



LATROBE CITY COUNCIL

**AGENDA FOR THE
ORDINARY COUNCIL**

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

CM445



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.

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**ORDINARY COUNCIL MEETING AGENDA
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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/Kunrnai Clan and pay our respect to their past and present elders

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 meeting held on 11 August 2014 be confirmed.

6. PUBLIC QUESTION TIME

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

Council Meeting Date	Item	Resolution	Status Update	Responsible Officer
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"> 1. To defer the endorsement of the Stage 2 Key Directions Report September 2011 until: <ol style="list-style-type: none"> (a) Council has been presented with the Traralgon Growth Area Review (b) Council has received information on the results of the Latrobe Valley Bus Review 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. 3. That Council proceeds with the Parking Precinct Plan and investigate integrated public parking solutions. 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. 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). 	<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

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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. Discussion has progressed with the leasing of the land to the Traralgon Greyhound Racing Club. A report will be presented to Council.	Office of Chief Executive
18/02/13	Affordable Housing Project – Our future our place	<ol style="list-style-type: none"> 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. 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. 	This project is currently under review, with a Council report to be presented to Council in September 2014.	General Manager Community, Infrastructure & Recreation

**ORDINARY COUNCIL MEETING AGENDA
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Council Meeting Date	Item	Resolution	Status Update	Responsible Officer
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
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Council Meeting Date	Item	Resolution	Status Update	Responsible Officer
6/5/14	Former Moe Early Learning Centre	<p>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.</p> <p>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.</p> <p>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.</p>	<p>Status: Focus Group meetings were held on Tuesday, 22/10/13 and Wednesday, 23/10/13 at the Moe Town Hall.</p> <p>Attendance: Tuesday – 24, Wednesday – 11. Survey available online and in hard copy at Latrobe City Service Centres & Libraries between Monday, 3/2/14 and Friday, 7/3/14.</p> <p>Letter/email sent to 77 community groups in the Moe and District area to promote and encourage participation in the survey.</p> <p>Status: 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>Status: 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

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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"> 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"> • GDF SUEZ to retain full accountability for Blue Green Algae and water quality testing; • GDF SUEZ to remain fully accountable for the pondage integrity; • Fair and equitable termination clauses should the power station close earlier than 2025; • Clarify risk, release and indemnity conditions; • Liquidated damages; • Clarify the end of lease conditions; • Clarify the early termination conditions 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. 3. 3. That Council write to the Minister for Regional & Rural Development and advise of Council's resolution to commence negotiations with IPH GDF SUEZ . 	<p>Negotiations with GDF Suez ongoing.</p> <p>Council are currently considering future development options.</p>	General Manager Community, Infrastructure & Recreation
6/11/13	Latrobe Regional Motorsport Complex	<ol style="list-style-type: none"> 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. 2. That Council officers meet with Energy Australia to discuss other possible sites for a motorsports complex on their land. 3. That a further report be presented to Council at such time that site options have been investigated. 	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

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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>	<p>Review of issues being undertaken; a report has been circulated to Councillors.</p> <p>Reccomendation being developed for Council consideration.</p>	General Manager Community, Infrastructure & Recreation
10/06/14	Proposed Sale Of Land - Franklin Street, Traralgon	<ol style="list-style-type: none"> 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. 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 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. 	Confidential report to be presented at the Ordinary Council Meeting 1 September 2014.	Office of the Chief Executive

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Council Meeting Date	Item	Resolution	Status Update	Responsible Officer
21 July 2014	Cultural Diversity Action Plan 2014-2018	<ol style="list-style-type: none"> 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. 2. That following the community consultation process a further report on the Cultural Diversity Action Plan 2014-2018 be presented to Council for consideration. 	Currently out for community consultation.	General Manager Community Liveability

NOTICES OF MOTION

8. NOTICES OF MOTION

Nil reports

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

9. ITEMS REFERRED BY THE COUNCIL TO THIS MEETING FOR CONSIDERATION**9.1 POTENTIAL SALE OF RAILWAY SPUR / BRANCH LINE RESERVE OFF KIRWIN ROAD MORWELL.**

Office of the Chief Executive

For Decision

PURPOSE

The purpose of this report is to update Council and seek a Council Resolution to proceed with the potential sale of a section of disused Council owned railway spur / branch line abutting 5 Kirwin Road Morwell.

EXECUTIVE SUMMARY

Council received an Expression of Interest from Rosita Barbara Nominees Pty Ltd (Dyers Transport) wishing to purchase the southern section of the Council owned Railway Reserve that abuts the properties it owns at 5 Kirwin Road and 23-25 Swan Road Morwell. Refer Attachment 1 for an aerial image of the subject land.

At the Ordinary Council Meeting held 21 July 2014, Council resolved to commence the statutory process and give notice of its intention to consider the potential sale of a section of the Railway Reserve that abuts 5 Kirwin Road Morwell.

Two Public Notices were published inviting written submissions and VicRoads being an adjoining property owner was notified in writing.

No public submissions have been received, accordingly Council can now decide that the section of Council Railway Reserve abutting 5 Kirwin Road Morwell is surplus to both community and Council requirements and whether to sell the land.

RECOMMENDATION

- 1. That Council having given public notice in accordance Section 189 of the Local Government Act 1989 and Sale of Council Owned Property Policy, concerning its intention to consider the sale of part of the Council Railway Reserve described as part of Certificate of Title Volume 11101 Folio 821 created by Plan of Subdivision LP 120121, forms the opinion that the section of Railway Reserve abutting 5 Kirwin Road Morwell is not reasonably required and is surplus to both community and Council requirements.**
- 2. That pursuant to section 189 of the Local Government Act 1989, Council resolves to sell by private treaty approximately 835 square metres of the Council Railway Reserve abutting 5 Kirwin Road Morwell, contained in Certificate of Title Volume 11101 Folio 821 to Rosita Barbara Nominees Pty Ltd.**

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3. That Council authorise the Acting Chief Executive to enter into a Contract of Sale and when prepared sign and seal a Transfer of Land document allowing the transfer of approximately 835 square metres of the Council Railway Reserve abutting 5 Kirwin Road Morwell, contained in Certificate of Title Volume 11101 Folio to Rosita Barbara Nominees Pty Ltd.
4. That the funds from the sale of land to Rosita Barbara Nominees Pty Ltd be allocated to the sale of surplus properties reserve established to finance the \$1 million Council contribution towards four Capital Works Projects identified in the 2014-2015 Municipal Budget.

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 – Governance

In 2026, Latrobe Valley has a reputation for conscientious leadership and governance, strengthened by an informed and engaged community committed to enriching local decision making.

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

Theme 2: Affordable and sustainable facilities, services and recreation

Objective: To enhance the visual attractiveness and liveability of Latrobe City

Strategic Direction

- *Enhance and develop the physical amenity and visual appearance of Latrobe City.*

BACKGROUND

As stated above, Council received an Expression of Interest from Rosita Barbara Nominees Pty Ltd requesting to purchase the section of unused Railway Reserve abutting both 5 Kirwin Road and 23-25 Swan Road Morwell, approximately 2460 square metres.

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The applicant's interest in acquiring the section of Railway Reserve abutting their property is to resolve a number of land management issues:

- 5 Kirwin Road - this area of Railway Reserve track has been fenced into this allotment for a number of years and the end section of the track finishes in a large industrial building. The company wishes to remove the disused track from within the building and undertake improvements, but is reluctant to do so without having ownership of the land.
- 23-25 Swan Road - realign the rear boundary fence, clean up the section of railway reserve, improve access and utilization to the Dyers Transport heavy vehicle maintenance buildings etc., and provide a dedicated staff parking area.

It is understood that this disused rail line was used to deliver industrial material to the then Country Roads Board (now VicRoads) which occupies an adjoining industrial property.

Council is the registered owner of this Railway Reserve described in Certificate of Title Volume 11101 Folio 821 being 4308 square metres in area. This unused railway reserve is a spur / branch line off the Melbourne – Gippsland V/Line Rail Line and terminates at Kirwin Road Morwell.

This railway reserve was created by Plan of Subdivision LP 120121, approved 7 June 1977, refer Attachment 2 for an extract of the Plan of Subdivision.

Council, at its Ordinary Council Meeting held on 21 July 2014, resolved:

1. *That Council in accordance Section 189 of the Local Government Act 1989 and Sale of Council Owned Property Policy, resolves give public notice of its intention to consider the sale of part of the Council Railway Reserve abutting 5 Kirwin Road Morwell being described as part of Certificate of Title Volume 11101 Folio 821 created by Plan of Subdivision LP 120121.*
2. *That pursuant to section 223 of the Local Government Act 1989 Council resolves to consider any submissions received in relation to the potential sale of part of the Council Railway Reserve abutting 5 Kirwin Road Morwell, at the Ordinary Council Meeting to be held on Monday, 1 September 2014.*
3. *That the Acting Chief Executive Officer pursuant to delegated authority negotiate and enter into a land lease for a period less than ten years and with an early termination clause with Rosita Barbara Nominees Pty Ltd for the section of Railway Reserve abutting 23-25 Swan Road Morwell. Such a lease to require the rail infrastructure to remain in place.*

KEY POINTS/ISSUES

When considering the potential sale and transfer of Council property, Council is required to comply with the following Victorian State Legislation, Best Practise Guidelines and Council Policy:

- *Local Government Act 1989*
- *Subdivision Act 1988,*
- *Latrobe City Council – Sale of Council Owned Property Policy 11 POL-4, and*
- *Department of Transport, Planning and Local Infrastructure - Local Government Best Practise Guideline for the Sale, Exchange & Transfer of Land June 2009,*

Local Government Act 1989

Section 189 of the *Local Government Act 1989* gives Council the power to sell or exchange land however, before doing so, it must:

- (a) ensure that public notice of the intention to do so is given at least 4 weeks prior to selling or exchanging the land; and
- (b) obtain from a person who holds the qualifications or experience specified under section 13DA(2) of the *Valuation of Land Act 1960* a valuation of the land which is made not more than 6 months prior to the sale or exchange.

This power is subject to Section 223 of the *Local Government Act 1989* which requires Council 'publish a public notice stating that submissions in respect of the matter specified in the public notice will be considered in accordance with this section'.

Council must then consider any written submissions that have been received and any person who has made a submission and requested they may be heard are entitled to appear before a meeting of Council.

Policy – Sale of Council Owned Property Policy 11 POL-4

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

It is Council's position that the sale of Council owned property will be via public auction unless circumstances exist that justify an alternative method of sale. In this instance it is considered appropriate to sell to any other party other than the owner of 5 Kirwin Road, Morwell.

All sales of Council owned property shall be consistent with the *Local Government Best Practice Guidelines for the Sale and Exchange of Land* prepared by the Department of Planning and Community Development.

RISK IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management Plan 2011-2014. No significant risks have been identified.

FINANCIAL AND RESOURCES IMPLICATIONS

In the adopted 2014/15 Municipal Budget, Council signalled an intention to raise \$1 million from the sale of surplus properties to finance the Council contribution towards four identified Capital Works Projects. The funds from this potential sale should be allocated towards this amount.

Costs associated with this statutory process are minimal, and funds are available in the current budget.

If Council resolves to sell part of the Railway Reserve, the land will be sold at valuation in accordance with the Sale of Council Owned Policy and all survey, subdivisional and legal costs would be paid for by the purchaser.

INTERNAL/EXTERNAL CONSULTATION*Engagement Method Used:*

The Expression of Interest was referred to Council's Rail Freight Working Group for consideration. The proposal was also referred to the Infrastructure Planning, Environment Sustainability, Infrastructure Operations, Strategic and Statutory Planning Teams for comment.

Council also undertook the following engagement method:

- Notices were published in two editions of Latrobe Valley Express – Thursday 31 July (Public Notice, Page 19) and Monday 31 July (Council Noticeboard, Page 8).
- A letter was sent to VicRoads as an adjoining property owners.

Details of Community Consultation / Results of Engagement:

The Rail Freight Working Group formed the opinion that the preferred outcome was that Council consider the potential sale of the section of Railway Reserve abutting 5 Kirwin Road, and the section of Railway Reserve abutting 23-25 Swan Road Morwell be subject to a lease proposal of a period of less than 10 years with an opt-out clause in the event the rail line is required in the future.

