



# **LATROBE CITY COUNCIL**

**AGENDA FOR THE  
ORDINARY COUNCIL**

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

**CM447**



## *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/Kurnai 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 1 September 2014 be confirmed.**

**6. PUBLIC QUESTION TIME**

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

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

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<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>	<b>Responsible Officer</b>
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"> <li>1. That Council proceeds to publically call for Expressions of Interest as a mechanism to assess the viability and interest in developing an affordable housing project on land known as the Kingsford Reserve in Moe.</li> <li>2. That a further report be presented to Council for consideration on the outcome of the Expression of Interest process for the development of an affordable housing project on land known as the Kingsford Reserve in Moe.</li> </ol>	This project is currently under review, with a Council report to be presented to Council in 2014.	General Manager Community, Infrastructure & Recreation

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<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>	<b>Responsible Officer</b>
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



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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><b>Status:</b> 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 &amp; 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><b>Status:</b> Results of community engagement process analysed and Expression of Interest prepared and submitted for funding from the State Government's <i>Putting Locals First Program</i>. Awaiting feedback from Regional Development Victoria.</p> <p><b>Status:</b> Community engagement process for the design of the building is yet to commence. To occur in the next financial year and is subject to outcome of funding application.</p>	General Manager Community Liveability

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

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<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>	<b>Responsible Officer</b>
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. Design completed and currently seeking indicative quotes for the works,	General Manager Community, Infrastructure & Recreation
10/06/14	Urgent Business - TED SUMMERTON RESERVE	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;  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	Review of issues being undertaken; a report has been circulated to Councillors.  Recommendation being developed for Council consideration.	General Manager Community, Infrastructure & Recreation
21 July 2014	Cultural Diversity Action Plan 2014-2018	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

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<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>	<b>Responsible Officer</b>
1 September 2014	Changes To Commonwealth Funding For Family Day Care Service Operators	<ol style="list-style-type: none"> <li>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.</li> <li>2. With a copy of all correspondence to be provided to all local Members of Parliament State and Federal.</li> <li>3. That a report be presented to Council at the Ordinary Council Meeting 5 November 2014 detailing the findings and recommendation.</li> </ol>	Report currently being prepared for Council.	General Manager Community Liveability

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**QUESTIONS ON NOTICE**

<b>Item No.</b>	<b>Meeting Date</b>	<b>Question:</b>	<b>Officer Comment</b>	<b>Status:</b>	<b>Date Due</b>	<b>Responsible Division</b>
1.	SCM 28 July 2014	Could the proposal be staged to leave land in the RLZ (or similar). Is it possible to implement a differential rate for the Lake Narracan development?	<p>Leaving land in the Rural Living Zone may be a possibility. Officers are considering this option following a meeting with the Metropolitan Planning Authority and Councillors on 8 September 2014.</p> <p>Council would need to consider if a differential rate is appropriate. Council currently applies two differential rates, a general residential rate and a farming rate. Landowners in the RLZ land in Lake Narracan currently get charged the general residential rate and this will not change if the land is rezoned to Urban Growth Zone.</p>	Complete	September 2014	General Manager Planning & Economic Development

# 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 SURPLUS PROPERTIES**

**Office of the Chief Executive**

**For Decision**

**PURPOSE**

The purpose of this report is to provide details of the initial outcome of the statutory process currently underway in relation to identifying 15 potentially surplus Council owned properties, including consideration of written submissions received.

**EXECUTIVE SUMMARY**

In order to fund Capital Works projects identified in the adopted 2014/15 budget and draft 2015/16 budget totalling \$2 million, Council identified a number of properties which are potentially surplus to both community and Council requirements. This action is in accordance with the adopted 2014-2018 Strategic Resource Plan.

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 Council properties identified as potentially surplus.

Three public notices were published inviting written submissions and 780+ letters were sent to property owners in close proximity to the respective parcels of Council land.

At the time of preparing this report, 29 public submissions have been received, accordingly Council now has to consider these submissions and determine which parcels of land are considered surplus to both community and Council requirements.

**RECOMMENDATION**

- 1. That Council, having given public notice in accordance Section 189 of the *Local Government Act 1989*, the Sale of Council Owned Property Policy, and after considering submissions received in accordance with Section 223 of the *Local Government Act 1989* concerning its intention to consider the sale of the potentially surplus properties, has determined that the following properties are not reasonably required and are surplus to both community and Council requirements:**

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- 15 Winston Drive (Reserve).
- Ex Preschool Maple Cres - Pt Andrews West Reserve.

**Morwell**

- Fraser Court Reserve.
- Catherine Street – Part Morwell West Development.
- Western end of Mary Street – abutting the Morwell West Development.
- Part of Helen Street Reserve.

**Moe**

- Burnside Street Reserve.

**Newborough:**

- Retford Street Reserve.
- Yinnar Street Reserve.

**Traralgon**

- Part Think Big Reserve, Rainbird Court.
- Emerald Court Reserve.
- Haneton Park, Swallow Grove Reserve.
- Grubb Ave & Elizabeth Street Reserve.
- Glenlee Court Reserve.
- Dawn Grove & Kosciuszko Street Reserve.

2. That pursuant to section 189 of the *Local Government Act 1989*, Council resolves to offer for sale the following properties:

**Churchill**

- 15 Winston Drive (Reserve), and
- Ex Preschool Maple Cres - Pt Andrews West Reserve.

**Morwell**

- Fraser Court Reserve.
- Catherine Street – Part Morwell West Development.
- Western end of Mary Street – abutting the Morwell West Development.
- Part of Helen Street Reserve.

**Moe**

- Burnside Street Reserve.

**Newborough:**

- Retford Street Reserve.
- Yinnar Street Reserve.

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### Traralgon

- Part Think Big Reserve, Rainbird Court.
  - Emerald Court Reserve.
  - Haneton Park, Swallow Grove Reserve.
  - Grubb Ave & Elizabeth Street Reserve.
  - Glenlee Court Reserve.
  - Dawn Grove & Kosciuszko Street Reserve.
3. That those persons who have provided a submission be advised in writing of Council's decision in this matter.
  4. That Council authorise the Acting Chief Executive Officer or nominated representative to prepare the above properties for sale, appoint a selling agent/s, determine the sale price based on independent valuations and in consultation with the selling agent/s determine the preferred method of sale for each respective property.
  5. That Council authorises the Acting Chief Executive Officer or nominated representative to sign prepared Contracts of Sale and Transfer of Land documents for each respective property.
  6. That the net funds from the sale of the respective parcels of land 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 Budget.
  7. That a progress report be provided to Council no later than the Ordinary Council Meeting to be held 15 December 2014.

### **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*

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### Theme and Objectives

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

*Theme 3: Efficient, effective and accountable governance*

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

### Strategic Direction

- *Develop and maintain community infrastructure that meets the needs of our community.*
- *Ensure Latrobe City Council's infrastructure and assets are maintained and managed sustainably.*

### **BACKGROUND**

In adopting the 2014/15 budget, