- (h) Any other matter which the Council or Special Committee considers would prejudice the Council or any person;
- (i) A resolution to close the meeting to members of the public.

### RECOMMENDATION

**That the Ordinary Meeting of Council closes this meeting to the public to consider the following items which are of a confidential nature, pursuant to section 89(2) of the Local Government Act (LGA) 1989 for the reasons indicated:**

#### 17.1 ADOPTION OF MINUTES

**Agenda item 17.1 *Adoption of Minutes* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)**

#### 17.2 CONFIDENTIAL ITEMS

**Agenda item 17.2 *Confidential Items* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)**

#### 17.3 GEOTECHNICAL INVESTIGATION AND DETAILED DESIGN REMEDIATION TREATMENTS OF LANDSLIPS

**Agenda item 17.4 *GEOTECHNICAL INVESTIGATION AND DETAILED DESIGN REMEDIATION TREATMENTS OF LANDSLIPS* is designated as confidential as it relates to contractual matters (s89 2d)**

#### 17.4 CONSIDERATION OF NEXT STEPS FOR 2-10 KEITH MORGAN DRIVE - TRARALGON SOUTH SERVICE STATION

**Agenda item 17.5 *Consideration of next steps for 2-10 Keith Morgan Drive - Traralgon South Service Station* is designated as confidential as it relates to personal hardship of any resident or ratepayer (s89 2b) and legal advice (s89 2f)**

**17.5 AUSTRALIAN PAPER - REQUEST FOR ASSISTANCE**

Agenda item 17.6 *Australian Paper - Request for Assistance* is designated as confidential as it relates to proposed developments (s89 2e)

**17.6 LATROBE CITY COUNCIL AUDIT COMMITTEE MEMBERSHIP**

Agenda item 17.7 *Latrobe City Council Audit Committee Membership* is designated as confidential as it relates to personnel matters (s89 2a)