At the time of preparing this Council Report, no public submissions were received.

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Council has the following options:

1. Determine that the section of Council owned Railway Reserve abutting 5 Kirwin Road is surplus to both the community and Council requirements and resolve to sell that section of land to Rosita Barbara Nominees Pty Ltd, or
2. Determine that the section of Council owned Railway Reserve abutting 5 Kirwin Road is required for either the community or Council and advise the applicant that Council declines to sell the land.

CONCLUSION

Council has completed the statutory requirement and invited public submissions. As no written submissions were received Council can now determine whether the section of railway reserve is reasonably required or be sold to the adjoining property owner.

The section of track/railway reserve within the boundary of 5 Kirwin Road has not been used and has been fenced into the property for a number of years.

By allowing the owners of 5 Kirwin Road to purchase the land, it will enable the business to undertake building improvements and gain better utilisation of the entire site by removal of the rail track.

SUPPORTING DOCUMENTS

- Latrobe City Council – Sale of Council Owned Property Policy 11 POL-4

Attachments

1. Aerial Plan
2. Extract Plan of Subdivision LP120121

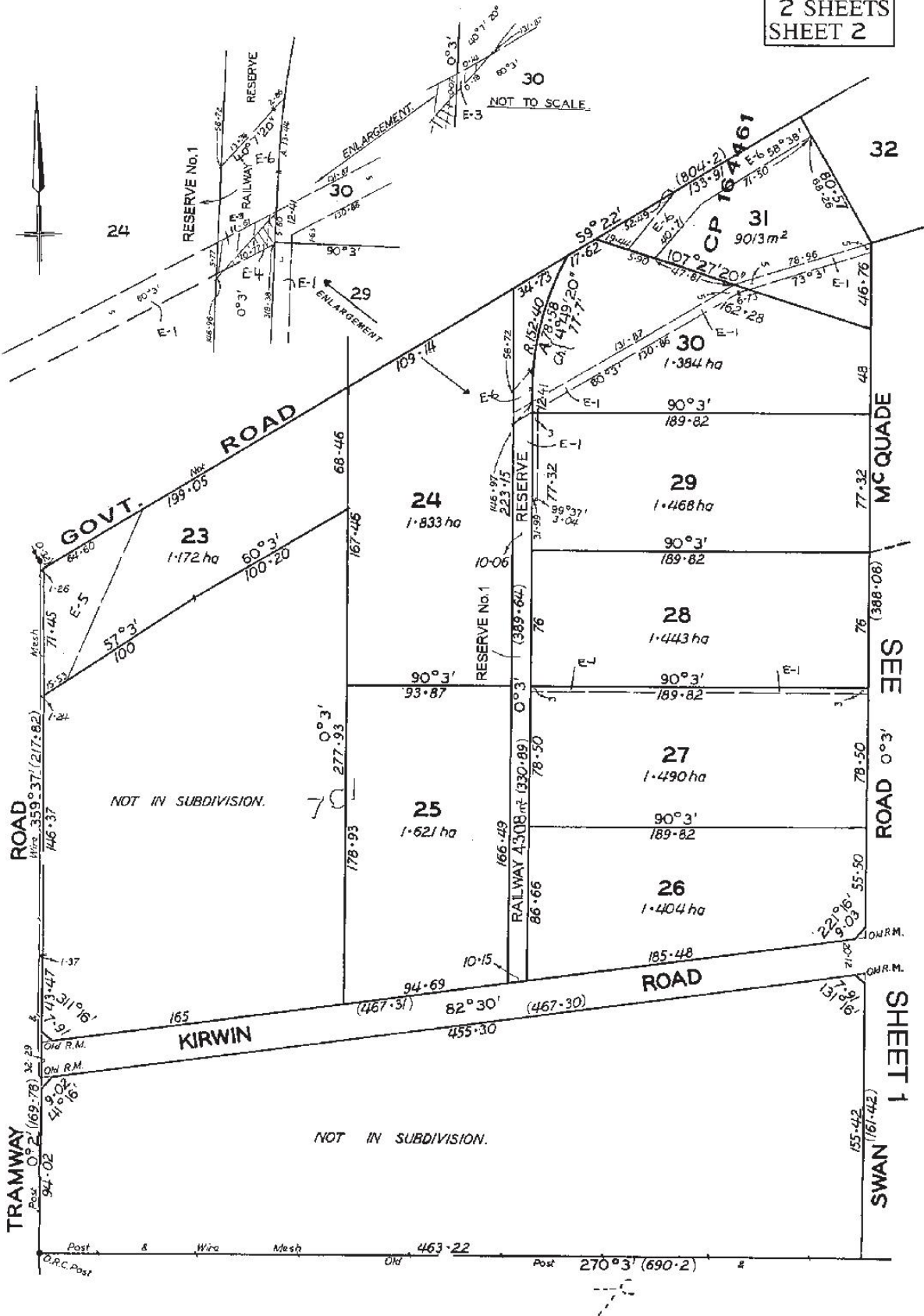
9.1

POTENTIAL SALE OF RAILWAY SPUR / BRANCH LINE RESERVE OFF KIRWIN ROAD MORWELL.

1	Aerial Plan	21
2	Extract Plan of Subdivision LP120121	23

LP 120121

2 SHEETS
SHEET 2



CORRESPONDENCE

10. CORRESPONDENCE

**10.1 CHANGES TO COMMONWEALTH FUNDING FOR FAMILY DAY
CARE SERVICE OPERATORS**

General Manager

Community Liveability

For Information

PURPOSE

The purpose of this report is to present correspondence received from the Municipal Association of Victoria (MAV) in relation to changes in Commonwealth Government funding for Family Day Care (FDC) Service Operators.

EXECUTIVE SUMMARY

The MAV have provided a members brief requesting council advocacy in response to announced changes in Commonwealth Government funding for FDC service operators.

From 1 July 2015 new eligibility criteria for FDC operational support will apply, including a requirement to be the sole FDC service provider in the statistical area in which the service is located.

The full impact of these changes is currently being determined by the Child & Family Services team and a report will be provided to Council with the findings at the Ordinary Council Meeting scheduled for 5 November 2014.

RECOMMENDATION

- 1. That Council write to the Federal Assistant Minister for Education the Hon. Susan Ley and State Minister for Children and Early Childhood Development the Hon. Wendy Lovell MLC advocating the central message of the MAV members brief.**
- 2. That a report be presented to Council at the Ordinary Council Meeting 5 November 2014 detailing the findings and recommendation.**

DECLARATION OF INTEREST

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

OFFICER COMMENTS

In May 2014 the Federal Government announced changes to an element of FDC Service Operator funding effective for existing services 1 July 2015.

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From 1 July 2015 Family Day Care (FDC) services must demonstrate their eligibility through an application process to receive Operation Support through the Community Support Program (CSP) funding.

To be eligible for the funding services must:

- not be in receipt of any other ongoing CSP funding,
- demonstrate to the department's satisfaction that there is unmet child care demand in the area of service,
- be the sole FDC service provider located in the service area in which the service is located.

Currently Latrobe City Council is not the only provider of Family Day Care in the statistical area and therefore does not meet the eligibility criteria for CSP funding from July 1 2015

There are currently 24 providers of Family Day Care within Latrobe City with some 243 families who access the care. This represents approximately 2600 hours of care per week. Latrobe City Council's Family Day Care Scheme currently receives approximately \$120,000 in CSP funding per annum.

Officers attended a MAV forum regarding the changes on 17 July 2014 and have undertaken a number of actions to determine the full impact on Latrobe City Council's FDC service. Actions include: commencing a feasibility study of the service, reviewing the structure of the coordination unit and exploring potential alternative fee models. A report will be provided to Council with the findings and recommendation at the Ordinary Council Meeting scheduled for 5 November 2014.

Attachments

1. MAV Members Brief
2. Department of Education fact sheet

10.1

Changes to Commonwealth funding for Family Day Care Service Operators

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URGENT COUNCIL ACTION NEEDED – COMMONWEALTH GOVERNMENT MUST CONTINUE TO FUND FAMILY DAY CARE SERVICES

Background

Local government has a long and proud history of providing and/or supporting its communities with a range of options for early childhood education and care. Family Day Care (FDC) remains an important part of this landscape with the majority of Victorian Councils offering this service to the families in their municipalities. FDC is an affordable and flexible option, particularly for families who work non-standard hours, who have need for respite or who simply need accessible, affordable care and education arrangements for their children.

In October 2013 the Commonwealth Government introduced changes to the Community Support Program (CSP) Guidelines, which were to only apply to new FDC services after April 2014. However these changes were extended to all services with the handing down of the 2014 Federal Budget. These changes to the Community Support Program (CSP) Guidelines and eligibility criteria for services in receipt of funding through this program will now apply to all FDC services from July 2015. In short the changes mean that many council FDC Services will no longer be eligible to receive funding through the CSP and those that are still eligible will have their funding capped at \$250,000.

The Budget Papers provide the reason for changing the eligibility and funding criteria as:

The Government will amend the eligibility criteria for the CSP to address cost overruns and ensure consistency of access for all child care service providers. The CSP is designed to strengthen a service provider's ability to set up and run a child care service in an area where the service might not otherwise be viable. The eligibility criteria for new family day care services applying to the CSP from 1 April 2014, and existing providers from 1 July 2015, require applicants to be the only provider of family day care in the surrounding area, with weighting towards services setting up in regional and remote or disadvantaged communities. Similar criteria currently apply to participating long day care and out of school hours care providers.

These changes were unexpected as the Commonwealth, at a meeting convened by the MAV with councils in February 2014 assured us that the changes being introduced were only to apply to new services – not existing ones.

Local government Family Day Care Services and their communities urgently need to speak with one voice to ensure that council run Family Day Care Services remain an important offering as part of the overall mix of affordable and flexible education and care arrangements for families and children.

Key messages:

1. Families and children need an affordable and flexible option for education and care.
2. Family Day Care provides a triple bottom line for communities by providing employment for educators mainly as small businesses who in turn reinvest back into the community, by offering a education and care option for parents to allow them to participate in the workforce and by providing employment opportunities for those staff who support their educators.
3. Lack of Commonwealth support will see a decline in the FDC service offering both in terms of accessibility and affordability for parents.

4. Parents cannot sustain exorbitant fee increases to offset government funding cuts. Parents will be expected to pay over \$1700 increase in fees for the year.

MAV Advocacy

In February, the MAV convened a meeting of councils with the Commonwealth Department of Education to discuss the initial changes to the CSP Guidelines that were to affect only new services after 1 April 2014, and to discuss the 'tightening up' of the current business model requirements.

After the Budget announcement in May 2014, the MAV contacted the Department of Education at both the Federal and State levels and has been part of a national ALGA teleconference with the National Program Manager at the Commonwealth Department of Education.

In June 2014, the MAV put out a Media Release and provided a budget briefing to all councils on the budgetary changes and their likely impacts.

In June 2014, the MAV wrote to the Prime Minister urging that the changes to CSP funding be reviewed in full consultation with the sector to ensure there are no closures of well-established services and that the 15 July 2015 deadline be extended until the full impact of the changes is fully understood. We also requested that consideration be given to a special circumstances funding category to ensure that high quality established services do not close leaving vulnerable and working families without an affordable and flexible FDC option locally.

In July 2014 a meeting will be held with Victorian State Office representatives of the Commonwealth Department of Education for all councils to discuss this issue, and its impacts on councils.

Who to contact and how?

We encourage all councils to make contact with both your Federal and State MPs about this matter through letters, emails, face-to-face meetings, and via social media now.

The central message is that the changes to the CSP Guidelines and eligibility criteria will see parents paying increased fees, the potential loss of a vital part of the education and care platform and the possible closure or exit of high quality services who without Commonwealth funding will no longer be able to maintain the level of service appropriate for their families.

FURTHER INFORMATION

MAV contact person: Wendy Allan

Phone Number: 03 9667 5527 Email: wallan@mav.asn.au



Changes to the Community Support Programme for Family Day Care Service Operators

Overview

The Assistant Minister for Education, the Hon Sussan Ley MP, announced changes to the Community Support Programme (CSP) which took effect from 1 April 2014. The changes introduced similar eligibility criteria to those which apply to other care types for new Family Day Care service providers applying for funding under the CSP, as outlined in revised programme guidelines.

From 1 July 2015, all existing Family Day Care services seeking to access CSP funding will be assessed under the revised guidelines, which include the eligibility criteria. In addition, an annual cap of \$250,000 on CSP Operational Support payments will be introduced for Family Day Care services.

CSP is provided directly to Family Day Care service operators not educators. These changes do not prevent Family Day Care service operators from establishing a service and providing care to families. Neither do they prevent a service from administering Child Care Benefit and Child Care Rebate.

Key dates

During May 2014, the Department of Education will write to all Family Day Care services in receipt of CSP funding to formally notify them that their current CSP funding agreement will be terminated effective 30 June 2015.

The Government is providing Family Day Care service operators with 12 months notice of the changes to allow time for services to make adjustments to their business models if required.

All FDC services wishing to apply for CSP after 30 June 2015 will be required to reapply using a new application form and must be assessed under the new guidelines.

Any service found to be eligible under the new guidelines will be offered a funding agreement with an end date of 30 June 2016.

Services that meet the eligibility criteria will be eligible for Operational Support and, if they meet additional requirements, Set Up Assistance and Regional Travel Assistance Grant payments.

The funding agreement for eligible Family Day Care services will include a clause limiting the financial year amount payable in Operational Support funding to \$250,000.

Family Day Care eligibility criteria

FDC Operational Support is funding to support FDC services with the ongoing, day to day costs of delivering quality, affordable child care. This payment is targeted primarily towards services:

- operating in the most disadvantaged communities, and
- in rural, regional and remote locations.

For a Family Day Care service to be eligible for CSP funding the service must meet the following conditions through the application process.

Specific eligibility criteria for FDC Operational Support

To be eligible for Operational Support Your FDC service must:

- not be in receipt of any other ongoing CSP funding, such as Budget Based Funding;
- demonstrate to the department's satisfaction that there is unmet child care demand in the area(s) your service proposes to operate in; and
- meet the location based eligibility criteria that apply to your FDC service as set out below:
 - (1) for services proposing to provide the majority (51 per cent or more) of their child care in 'Major City' ARIA+ locations:

your service must be the sole FDC service provider located in the SA3 in which your service is located and the SEIFA index applying to 50% or more of the SA2 within the SA3 must be the lowest SEIFA decile;
 - (2) for services proposing to provide the majority (51 per cent or more) of their child care in an 'Inner Regional' ARIA+ location;

your service must be the sole FDC service provider located in the SA2 in which your service is located;
 - (3) for services proposing to provide the majority (51 per cent or more) of their child care in an 'Outer Regional', 'Remote' or 'Very Remote' ARIA+ location;

your service must be the sole FDC service provider located in the SA2 in which your service is located.

Where, for the purposes of the location based eligibility criteria above, the ARIA+, SA2 or SA3 in which your service is located is as determined by the department, taking into account where your Coordination Unit and the majority of your educators are located to ensure that the objectives of the CSP are met.

The definition of 'the majority of their child care' is based on the number of expected educators in a location/s that your FDC service is proposing to provide care, as determined by the Department of Education.

Undertaking a preliminary self-assessment

A Family Day Care service applying for Operational Support and/or Set Up Assistance must meet the criteria outlined above. The following information and websites may be used to self-assess against the criteria to determine if a service may be eligible or not and help contribute to the application.

a) Not being in receipt of any other ongoing CSP funding

There are a number of funding programmes under the CSP, including Budget Based Funding. If a Family Day Care service is in receipt of any payments under these programmes, the service will not be eligible for Operational Support and/or Set Up Assistance.

b) Demonstrating to the department's satisfaction that there is unmet child care demand

To be eligible for CSP funding all new Family Day Care services must demonstrate that there is unmet demand for Family Day Care in the area(s) in which the service is proposing to operate.

Examples of information that may be provided in the application process include:

- A demonstrated understanding of who and where the child care services are that already service the area; e.g. on the MyChild website you can search a database to find child care centres in your local area.
- Information from local organisations that may have an understanding of unmet demand; e.g. local child care associations may have information on the types of child care particular communities are looking for;
- Waiting lists for the applying service or other existing child care services; and

Demographic data that demonstrates demand is increasing beyond the capacity of existing child care organisations to service; e.g. population growth, new industries, evidence of families working non-standard hours, information on the



employment, training and educational needs of the local community.

A list of useful websites is provided on page 5.

c) Meeting the location based eligibility criteria

To assess eligibility under the location based criteria you may find the following information useful:

ARIA+ Remoteness Location

ARIA+ measures remoteness in terms of access along the road network from populated localities to each of five categories of Service Centre. Localities that are more remote have less access to Service Centres; those that are less remote have greater access to Service Centres.

ARIA+ is a continuous varying index with values ranging from 0 (high accessibility) to 15 (high remoteness), based on road distance measurements from over 12,000 populated localities to the nearest Service Centres in five categories based on population size.

To find the ARIA + of the area/s in which you are proposing to provide care;

1. Go to www.abs.gov.au/websitedbs/censushome.nsf/home/map
2. Enter the suburb or area that you wish to view under the 'Text Search' function
3. Once you have the required area showing on the map, click the drop down box on the top right of the map and scroll down to 'Remoteness Areas'
4. Click once on the map in the required area and the Remoteness Area will be shown underneath the map on the left once the area has been shaded
 - Major Cities of Australia
 - Inner Regional area of Australia
 - Outer Regional area of Australia
 - Remote area of Australia
 - Very Remote area of Australia

Statistical Areas

The Australian Statistical Geography Standard (ASGS) is the ABS's geographical framework. The

ASGS has been utilised for release of data from the 2011 Census of Population and Housing. The vast majority of ABS spatial data will be based on the ASGS by 2014.

The ASGS splits Australia up into over 350,000 discreet areas, called Mesh Blocks. These combine into larger and larger blocks (SA1 to SA4). The department uses the SA2 and SA3 level of Mesh Blocks for the purposes of specific eligibility criteria in these Guidelines.

Statistical Area 2 (SA2):

SA2 are a medium-sized general purpose area built from whole Statistical Areas Level Ones (SA1s). Their aim is to represent a community that interacts together socially and economically. There are 2214 SA2s covering the whole of Australia without gaps or overlaps.

Statistical Area 3 (SA3):

SA3 are a region-sized general purpose area built from whole Statistical Areas Level Twos (SA2s). Their aim is to represent a community that interacts together socially and economically. There are 351 SA3s covering the whole of Australia without gaps or overlaps.

To find out the Statistical Area/s in which you are proposing to provide care;

1. Go to www.abs.gov.au/websitedbs/censushome.nsf/home/map
2. Enter the suburb or area that you wish to view under the 'Text Search' function
3. Once you have the required area showing on the map, click the drop down box on the top right of the map and scroll down to 'Statistical Areas Level 2' or 'Statistical Areas Level 3'
4. Click once on the map in the required area and the Statistical Area will be shaded

Socio-Economic Indexes for Areas (SEIFA)

These indexes rank geographic areas across Australia in terms of their socio-economic characteristics and are created by combining information collected in the five-yearly Census. There are four different indexes, each representing a slightly different concept.



Socio-economic characteristics are sometimes abstract and difficult to measure, so the indexes aim to capture these abstract concepts by combining information that is related to the concept. The indexes are rankings; with each index ranking different geographic areas of Australia according to a 'score' that is created for the area based on characteristics of people, families and dwellings within that area.

The department uses the Index of Relative Socio-economic Disadvantage (IRSD), a general socio-economic index that summarises a range of information about the economic and social resources of people and households within an area, for the purposes of specific eligibility criteria in these Guidelines.

To find out the SEIFA index of the area/s in which you are proposing to provide care:

1. Go to <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/2033.0.55.0012011?OpenDocument>
2. Open the .xls or .zip file titled Statistical Area Level 2, Indexes, SEIFA 2011
3. Open the worksheet titled Statistical Area Level 2 (SA2) Index of Relative Socio-economic Disadvantage, 2011 (Table 3)
4. Locate the relevant area/s that your service is proposing to service and note the Decile 'Ranking within Australia'. Decile 1 indicates the areas of highest disadvantage.



d) Useful Websites

The following websites contain information to assist with your application.

Australian Bureau of Statistics	Information about Australian communities, including education and socio-economic data and special surveys.	www.abs.gov.au
Australian Institute of Health and Welfare	Information and statistics on Australia's health and welfare, including reports on child health, development and wellbeing.	www.aihw.gov.au
My Child Website	Information about early childhood education and care services in Australian communities.	www.mychild.gov.au
State Government websites	Information on state government departments and agencies, including relevant infrastructure and services.	www.nt.gov.au www.act.gov.au www.nsw.gov.au www.sa.gov.au www.tas.gov.au www.wa.gov.au www.vic.gov.au www.qld.gov.au
Australian Government public data sets	State/Territory public data sets covering a wide range of categories including community, culture, environment, health, planning, recreation and transport.	data.australia.gov.au
Family Day Care Australia	The peak body for Australian Family Day Care.	www.familydaycare.com.au
Playgroups, preschool and childcare associations	Information on childcare and playgroups in states and territories in Australia	www.playgroupaustralia.com.au - contains links to state/territory contacts
My Neighbourhood data	Suburb-level information on child and family activities and resources, childcare and schools, general and specialist health services, family services and support, government services	www.raisingchildren.net.au/myneighbourhood
Community socio-demographic snapshot	Socio-demographic information and maps for all local communities in Australia based on ABS data. There is also access to services such as local demographic forecasting, local housing reports and economic profiles for local communities (with a charge).	home.id.com.au
University of Adelaide	Mapping data on ARIA+ and Statistical Areas	http://www.spatialonline.com.au/ARIA_2011
Australian Early Development Census	The AEDC is a measure of how young children are developing in Australian communities	http://www.aedc.gov.au/

More information

For more information on the CSP please visit www.education.gov.au/community-support-programme-guidelines



PRESENTATION OF PETITIONS

11. PRESENTATION OF PETITIONS

11.1 Lake Narracan Precinct Structure Plan - Request for Group Meeting - Petition

General Manager

**Planning & Economic
Sustainability**

For Decision

PURPOSE

The purpose of this report is to present Council with a petition received to request a group meeting with all resident land owners of the Lake Narracan precinct to address ongoing concerns with the Lake Narracan Precinct Structure Plan.

EXECUTIVE SUMMARY

On 13 August 2014 Latrobe City Council received a petition requesting a group meeting with all resident landowners to address ongoing concerns with the Lake Narracan Precinct Structure Plan.

The Lake Narracan Precinct Structure Plan documentation is currently out for public exhibition for a four week period from 1 August to 29 August 2014. A group meeting with resident landowners was not a proposed engagement activity identified in the engagement methods adopted by Council at the 28 July 2014 Special Council Meeting.

RECOMMENDATION

- 1. That Council note the petition received requesting a resident landowner meeting to discuss ongoing concerns with the Lake Narracan Precinct Structure Plan.**
- 2. That Council note that a meeting with landowners within the Lake Narracan Precinct Structure Plan area has already taken place and was held on 26 August 2014.**
- 3. That all signatories to the petition be advised of Council's decision in relation to the petition requesting a resident landowner meeting in relation to ongoing concerns with the Lake Narracan Precinct Structure Plan.**

DECLARATION OF INTEREST

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

ORDINARY COUNCIL MEETING AGENDA 01 SEPTEMBER 2014 (CM445)

BACKGROUND

At the Special Council Meeting held on 28 July 2014, Council resolved the following:

That Council note the information contained in the detailed Lake Narracan Precinct Structure Plan consultation package and release this package for a second stage of community engagement between 1 August 2014 and 29 August 2014.

As per this resolution the detailed Lake Narracan Precinct Structure Plan consultation package was made available to the public for comment from 1 August 2014 until 29 August 2014.

The community engagement activities undertaken during this period were very similar to those of phase 1 which occurred in November 2013 and included:

- direct mail to 658 landowners and occupiers within and adjoining the Precinct Structure Plan area as well as key stakeholders advising of the consultation period;
- public notices in the Latrobe Valley Express;
- notices on the Latrobe City Council's website (Have A Say Page);
- a community consultation session held from 9.00 am to 6:30 pm at the Moe RSL on 13 August 2014 (of which 65 people attended); and
- one on one site meetings where requested (of which 33 had been undertaken at the time of this report being prepared).

Through the early stages of the consultation period, officers received verbal feedback from a number of landowners within the Lake Narracan precinct area advising that they would like to have the opportunity to have a group meeting to be able to ask questions and hear from other landowners.

During the Community Consultation Session held on 13 August 2014 at the Moe RSL, a petition containing 31 signatures was submitted to council officers requesting that a group meeting be held with all resident land owners of the precinct to address ongoing concerns with the Lake Narracan Precinct Structure Plan.

KEY POINTS/ISSUES

Where land rezoning affects individual landowners, it is standard procedure for council officers to offer one on one meeting's so that landowners can discuss their specific situations which may include discussions of sensitive or confidential information.

Given the feedback received from landowners however, officers have now arranged for a landowner meeting to take place during the four week consultation period. The meeting was held on 26 August 2014 and landowners were provided with the opportunity to ask questions of officers from Latrobe City Council and the Metropolitan Planning Authority. Officers felt that it was important for this meeting to occur during the

**ORDINARY COUNCIL MEETING AGENDA
01 SEPTEMBER 2014 (CM445)**

consultation period so landowners had the opportunity to make an informed submission.

OPTIONS

Council has the following options:

1. Not lay the petition on the table; or
2. Consider the petition at this council meeting.

CONCLUSION

Given that the petition requesting a resident landowner meeting was received prior to the notification of the landowner meeting held on 26 August 2014 the petition has therefore been responded to.

SUPPORTING DOCUMENTS

NIL

11.1


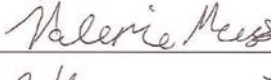



Lake Narracan Precinct Structure Plan - Request for Group Meeting - Petition

1	Petition	41
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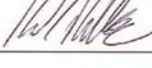
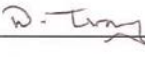




**ORDINARY COUNCIL MEETING AGENDA
01 SEPTEMBER 2014 (CM445)**

11th August 2014

We respectfully ask council to have a group meeting with all resident land owners to address ongoing concerns with the Lake Narracan Precinct Structure Plan.

Name	Address	Signature
Dragi Jankovic	34 Thompsons Rd.	
Val Massey	171 Old Sale Rd New	
Rhonda Jankovic	34 Thompsons Rd, Newborough	
Tony & HEATHER DISISTO	177 OLD SALE RD. NEWBOROUGH	
BRENDA RAUS	19 ^A THOMPSONS NEWBOROUGH	

**ORDINARY COUNCIL MEETING AGENDA
01 SEPTEMBER 2014 (CM445)**

Name	Address	Signature
D. Hankinson	Lot 6 OLD SALERD	
Sharon Abbott	3 Thompson's Rd Newborough	
Peter Thompson	19 Thompson's Rd Newborough	
Les Abbott	3 Thompson's Rd Newborough	
Dianne Terry	19 Hayes Rd Newborough	
Debbie Bill Lawrence	15 Hayes Rd Newborough	
Andrew Shinn <small>(on behalf of Peter R. Leesing)</small>	35 McPherson's Rd Newborough	
ROBERT YENDALL	32 THOMPSONS RD	
CHRIS SULLY	36 THOMPSONS RD	

ORDINARY COUNCIL MEETING AGENDA
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Name	Address	Signature
Peter Procaak	Lot 300 Sale Rd	
J. Jendall	32 THOMPSONS Rd.	
TONY KERRENBAR.	9 THOMPSONS RD.	
JOAN DOUMA	10 THOMPSONS Rd	
Tricie Kowal	15 Linko Rd.	
COUIN MORAN	3 MACPHERSON RD.	
JOHN DEMICOTI	20 THOMPSONS RD	
Rob & ANITA RAYMOND	145 OLSALE ROAD	
MICHAEL SHELDON - GUY FOR MAYOR.E	2 THOMPSONS RD	

ORDINARY COUNCIL MEETING AGENDA
01 SEPTEMBER 2014 (CM445)

Name	Address	Signature
Darlin Demicoli	20 Thompson's Rd. MBE	Demicoli
Alice Hopkins	6 Montee Greb Mbe	Hopkins
Corinna Carpenter	7 Thompsons Rd. Newb	Carpenter
Kay Carpenter	7 Thompsons Rd, Newborough	Carpenter
Debbie Ralls	19a Thompsons Rd Newborough	Ralls
Carol Thompson	19 Thompson Rd Newb	Thompson
Savera Krzanic	11 Thompsons rd New	Krzanic
Ronny Kekenan	9 Thompsons Rd	Kekenan

**ORDINARY COUNCIL MEETING AGENDA
01 SEPTEMBER 2014 (CM445)****11.2 Lake Narracan Precinct Structure Plan - Request for Extended Community Consultation Period – Petition****General Manager****Planning & Economic
Sustainability****For Decision****PURPOSE**

The purpose of this report is to present Council with a petition received to request an extension to the consultation period for the Lake Narracan Precinct Structure Plan project.

EXECUTIVE SUMMARY

On 13 August 2014 Latrobe City Council received a petition requesting Council to extend the Lake Narracan Precinct Structure Plan consultation period from Friday 29 August 2014 to Friday 27 February 2015 to allow landowners and the general community more time to understand the detailed Lake Narracan Precinct Structure Plan documentation and associated documentation.

RECOMMENDATION

- 1. That Council note the petition received on 13 August 2014 requesting an extension to the Lake Narracan Precinct Structure Plan consultation period.**
- 2. That Council not extend the Lake Narracan Precinct Structure Plan formal consultation period, but continue to work with landowners and general community members.**
- 3. That all signatories to the petition be advised of Council's decision in relation to the petition requesting an extension to the Lake Narracan Precinct Structure Plan consultation period.**

DECLARATION OF INTEREST

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

BACKGROUND

At the Special Council Meeting held on 28 July 2014, Council resolved the following:

That Council note the information contained in the detailed Lake Narracan Precinct Structure Plan consultation package and release this package for a second stage of community engagement between 1 August 2014 and 29 August 2014.

ORDINARY COUNCIL MEETING AGENDA 01 SEPTEMBER 2014 (CM445)

As per this resolution the detailed Lake Narracan Precinct Structure Plan consultation package has been made available to the public for comment since 1 August 2014 until 29 August 2014.

The community engagement activities undertaken during this period include:

- direct mail out to 658 landowners and occupiers within and adjoining the Precinct Structure Plan area as well as key stakeholders advising of the consultation period;
- public notices in the Latrobe Valley Express;
- notices on the Latrobe City Council's website (Have A Say Page);
- a community consultation session held from 9.00 am to 6:30 pm at the Moe RSL on 13 August 2014 (of which 65 people attended);
- a group landowner meeting held on 26 August 2014; and
- one on one site meetings where requested (of which 33 had been undertaken at the time of this report being prepared).

During the Community Consultation Session held on 13 August 2014 at the Moe RSL, a petition containing 36 signatures was submitted to council officers requesting Council to extend the Lake Narracan Precinct Structure Plan consultation period from Friday 29 August 2014 to Friday 27 February 2015 for the following reasons:

- a. So we can better understand and make informed decisions regarding the plan and the impacts it has upon us both as individual landowners and community members.
- b. So we have time to seek professional advice and/or legal counsel regarding the PSP, Detailed Lake Narracan Precinct Structure Plan Consultation Package (as per special council meeting 28th July 2014), NVPP and the 415 page Planning and Environment act to which these documents often refer to.
- c. Due to circumstances beyond our control and within council's jurisdiction, majority of resident land owners have not received a full copy of the current plan and all related documents with dates even though some have requested them.

KEY POINTS/ISSUES

The community consultation aspect of the Lake Narracan Precinct Structure Plan project has been split into two phases. Phase 1 in relation to the draft Lake Narracan Concept Plans and Phase 2 in relation to the detailed Lake Narracan Precinct Structure Plan.

The draft Lake Narracan Precinct Structure Plan Concept Plans were made available for community consultation from 11 November – 13 December 2013 (phase 1).

The result of the first phase of consultation was:

- 66 attended the 'Open House' information session

**ORDINARY COUNCIL MEETING AGENDA
01 SEPTEMBER 2014 (CM445)**

- Three one on one meetings
- 78 written submissions received
 - 63 submissions of support
 - 15 submissions raised concerns

Prior to the second phase of formal consultation, officers sent letters to all landowners and occupiers within the precinct offering to meet one on one to discuss the project.

The draft Lake Narracan Precinct Structure Plan documentation was made available for community consultation from 1 August 2014 to 29 August 2014 (phase 2).

The result of the second phase of consultation was:

- 65 attended the community consultation session
- 50 written submissions received (exact number not available at time of writing report)
 - 46 submissions of support
 - 4 submissions raised concerns
- 33 one on one meetings had been held at the time of preparing this report

In accordance with the standard planning scheme amendment consultation process, during phase 1 and phase 2 of consultation the whole package of documentation was not sent out as part of the notification letters, but were made available for viewing at all Latrobe City Council Service Centres, the Moe Library and on Latrobe City Council's website. Documents were also available at the community consultation sessions.

Hard copy documents were also available upon request and approximately 13 requests for documentation were made and documents were provided as part of phase 2.

Over the course of this project, community consultation has taken place over a period of eight weeks with informal consultation through one on one meetings etc. extending this period even further. This is consistent with Council's *Community Engagement Plan 2010-2014* which states *'that all policies, strategies, plans and projects that will impact on the community are made available for public viewing and comment for a minimum of a four week period.'* Therefore it is considered that the current phase of consultation is appropriate.

OPTIONS

Council has the following options:

1. Lay the petition on the table.
2. Deal with the petition at this Council meeting.

**ORDINARY COUNCIL MEETING AGENDA
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CONCLUSION

Given that no further investigation is required and that the consultation date of 1 August 2014 to 29 August 2014 is a recommendation adopted by Council at the 28 July 2014 Special Council Meeting, it is recommended that this petition be dealt with at this meeting.

SUPPORTING DOCUMENTS

NIL

11.1

Lake Narracan Precinct Structure Plan - Request for Extended Community Consultation Period - Petition


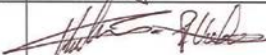
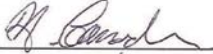
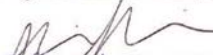

1	Petition	50
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11th August 2014

We respectfully ask council to extend the consultation period from Friday 29th of August 2014 to Friday 27th February 2015 for the following reasons

- a. So we can better understand and make informed decisions regarding the plan and the impacts it has upon us both as individual land owners and community members.
- b. So we have time to seek professional advice and /or legal counsel regarding the PSP, Detailed Lake Narracan Precinct Structure Plan Consultation Package (as per special council meeting 28th July 2014), NVPP and the 415 page Planning and Environment act to which these documents often refer to.
- c. Due to circumstances beyond our control and within council's jurisdiction, majority of resident land owners have not received a full copy of the current plan and all related documents with dates even though some have requested them.


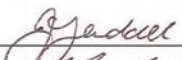
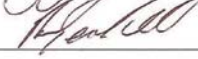



**ORDINARY COUNCIL MEETING AGENDA
01 SEPTEMBER 2014 (CM445)**

Name	Address	Signature
Sharon Abbott	3 Thompson's Rd Newborough	
LES ABBOT	3 THOMPSON'S RD NEWBOROUGH	
BRENDAN RAUS	11A THOMPSON'S RD NEWBOROUGH	
Tony & Ronny KERKENAAR.	9 THOMPSONS RD.	
Jean Douma	10 Thompsons Rd	J.F. Douma
Heather Carradine	5 THOMPSONS RD.	
Alice Hopkins	4 Monte Cres Moe	
D. Hankinson	Lot 6 OLD SALE Rd	

**ORDINARY COUNCIL MEETING AGENDA
01 SEPTEMBER 2014 (CM445)**

Name	Address	Signature
Les & S		
Val Massey	171 Old Sale Rd Newb	Valerie Massey
Heather Carrades	5 THOMPSONS Rd Newb	A. Carrades
Peter Thompson	19 THOMPSON RD "	P. Thompson
Dragi Jankovic	34 Thompsons Rd "	D. Jankovic
Rhonda Jankovic	34 Thompsons Rd, Newbrough	R. Jankovic
Alfred. Aquilina	46 THOMPSON'S.	A. Aquilina
JOE SULTANA	28 THOMPSONS RD.	J. Sultana
Rob Aquilina	4, Thompson Rd	R. Aquilina

**ORDINARY COUNCIL MEETING AGENDA
01 SEPTEMBER 2014 (CM445)**

Name	Address	Signature
TONY + HEATHER DISISTO	177 OLD SALE RD. NEWBOROUGH	
J. YENDALL	32 THOMPSONS RD	
R. YENDALL	" "	
Debbie + Bill Lawrence	15 Hayes Rd Newborough	Debbie Lawrence
Peter Trocena	Lot 3 Old Sale Rd	
Dianne Terry	19 Hayes Rd Newborough	D. Terry
CHRIS SOLLY	36 THOMPSONS RD	
Colin Iles	3 MACPHERSON RD.	

**ORDINARY COUNCIL MEETING AGENDA
01 SEPTEMBER 2014 (CM445)**

Name	Address	Signature
MICHAEL SHELDON - COLVIS FOR MAJORIE	2 THOMPSON'S RD	
Trixie Kowal	15 Links Rd	
JOHN DEMICOLI	20 THOMPSON'S RD	
Starlin Demicoli	"	
ROB & ANITA RAYMOND	145 OLD SALE ROAD	
Andrew Shinn <small>(on behalf of Lionel & Patsy Shinn)</small>	35 McPhersons Rd Newbush	
Corinna Carpenter	7 Thompsons Rd, Newbush	
Troy Carpenter	7 Thompsons Rd, Newbush	
5 Carol Thompson	19 Thompsons Rd Newbush	

ORDINARY COUNCIL MEETING AGENDA
01 SEPTEMBER 2014 (CM445)

Name	Address	Signature
Debbie Ralls	Newborough 19a Trompsens Rd	
Serena Krznanic	11 Trompsens Rd, New	

OFFICE OF THE CHIEF EXECUTIVE

ORDINARY COUNCIL MEETING AGENDA 01 SEPTEMBER 2014 (CM445)

12. OFFICE OF THE CHIEF EXECUTIVE

12.1 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 11 August 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:

Date:	Assembly Details / Matters Discussed:	In Attendance:	Conflicts of Interest Declared:
15 July 2014	<ul style="list-style-type: none"> Australia Day Advisory Committee meeting 	Councillors: Cr White, Cr Sindt Officers: Wendy Hrynyszyn	
13 August 2014	<ul style="list-style-type: none"> Morwell Town Common Development Plan Project Control Group 	Councillors: Cr Middlemiss Officers: Simon Clark	NIL
13 August 2014	<ul style="list-style-type: none"> Latrobe City Cultural Diversity Advisory Committee Meeting 	Councillors: Cr Kam Officers: Steve Tong, Heather Farley, Teresa Pugliese.	NIL

Attachments

1. Attachment 1
2. Attachment 2
3. Attachment 3

RECOMMENDATION

That Council note this report.

12.1

Assembly of Councillors

1	Attachment 1	59
2	Attachment 2	63
3	Attachment 3	67



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: Australia Day Advisory Committee meeting

Date: 15 July, 2013

Time: 5.00 pm to 6.15 pm

Assembly Location: Nambur Wariga, Council Headquarters, Morwell
(e.g: Town Hall, *TOWN*, No. xx *ADDRESS*, Latrobe City Council Offices).

In Attendance:

Councillors: Cr Darrell White & Cr Christine Sindt

Officer/s: Wendy Hrynyszyn

Matter/s Discussed:

Report/Discussion on 2014 Australia Day Program.
Sporting Hall of Fame incorporation into 2015 Australia Day Civic Function.
Schedule of Activities.
2015 Australia Day Budget.
Nomination form for 2015 Awards.
Promotion of Awards Program – media booking sheet & breakfast advertisement.
Business Arising
- Australia Day Posters
- Civic Function - Catering & Entertainment
- Proposed Country Music Festival on Australia Day at the Soundshell.

(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:

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: Wendy Hrynyszyn



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: Morwell Town Common Development Plan Project Control Group

Date: 13 August 2014

Time: 5:00pm

Assembly Location: Latrobe City Council Headquarters
(e.g: Town Hall, TOWN, No. xx ADDRESS, Latrobe City Council Offices).

In Attendance:

Councillors: Cr Graeme Middlemiss.

Officer/s: Simon Clark

Matter/s Discussed:

1. Correspondence in: Nil. Correspondence out: Nil.
2. Special Business

Simon introduced Wendy Hrynyszyn, Latrobe City Senior Events Officer and Linda Brock, Latrobe City Acting Manager Events, Tourism and International Relations to discuss activating the common for events and marketing the common as a tourism destination. Max said that the common was underutilised for events and that to promote the common as a community space for events would be beneficial for the town. Max presented possible event ideas like pop up markets. Wendy informed the meeting that she had recently programmed a future event at the common and Linda stated that the common was advertised in the "Gippsland User Guide" and "See and Do Morwell" brochure. The meeting agreed that with the current developments at the common it is presenting itself as an accessible and inviting public open space for structured and unstructured events and activities and that further work is required to promote the space.

3. Business Arising From Previous Minutes

1. Simon reported that the landscaping component of the Chapel Street carpark project would commence next week and it would be at this time that the damaged trees on



Maclean Street may be replaced with mature seedlings of the same species. Simon at the June 2014 meeting also reported that there may be a change to the trees as part of the Chapel Street carpark project. This change may be in the form of species type however Simon will keep the Committee informed as he receives information. Ongoing Action – Simon Clark

2. David stated that he will install heavy duty fully attached down pipes on the picnic shelter. Ongoing Action – David McInnes

3. Simon reported that the cost for the extension of the Rotary fence on White Street was \$4,500. David to put in account from Rotary for payment. Ongoing Action – David McInnes

4. Simon and Bruce reported that a historical story about the Town Common was published in the most recent edition of the Link newspaper. The story promoted that the Project Control Group wished to receive any items of historical interest for consideration as part of a future historical sign at the Town Common. Bruce informed the meeting that he had not received any information from that story or from his spot on Gippsland FM. The meeting agreed to progress with the information and ideas it has for the sign. Bruce to meet with Simon and give him the information he has. Simon to discuss with the Graphic Designer to commence the design phase. Simon also to consult Council's Recreation and Open Space Planner regarding the sign design. Action - Simon Clark and Bruce McMaster

5. Simon reported that the Chapel Street carpark project was completed with a little cleaning up to be undertaken next week. The Access For all Abilities Playground would be completed shortly.

4. General Business

1. Cr Middlemiss informed the meeting that it was possible that the Governor of Victoria may visit Latrobe City in February 2015 and that there could be an opportunity to have a project unveiled.

2. Max reported that the open space area of the common was extremely wet. The meeting agreed to have it investigated if drainage could be installed so that the surface is accessible all year round. Simon to discuss with relevant Council officers and have a bid placed in the 2015/2016 Capital Works Program for consideration. Action – Simon Clark

Next Meeting: Wednesday 8 October 2014, 5:00pm
(e.g: Proposed Development in TOWN discussion with residents, Planning Permit Application No. xxx 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:

Officer/s:

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

Completed by: Simon Clark



Assembly of Councillors Record Explanation / Guide Notes

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Section 80A(3)

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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: Latrobe City Cultural Diversity Advisory Committee Meeting

Date: Wednesday 13 August 2014

Time: 5.00 pm

Assembly Location: Nambur Wariga Room, Latrobe City Corporate Headquarters, 141 Commercial Road Morwell.

(e.g: Town Hall, *TOWN*, No. xx *ADDRESS*, Latrobe City Council Offices).

In Attendance:

Councillors: Cr Kam

Officer/s: Steve Tong, Heather Farley, Teresa Pugliese

Matter/s Discussed:

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

Members to speak of their Culture and key customs and traditions (20 minutes)

3.1 Presentation for this meeting – Debra Carnduff

3.2 Committee members' presentations timetable for 2014, 12 November 2014 - Cr Gibbons

3.3 Committee members' presentations timetable for 2015

Business Arising from Previous Meeting - 20 February 2014

4.1 Heather Farley offered to circulate information to CDAC members on the 'Racism. It Stops With Me' campaign.

4.2 Funding requirements for 'Putting Locals First' for item 5.3 (see item 5.2 in General Business).

4.3 Cr Peter Gibbons to provide an update on the Latrobe Settlement Committee to the next CDAC meeting.



4.4 Convene a special meeting to allow members time to review the changes to the draft Cultural Diversity Action Plan 2014 - 2018 and provide comment.

4.5 A thank you letter to be sent to Maryanne Tashya Hettiarachchi and Nicolina Lowe on behalf of the committee.

4.6 Upcoming Citizenship ceremonies for 2014:

Wednesday 17 September 2014

Tuesday 11 November 2014.

Ceremonies are held in the Nambur Wariga Room, Latrobe City Corporate Headquarters commencing at 4.00 pm (time to be confirmed).

Business Arising from Previous Meeting - 14 May 2014

4.7 Teresa Pugliese to contact Debra Carnduff and Cr Gibbons to determine a suitable date for presentations during 2014.

4.8 Teresa Pugliese and Steve Tong to work on the Draft Action Plan to revise some actions and add measures where possible. Actions to be split into annual actions (over 4 years) where possible. Include ongoing actions. Send to Committee for feedback, by 28 May 2014.

4.9 Committee to review revised Draft Action Plan and provide any feedback to Teresa Pugliese, by 11 June 2014.

4.10 Committee feedback included in Final Draft Action Plan and send to Committee for final approval, by 18 June 2014

General Business

5.1 Update on the draft Cultural Diversity Action Plan 2014 -2018.

5.2 Research regarding Multicultural Hub to be tabled and discussed (5-10 minutes).

5.3 Guest speakers for 2015.

5.4 Other items

Correspondence

6.1 Inward

Nil

6.2 Outward

6.2.1 A thank you letter was sent to Maryanne Tashya Hettiarachchi and Nicolina Lowe on behalf of the committee.

**Other Business****7.1 Member Reports****7.2 Meeting dates for 2014**

Wednesday 12 November 2014, 5.00 pm to 7.00 pm.

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

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

Councillors:

Officer/s:

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

Completed by: Teresa Pugliese



Assembly of Councillors Record Explanation / Guide Notes

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PLANNING & ECONOMIC SUSTAINABILITY

13. PLANNING & ECONOMIC SUSTAINABILITY

Nil reports

COMMUNITY INFRASTRUCTURE & RECREATION

14. COMMUNITY INFRASTRUCTURE & RECREATION

14.1 INAPPROPRIATE STREET TREE REMOVAL AND REPLACEMENT PROGRAM 2014/15

General Manager

Community Infrastructure &
Recreation

For Decision

PURPOSE

The purpose of this report is to present to Council for consideration a proposed list of street tree replacements planned under the '*Inappropriate Street Tree Removal and Replacement Program*' for the 2014/15 financial year.

EXECUTIVE SUMMARY

This report is presented to Council to detail the 2014/15 Inappropriate Street Tree Removal and Replacement Program which proposes the removal of 357 inappropriate street trees across the four major towns in the municipality. The proposed program is fully budgeted in the Infrastructure Operations 2014/15 recurrent budget.

RECOMMENDATION

1. That Council adopts the list of inappropriate street trees as listed in the attachment as the removal and replacement program for the 2014/15 financial year.
2. That all proposed works are undertaken in accordance with the *tree work notification policy 11 pol-4*.

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 2011-2015.

Latrobe 2026: The Community Vision for Latrobe Valley

Strategic Objectives – Built Environment

In 2026, Latrobe Valley benefits from a well-planned built environment that is complementary to its surroundings, and which provides for a connected and inclusive community

Latrobe City Council Plan 2011 - 2015

Strategic Direction – Built Environment

Enhance the quality and sustainability of streetscapes and parks across the municipality through the provision and maintenance of trees that are appropriate to their surroundings.

Service Provision – Infrastructure Maintenance

Provide cyclic and reactive maintenance services for Latrobe City's road, drainage, footpath and tree networks.

Legislation – Local Government Act 1989

Policy – Tree Work Notification Policy 11 POL-4

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

BACKGROUND

A report on the identification of inappropriate street trees and suggested replacement species was presented to Council and adopted on 17 October 2005.

The Council report identified a program to remove and replace inappropriate street trees which until then, had been replaced on an ad hoc basis. Council in 1997/98 engaged a consultant to survey all urban street trees and, of the 38,300 street trees surveyed, approximately 17,000 were identified as being inappropriate.

An inappropriate tree may be either:

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

The initial program undertaken in 2005/06 addressed the majority of the highest priority trees, including entire streets of toxic/high allergy trees and commenced removal of the large trees under power lines.

Since the initial program was undertaken over 4527 inappropriate street trees have been removed and approximately over 5100 street trees have replaced since commencement of this program.

KEY POINTS/ISSUES

There is differing attitude of residents, often within the same street, about the need for removal of trees and the preferred replacement street tree species. This is particularly the case for large trees where the majority opinion in a street often changes over several years as property ownership changes and when aging residents encounter difficulty in clearing up leaves and tree litter.

The benefits to Council and the community in proceeding with this program are as follows:

- Reducing the risks to the public due to power lines being brought down by trees;
- Reducing the risk to staff and contractors when pruning around power lines;
- Compliance with the Code of Practice for Power Line Clearance (a regulatory requirement);
- Reducing the complaints about trees blocking street lights;
- Reducing the number of power outages caused by street trees;
- Reducing the complaints about encroachment over private property, including leaf and litter drop;
- Reducing the number of claims against Council for personal injury and property damage due to trees;
- Improving the amenity of streets – inappropriate trees which have to be severely pruned to meet power line clearance regulatory requirements or which damage roads or footpaths create visual amenity problems;
- Removing the community risk associated with toxic/allergy threat of some tree species;
- Reducing damage and repair costs to infrastructure, including footpaths, kerb and channel, stormwater and sewerage pipes.

The street trees selected for removal as shown in the attachment do not appear in the Latrobe City Heritage Study or the register compiled by the Latrobe City Council Infrastructure Maintenance arborists of the more important and significant trees in the municipality.

RISK IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

FINANCIAL AND RESOURCES IMPLICATIONS

There is an allocation of \$200,000 in the 2014/15 recurrent Infrastructure Operations budget for inappropriate tree removal and replacements. The 2014/15 proposed work program plans to remove and replace 357 street trees, as follows:

- Removals in Traralgon – 73,
- Morwell – 136,
- Moe/Newborough – 88 and
- Churchill - 60.

ORDINARY COUNCIL MEETING AGENDA 01 SEPTEMBER 2014 (CM445)

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

In accordance with Council's *Tree Work Notification Policy 11 POL-4*, consultation will take place using the following process:

- Letters will be delivered to households in the affected street, advising of the proposed tree replacement works and seeking input into the selection of replacement species. This letter will offer consultation (on site if desired) with a Council arborist.
- All household opinions from that street are taken into account.
- If the majority of households in the street object, the works will be deferred and further consultation carried out.
- If a petition is forwarded by residents it will be presented to Council in accordance with the processes of Local Law Number 1. It is suggested that if petitions are received, that they be dealt with on a street-by-street basis and not for the whole program.

Details of Community Consultation / Results of Engagement:

If the majority of households in a particular street object to the tree removals and/or cannot agree on replacement species, then works in those affected streets will be deferred for further consultation.

- If not resolved a report will be presented to Council for a decision.
- If the ultimate decision of Council is to defer works in a specific street then an alternative street will be substituted into the works program.

The outcome of the consultation is advertised in follow up letters will be delivered to households in the affected street, an advertisement in the Latrobe Valley Express and full results posted on Councils web page.

OPTIONS

Options available to Council include:

1. Approve the list and implement Council Policy.
2. Amend the list/modify the program.
3. Abolish the program.

CONCLUSION

This report proposes continuing the Inappropriate Street Tree Removal and Replacement program. The attachment to this report proposes a list of trees and street for the 2014/15 program.

It is recommended that Option 1 be adopted as the preferred method and the process be carried out on a street by street basis, whereby if there is not majority agreement to the removal and replacement species, the particular street will be deferred from the program to allow further consultation and be referred to Council.

**ORDINARY COUNCIL MEETING AGENDA
01 SEPTEMBER 2014 (CM445)**

SUPPORTING DOCUMENTS

Nil

Attachments

1. Street Tree Replacement Program 2014 – 2015
2. Glossary of trees I.S.T.R.R.P 14-15

14.1

INAPPROPRIATE STREET TREE REMOVAL AND REPLACEMENT PROGRAM 2014/15

1	Street Tree Replacement Program 2014 – 2015	81
2	Glossary of trees I.S.T.R.R.P 14-15	91

Inappropriate Street Tree Removal Replacement Program 2014-2015

The following table is a list of 357 street trees for removal and replacement within the 2014-2015 financial years of inappropriate street trees: Traralgon – 73, Morwell – 136, Moe/Newborough 88 and Churchill – 60.

TRARALGON.

ADDRESS	SPECIES
45/ unit 1 Phillip St tree in Brolga Blvd	Melaleuca linarifolia
45/unit 2 Phillip St tree in Brolga Blvd	Melaleuca linarifolia
47 Brolga Blvd	Melaleuca linarifolia
1 Lorikeet PI tree in Brolga Blvd	Melaleuca linarifolia
9 Lorikeet PI tree in Brolga Blvd	Melaleuca linarifolia
7/ unit 1 Dove Crt tree in Brolga Blvd	Melaleuca linarifolia
7/unit 2 Dove Crt tree in Brolga Blvd	Melaleuca linarifolia
1 Dove Crt tree in Brolga Blvd x2	Melaleuca linarifolia
22 Brolga Blvd	Melaleuca linarifolia
18 Brolga Blvd	Melaleuca linarifolia
23 Brolga Blvd	Melaleuca linarifolia
16 Brolga Blvd	Melaleuca linarifolia
21 Brolga Blvd	Melaleuca linarifolia
17 Brolga Blvd	Melaleuca linarifolia
14 Brolga Blvd	Melaleuca linarifolia
12 Brolga Blvd x2	Melaleuca linarifolia
Brolga Blvd beside Council Parkland	Melaleuca linarifolia
1 Raven Crt trees in Brolga Blvd x2	Melaleuca linarifolia
8/ units 1, 2, 3 ,4 Brolga Blvd x2	Melaleuca linarifolia
13 Brolga Blvd	Melaleuca linarifolia
6 Brolga Blvd	Melaleuca linarifolia
9 Brolga Blvd	Melaleuca linarifolia
5 Brolga Blvd	Melaleuca linarifolia
3 Brolga Blvd	Melaleuca linarifolia
13/ unit 2 Phillip St tree in Brolga Blvd	Melaleuca linarifolia
1/ unit 1 Brolga Blvd	Melaleuca linarifolia
2 Farina Court	Lagunaria patersonia
3 Farina Court	Melaleuca Species
4 Farina Court	Lagunaria patersonia
7 Farina Court x2	Lagunaria patersonia and Photinia robusta
8 Farina Court	Lagunaria patersonia
9 Farina Court x2	Lagunaria patersonia and Melaleuca linarifolia
10 Farina Court	Lagunaria patersonia
4 Graham Crescent	Liquidamber styraciflua
8 Graham Crescent	Prunus blireana
7 Graham Crescent	Prunus evans

100 Gordon St tree in Graham Crescent	Liquidamber styraciflua
17 Barker Cres tree in Graham Crescent	Liquidamber styraciflua
2 Osborne Street	Lophostemon confertus
6 Osborne Street	Lophostemon confertus
8 Osborne Street	Melaleuca stypheloides
10 Osborne Street	Lophostemon confertus
12 Osborne Street	Melaleuca stypheloides
14 Osborne Steet	Lophostemon confertus
5/ unit 1 Cliff Court tree in Osborne Street	Melaleuca stypheloides
2 Cliff Court	Melaleuca stypheloides
6 Cliff Court	Melaleuca stypheloides
10 Cliff Court	Melaleuca stypheloides
25 Osborne Street tree in Cliff Court	Prunus blireana
7 Cliff Court	Prunus blireana
65 Gunyah Grove tree in Hunter Road	Melaleuca linarifolia
65 Gunyah Grove tree in Hunter Road	Quercus palustris
1 Hunter Road	Quercus palustris
2 Hunter Road	Quercus palustris
4 Hunter Road	Quercus palustris
6 Hunter Road	Melaleuca linarifolia
10 Hunter Road	Quercus palustris
12 Hunter Road	Quercus palustris
16 Hunter Road	Quercus palustris
18 Hunter Road	Melaleuca linarifolia
18 Hunter Road	Quercus palustris
Hunter Road beside Council Parkland	Quercus palustris
20 Hunter Road	Corymbia Ficifolia
22 Hunter Road	Quercus palustris
24 Hunter Road	Betula pendula
26 Hunter Road	Melaleuca linarifolia
55-57/ units 1, 2, 3 Liddiard Rd tree in Hunter Road	Quercus palustris

MORWELL.

ADDRESS	SPECIES
93 Princes Drive	Callistemon 'Dawson River Weeper'
109 Princes Drive	Callistemon 'Dawson River Weeper'
113 Princes Drive	Callistemon 'Dawson River Weeper'
117 Princes Drive	Callistemon 'Dawson River Weeper'
119 Princes Drive	Callistemon 'Dawson River Weeper'
121 Princes Drive	Callistemon 'Dawson River Weeper'
123, unit 1 and 2 Princes Drive	Melaleuca stypheloides

Princes Drive beside Morwell Club x2	Callistemon 'Dawson River Weeper'
1 Valerie Crt	Prunus blireana
16 Granya Grove	Prunus evans
12 Granya Grove	Prunus blireana
2 Granya Grove	Prunus blireana
116 Maryvale Road	Prunus blireana
114 Maryvale Road	Prunus blireana
106 Maryvale Road	Prunus blireana
104 Maryvale Road	Prunus blireana
102 Maryvale Road	Prunus blireana
96 Maryvale Road	Prunus blireana
89 Maryvale Road	Prunus blireana
93 Maryvale Road	Prunus blireana
99 Maryvale Road	Prunus blireana
103 Maryvale Road	Prunus blireana
105 Maryvale Road	Prunus blireana
107 Maryvale Road	Prunus blireana
109 Maryvale Road	Prunus blireana
111 Maryvale Road	Prunus blireana
113 Maryvale Road	Prunus blireana
115 Maryvale Road	Prunus blireana
117A Maryvale Road	Prunus blireana
121 Maryvale Road	Prunus blireana
123 Maryvale Road	Prunus serrulata
123 Maryvale Road	Prunus blireana
12 Toora Street	Prunus blireana
16 Toora Street	Prunus blireana
Hourigan Road beside Council Parkland x2	Prunus blireana
65 Hourigan Road	Prunus blireana
21 Monash Street	Prunus blireana
26 Monash Street	Prunus serrulata
22 Monash Street	Prunus blireana
2 Hare Street tree in Monash Street	Prunus blireana
1 Hare Street tree in Monash Street	Prunus blireana
7 Monash Street	Prunus evans
1 Monash Street	Prunus blireana
30 Livingstone Street	Prunus blireana
28 Livingstone Street	Prunus blireana
24 Livingstone Street	Prunus blireana
16 Livingstone Street	Prunus blireana
14 Livingstone Street	Prunus blireana
11 Livingstone Street	Prunus blireana
10 Livingstone Street	Prunus blireana
4 Livingstone Street	Prunus blireana
2 Livingstone Street	Prunus blireana
381 Service Road	Prunus blireana
397 Service Road	Prunus blireana

401 Service Road	Prunus blireana
405 Service Road	Prunus blireana
18 Sydney Street tree in Service Road	Prunus blireana
86 Churchill Road	Prunus blireana
10 Sydney Street	Prunus blireana
14 Sydney Street	Prunus blireana
16 Sydney Street	Prunus blireana
19 Satelberg Street	Prunus blireana
17 Satelberg Street	Prunus blireana
22 Satelberg Street	Prunus blireana
12 Satelberg Street	Prunus blireana
7 Satelberg Street	Prunus blireana
8 Satelberg Street	Prunus blireana
3 Satelberg Street	Prunus blireana
2 Wicks Court Morwell	Prunus blireana
5 Wicks Court Morwell	Prunus blireana
4 Wicks Court Morwell x3	Prunus blireana
9 Wicks Court Morwell	Prunus blireana
70 Comans Street Morwell	Prunus evans
60 Comans Street Morwell	Prunus blireana
61 Comans Street Morwell	Prunus blireana
38 McDonalds Street tree in Comans Street Morwell	Prunus blireana
38 McDonalds Street tree in Station Street Morwell x2	Prunus blireana
1 Station Street Morwell	Prunus blireana
2 Station Street Morwell	Prunus blireana
3 Station Street Morwell	Prunus blireana
4 Station Street Morwell	Prunus blireana
5 Station Street Morwell	Prunus blireana
6 Station Street Morwell	Prunus blireana
7 Station Street Morwell	Prunus blireana
12 McDonald Street tree in Doherty Avenue Morwell x2	Prunus blireana
3 Doherty Avenue Morwell	Prunus blireana
10 Doherty Avenue Morwell	Prunus blireana
14 Doherty Avenue Morwell	Prunus blireana
16 Doherty Avenue Morwell	Prunus blireana
229 Princes Drive Morwell Old Service Station	Prunus blireana
??? Princes Drive Morwell Old Doctors Surgery	Prunus blireana
285/ units 1 to 12 Princes Drive Morwell	Prunus blireana
37 Hopetoun Avenue Morwell	Prunus blireana
33/ units 1, 2, 3, 4 Hopetoun Avenue Morwell	Prunus blireana
29 Hopetoun Avenue Morwell	Prunus blireana

25 Hopetoun Avenue Morwell	Prunus blireana
19/ unit 1 Hopetoun Avenue Morwell	Prunus blireana
24 Hopetoun Avenue Morwell	Prunus blireana
16 Hopetoun Avenue Morwell	Prunus blireana
16 Hopetoun Avenue Morwell	Prunus evans
12 Hopetoun Avenue Morwell	Prunus blireana
9 Hopetoun Avenue Morwell	Prunus blireana
8 Hopetoun Avenue Morwell	Prunus blireana
45 Hoyle Street Morwell	Prunus blireana
34 Hoyle Street Morwell	Prunus blireana
30 Hoyle Street Morwell	Prunus blireana
41 Hoyle Street Morwell	Prunus blireana
29 Hoyle Street Morwell	Prunus blireana
12/ units 1 and 2 Hoyle Street Morwell	Prunus blireana
72 Church Street Morwell	Prunus blireana
82 Church Street Morwell x2	Prunus blireana
38 McLean Street Morwell	Prunus blireana
42 McLean Street Morwell	Prunus blireana
44 McLean Street Morwell	Prunus blireana
46 McLean Street Morwell	Prunus blireana
50 McLean Street Morwell	Prunus blireana
52 McLean Street Morwell	Prunus blireana
39 McLean Street Morwell	Prunus blireana
54 McLean Street Morwell	Prunus blireana
45 McLean Street Morwell x2	Prunus blireana
49 McLean Street Morwell	Prunus blireana
51 McLean Street Morwell	Prunus blireana
62 McLean Street Morwell	Prunus blireana
64 McLean Street Morwell	Prunus blireana
53 McLean Street Morwell	Lagunaria patersonia
55/ unit 1 McLean Street Morwell	Prunus blireana
66 McLean Street Morwell	Prunus blireana
68 McLean Street Morwell	Prunus blireana
22 Wilson Street tree in McLean Street Morwell	Prunus blireana

MOE/NEWBOROUGH.

ADDRESS	SPECIES
Opp 28 Ollerton Avenue beside Latrobe Valley Village	Corymbia ficifolia
Opp 32 Ollerton Avenue beside Latrobe Valley Village	Corymbia ficifolia
Opp 34 Ollerton Avenue beside Latrobe Valley Village	Corymbia ficifolia
Opp 36/ units 1, 2, 3, 4 Ollerton Avenue beside Latrobe Valley Village	Corymbia ficifolia

x2	
Opp 38 Ollerton Avenue beside Latrobe Valley Village	Photinia robusta
90 Hennessey Street	Cinnamomum camphora
86 Hennessey Street	Cinnamomum camphora
82 Hennessey Street	Cinnamomum camphora
78 Hennessey Street	Cinnamomum camphora
74 Hennessey Street	Cinnamomum camphora
70 Hennessey Street	Cinnamomum camphora
66 Hennessey Street	Cinnamomum camphora
Opp 42 Bennett Street	Prunus evans
Opp 40 Bennett Street	Prunus evans
Opp 36 Bennett Street	Prunus evans
43 Bennett Street	Prunus evans
41 Bennett Street	Prunus blireana
30 Bennett Street	Prunus blireana
37 Bennett Street	Prunus blireana
35 Bennett Street	Prunus evans
29 Bennett Street	Prunus blireana
25 Bennett Street	Prunus blireana
5 Bennett Street	Prunus blireana
3 Bennett Street	Prunus blireana
1 Bennett Street	Prunus blireana
Beside Granvue units 1, 2, 3, 4, 5 Bennett Street x2	Prunus blireana
25 Albert Street tree in Bennett Street	Prunus blireana
51 Service tree in Hampton Street	Corymbia maculata
87 Hampton Street	Corymbia maculata
85 Hampton Street	Corymbia maculata
83 Hampton Street	Corymbia maculata
81 Hampton Street	Corymbia maculata
79 Hampton Street	Corymbia maculata
75 Hampton Street	Corymbia maculata
73 Hampton Street	Corymbia maculata
71 Hampton Street	Corymbia maculata
20 Baw Baw Street tree in Hampton Street	Corymbia maculata
46 Hampton Street	Corymbia maculata
44 Hampton Street	Corymbia maculata
42 Hampton Street	Corymbia maculata
40 Hampton Street	Corymbia ficifolia
16 Hampton Street	Eucalyptus camaldulensis
14 Hampton Street	Corymbia maculata
8 Hampton Street	Corymbia maculata
4 Baw Baw Street	Corymbia maculata
6 Baw Baw Street	Corymbia maculata
8 Baw Baw Street	Corymbia maculata
14 Baw Baw Street	Corymbia maculata

18 Baw Baw Street	<i>Corymbia maculata</i>
20 Baw Baw Street	<i>Corymbia maculata</i>
127 Service Road trees in Kent Street	<i>Quercus palustris</i>
4 Kent Street	<i>Quercus palustris</i>
6 Kent Street	<i>Quercus palustris</i>
10 Kent Street	<i>Corymbia ficifolia</i>
16 Kent Street	<i>Quercus palustris</i>
20 Kent Street	<i>Quercus palustris</i>
46 Elizabeth Street tree in Kent Street	<i>Quercus palustris</i>
59 Kent Street x2	<i>Quercus palustris</i>
22 Kent Street	<i>Quercus palustris</i>
24 Kent Street	<i>Corymbia ficifolia</i>
26 Kent Street	<i>Quercus palustris</i>
28 Kent Street	<i>Quercus palustris</i>
32B Kent Street	<i>Quercus palustris</i>
46 Kent Street	<i>Quercus palustris</i>
92 Wirraway Street	<i>Fraxinus angustifolia</i> subsp 'angustifolia'
82 Wirraway Street	<i>Fraxinus angustifolia</i> subsp 'angustifolia'
74 Wirraway Street	<i>Fraxinus angustifolia</i> subsp 'angustifolia'
64 Wirraway Street	<i>Fraxinus angustifolia</i> subsp 'angustifolia'
58 Wirraway Street	<i>Fraxinus angustifolia</i> subsp 'angustifolia'
56 Wirraway Street	<i>Fraxinus angustifolia</i> subsp 'angustifolia'
52 Wirraway Street	<i>Fraxinus angustifolia</i> subsp 'angustifolia'
48 Wirraway Street	<i>Fraxinus angustifolia</i> subsp 'angustifolia'
46 Wirraway Street	<i>Fraxinus angustifolia</i> subsp 'angustifolia'
8 Mitchell Court tree in Wirraway Street	<i>Fraxinus excelsior</i> 'Aurea'
12-14/ units 1, 2, 3, 4, 5, 6 Wirraway Street	<i>Fraxinus excelsior</i> 'Aurea'
6 Wirraway Street	<i>Fraxinus excelsior</i> 'Aurea'
Beside Catholic Church Wirraway Street x2	<i>Fraxinus excelsior</i> 'Aurea'
40 Alexander Avenue tree in Victoria Street	<i>Corymbia ficifolia</i>
16 Rubery Street tree in Victoria Street	<i>Corymbia ficifolia</i>
32 Victoria Street	<i>Corymbia ficifolia</i>
9 Roberts Street tree in Victoria Street	<i>Corymbia ficifolia</i>
8 Roberts Street tree in Victoria	<i>Corymbia ficifolia</i>

Street	
34 Victoria Street	Lophostemon confertus
34 Victoria Street	Corymbia ficifolia
36 Victoria Street	Corymbia ficifolia
40 Victoria Street	Corymbia ficifolia
44 Victoria Street	Corymbia ficifolia

CHURCHILL.

ADDRESS	SPECIES
5 Willow Court	Melaleuca linarifolia
9 Willow Court	Melaleuca linarifolia
13 Willow Court	Melaleuca armillaris
17 Willow Court	Melaleuca linarifolia
28 Sheoke Grove tree in Grevillea Street	Melaleuca armillaris
8 Coolabah Drive	Melaleuca armillaris
16 Coolabah Drive	Melaleuca armillaris
Coolabah Drive beside School	Melaleuca armillaris
34 Coolabah Drive	Melaleuca armillaris
42 Coolabah Drive	Melaleuca armillaris
50 Coolabah Drive	Melaleuca armillaris
18 Manuka Street in Hakea Court	Melaleuca armillaris
7 White Pde in Fraser Crescent	Melaleuca linarifolia
12 Fraser Crescent	Melaleuca linarifolia
16 Fraser Crescent	Melaleuca linarifolia
20 Fraser Crescent	Melaleuca linarifolia
24 Fraser Crescent	Melaleuca linarifolia
28 Fraser Crescent	Melaleuca linarifolia
32 Fraser Crescent	Melaleuca linarifolia
Fraser Crescent beside parkland	Melaleuca linarifolia
40 Fraser Crescent	Melaleuca linarifolia
18 Latter Grove x2	Melaleuca armillaris
10 Latter Grove	Melaleuca armillaris
6 Latter Grove	Melaleuca armillaris
59 Auchterlowie Crescent	Melaleuca armillaris
47 Auchterlowie Crescent	Melaleuca armillaris
43 Auchterlowie Crescent	Melaleuca armillaris
37 Auchterlowie Crescent	Melaleuca armillaris
Williams Avenue x4 beside school	Melaleuca armillaris
Williams Avenue x3 beside parkland	Melaleuca armillaris
Williams Avenue beside Church	Melaleuca armillaris
33 Dunbar Grove	Melaleuca linarifolia
31 Dunbar Grove x2	Melaleuca linarifolia
29 Dunbar Grove	Melaleuca linarifolia
27 Dunbar Grove	Melaleuca linarifolia
23 Dunbar Grove	Melaleuca linarifolia

21 Dunbar Grove	Melaleuca linarifolia
19 Dunbar Grove	Melaleuca linarifolia
17 Dunbar Grove	Melaleuca linarifolia
26 Churinga Drive	Melaleuca armillaris
22 Churinga Drive	Melaleuca armillaris
18 Churinga Drive	Melaleuca armillaris
10 Churinga Drive	Melaleuca armillaris
2 Churinga Drive	Melaleuca armillaris
10 Churinga Drive tree in Euroka Court	Melaleuca armillaris
1 Euroka Court	Melaleuca armillaris
8 Inala Court tree in Euroka Court	Melaleuca armillaris
9 Euroka Court	Melaleuca armillaris
9 Illawonga Court	Melaleuca armillaris
13 Illawonga Court	Melaleuca armillaris
3 Gundaroo Place	Melaleuca armillaris
5 Gundaroo Place	Melaleuca armillaris
15 Gundaroo Place	Melaleuca armillaris

I.S.T.R.R.P 2014-2015

Glossary of trees

Tree to be removed	Common Name
<i>Betula pendula</i>	Silver Birch
<i>Callistemon viminalis</i> 'Dawson River Weeper'	Bottlebrush
<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Corymbia ficifolia</i>	Flowering Gum
<i>Corymbia maculata</i>	Spotted Gum
<i>Eucalyptus camaldulensis</i>	River Red Gum
<i>Fraxinus angustifolia</i> subsp 'angustifolia'	Desert Ash
<i>Fraxinus excelsior</i> 'Aurea'	Golden Ash
<i>Lagunaria patersonia</i>	Pyramid Tree
<i>Liquidambar styraciflua</i>	Sweet Gum
<i>Lophostemon confertus</i>	Queensland Box
<i>Melaleuca linarifolia</i>	Snow In Summer
<i>Melaleuca armillaris</i>	Bracelet Honey Myrtle
<i>Melaleuca styphelioides</i>	Prickly Paperbark
<i>Photinia robusta</i>	Red Leaf Photinia
<i>Prunus Blireana</i>	Flowering Plum
<i>Prunus Elvins</i>	Flowering Cherry Plum
<i>Prunus serrulata</i>	Japanese Cherry
<i>Quercus palustris</i>	Pin Oak

Replacement tree offered	Common Name
<i>Acer ginnala</i> 'Amur Maple'	Amur Maple
<i>Acer rubrum</i> 'Canadian Maple'	Canadian Maple
<i>Agonis flexuosa</i> 'After Dark'	Willow Myrtle
<i>Callistemon</i> 'Kings Park Special'	Bottlebrush
<i>Callistemon citrinus</i> 'Endeavour'	Pink Tip Bottlebrush
<i>Eucalyptus forrestiana</i>	Fuchsia Gum
<i>Lagerstroemia indica</i> x <i>L. fauriei</i> 'Lipan'	Crepe Myrtle
<i>Lagerstroemia indica</i> x <i>L. fauriei</i> 'Sioux'	Crepe Myrtle
<i>Leptospermum pattersonii</i>	Lemon scented Tea Tree
<i>Magnolia grandiflora</i> 'Little Gem'	Little Gem Magnolia
<i>Prunus cerasus</i> 'New Red'	Flowering Plum
<i>Prunus serrulata</i> 'Mt Fuji'	Japanese Flowering Cherry
<i>Pyrus ussuriensis</i>	Manchurian Pear
<i>Tristanopsis laurina</i>	Water Gum
<i>Ulmus parvifolia</i> 'Todd'	Chinese Elm

COMMUNITY LIVEABILITY

15. COMMUNITY LIVEABILITY

Nil reports

CORPORATE SERVICES

16. CORPORATE SERVICES

16.1 OFFICER DELEGATIONS REVIEW.

General Manager

Corporate Services

For Decision

PURPOSE

The purpose of this report is to seek Council's consideration for the Instruments of Delegations, the S6. Instrument of Delegation to members of Council staff and its notation of the S7. Sub-Delegation by the Chief Executive Officer's delegation to officers in accordance with the requirements of the *Local Government Act 1989*.

EXECUTIVE SUMMARY

The instruments of delegation submitted in this report have been prepared in accordance with the recommendations received from Maddocks Lawyers. Maddocks provide Victorian Council's with a subscription service to a template system of delegations and authorisation instruments that is up to date and under constant review.

With respect to delegations to other officers the Maddocks model takes a provision-by-provision listing of Council powers under statutes and regulations which are delegated under the *Local Government Act 1989* and under other legislation.

Each proposed power, function and/or duty to be delegated by Council to other officers and the position title of each nominated officer is prescribed in the schedule to *S6. Instrument of Delegation to Members of Council [14 DEL-2]*, this instrument is presented for consideration.

S7. Instrument of Sub-Delegation by the Chief Executive Officer [14 DEL-2], This instrument is intended to be executed by the Chief Executive Officer should Council resolve to adopt the S6 Instruments of Delegations and once they have been signed and sealed.

RECOMMENDATION

That

A. In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of delegation, Latrobe City Council (Council) RESOLVES THAT –

A. S6. Delegation to members of Council staff

In the exercise of the powers conferred by section 98(1) of the *Local Government Act 1989* (the Act) and the other legislation referred to in the attached instrument of delegation, Latrobe City Council (Council) RESOLVES

THAT –

ORDINARY COUNCIL MEETING AGENDA 01 SEPTEMBER 2014 (CM445)

1. That there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached S6. *Instrument of Delegation to Members of Council Staff* [14 DEL-2], the powers, duties and functions set out in that instrument, subject to the conditions and limitations specified in that Instrument.
2. The instrument comes into force immediately upon the common seal of Council being affixed to the instrument.
3. On the coming into force of the instrument, S6 Instrument of Delegation – Members to Staff [14 DEL-1] dated 29 April 2014 is revoked.
4. 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.
- 5.

B. S7. Sub-Delegation by Chief Executive Officer to Staff

That Council notes the S7. *Instrument of Sub-Delegation by the Chief Executive Officer* [14 DEL-2] in accordance with section 98(3) of the *Local Government Act 1989*.

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 – Our Community

In 2026, Latrobe Valley is one of the most liveable regions in Victoria, known for its high quality health, education and community services, supporting communities that are safe, connected and proud.

Strategic Objectives – Governance

In 2026, Latrobe Valley has a reputation for conscientious leadership and governance, strengthened by an informed and engaged community, committed to enriching local decision making.

Latrobe City Council Plan 2013 - 2017

Theme and Objectives

ORDINARY COUNCIL MEETING AGENDA 01 SEPTEMBER 2014 (CM445)

Theme 3: Efficient, effective and accountable governance

Strategic Direction –To provide open, transparent and accountable governance

Local Government Act 1989

Section 98 of the *Local Government Act 1989* allows Council to delegate various powers and functions.

BACKGROUND

Section 98 of the Local Government Act 1989 (the Act) allows Council to delegate various powers and functions.

S6 Delegation to members of Council Staff

This instrument can be used by a Council to delegate powers directly to members of its staff pursuant to section 98(1) of the Local Government Act.

S7. Instrument of Sub-Delegation by the Chief Executive Officer, This instrument is intended to be executed by the Chief Executive Officer should Council resolve to adopt the S6. Instruments of Delegation and once it has been signed and sealed.

KEY POINTS/ISSUES

Each proposed power, function and/or duty to be delegated by Council to other officers and the position title of each nominated officer is prescribed in the schedule to *S6. Instrument of Delegation to Members of Council [14 DEL-2]*, this instrument is presented for consideration.

S7. Instrument of Sub-Delegation by the Chief Executive Officer [14 DEL-2], This instrument is intended to be executed by the Chief Executive Officer should Council resolve to adopt the S6 Instruments of Delegations and once they have been signed and sealed.

RISK IMPLICATIONS

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework.

FINANCIAL AND RESOURCES IMPLICATIONS

The financial implication involves an annual fee to Maddocks Lawyers for updates, in regard to staff resource implications this is nominal.

INTERNAL/EXTERNAL CONSULTATION

Engagement Method Used:

No external consultation has been engaged.

Details of Community Consultation / Results of Engagement:

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

**ORDINARY COUNCIL MEETING AGENDA
01 SEPTEMBER 2014 (CM445)****OPTIONS**

In respect to the delegations, Council has the option to delete the specified legislation provisions from the schedule of delegations, or amend the designated officer receiving the delegation. In the first instance, if a specific provision is deleted from the delegation prepared by *Maddocks*, it should be noted that Council will be the only body that can exercise that part/s of the legislation. To exercise those respective provisions would require a resolution of the Council at either an Ordinary or Special Council Meeting.

CONCLUSION

It is imperative from an accountability, transparency and risk management perspective, that Council delegations to staff are legislatively compliant, and accurately maintained. The proposed delegations before Council are mostly operational in nature and have been updated to reflect legislative and structural changes within the organisation.

SUPPORTING DOCUMENTS

The following attachments are presented for Council's consideration:

S6. *Instrument of Delegation to Members of Council Staff [14 DEL-2]*; and

In addition –

S7. *Instrument of Sub-Delegation by the Chief Executive Officer [14 DEL-2]* should be noted.

Attachments
Nil

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 ASSEMBLY OF COUNCILLORS

Agenda item 17.3 *Assembly of Councillors* 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)

17.4 MAYORAL SPONSORSHIP COMMITTEE - HALF YEARLY REPORT (JAN - JUN 2014)

Agenda item 17.4 *Mayoral Sponsorship Committee - Half Yearly Report (Jan - Jun 2014)* 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).

**ORDINARY COUNCIL MEETING AGENDA
01 SEPTEMBER 2014 (CM445)**

- 17.5 PROPOSED SALE OF LAND - FRANKLIN STREET, TRARALGON**
Agenda item 17.5 *PROPOSED SALE OF LAND - FRANKLIN STREET, TRARALGON* is designated as confidential as it relates to contractual matters (s89 2d) and proposed developments (s89 2e)
- 17.6 LATROBE REGIONAL AIRPORT - APPOINTMENT OF BOARD MEMBERS**
Agenda item 17.6 *Latrobe Regional Airport - Appointment of Board Members* 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)
- 17.7 LCC-157 HYLAND HIGHWAY LANDFILL - LANDFILL GAS MANAGEMENT**
Agenda item 17.7 *LCC-157 HYLAND HIGHWAY LANDFILL - LANDFILL GAS MANAGEMENT* is designated as confidential as it relates to contractual matters (s89 2d)
- 17.8 LCC-181 PROVISION OF PLANT HIRE SERVICES**
Agenda item 17.8 *LCC-181 PROVISION OF PLANT HIRE SERVICES* is designated as confidential as it relates to contractual matters (s89 2d)
- 17.9 LCC-184 PROVISION OF CORPORATE UNIFORMS**
Agenda item 17.9 *LCC-184 PROVISION OF CORPORATE UNIFORMS* is designated as confidential as it relates to contractual matters (s89 2d)
- 17.10 LCC-185 PROVISION OF ESSENTIAL SAFETY MEASURES - MAINTENANCE AND COMPLIANCE**
Agenda item 17.10 *LCC-185 PROVISION OF ESSENTIAL SAFETY MEASURES - MAINTENANCE AND COMPLIANCE* is designated as confidential as it relates to contractual matters (s89 2d)
- 17.11 LCC-186 PROVISION OF SIGNAGE WORKS**
Agenda item 17.11 *LCC-186 PROVISION OF SIGNAGE WORKS* is designated as confidential as it relates to contractual matters (s89 2d)
- 17.12 LCC-193 PROVISION OF SPECIALISED GRASS CUTTING EQUIPMENT - SUPPLY, SERVICE, REPAIRS AND CONSUMABLES**
Agenda item 17.12 *LCC-193 PROVISION OF SPECIALISED GRASS CUTTING EQUIPMENT - SUPPLY, SERVICE, REPAIRS AND CONSUMABLES* is designated as confidential as it relates to contractual matters (s89 2d)
- 17.13 LCC-202 PROVISION OF ASBESTOS REMOVAL, DISPOSAL, TESTING, CLEARANCE CERTIFICATION AND AUDITING**
Agenda item 17.13 *LCC-202 PROVISION OF ASBESTOS REMOVAL, DISPOSAL, TESTING, CLEARANCE CERTIFICATION AND AUDITING* is designated as confidential as it relates to contractual matters (s89 2d)

**ORDINARY COUNCIL MEETING AGENDA
01 SEPTEMBER 2014 (CM445)****17.14 LCC-207 PROVISION OF ELEVATED WORK PLATFORM AND CRANE MAINTENANCE, TESTING AND SERVICING**

Agenda item 17.14 *LCC-207 PROVISION OF ELEVATED WORK PLATFORM AND CRANE MAINTENANCE, TESTING AND SERVICING* is designated as confidential as it relates to contractual matters (s89 2d)

17.15 PROVISION OF LEGAL SERVICES - CHANGES TO TENDER EVALUATION CRITERIA AND WEIGHTINGS

Agenda item 17.15 *Provision of Legal Services - Changes to Tender Evaluation Criteria and Weightings* is designated as confidential as it relates to contractual matters (s89 2d)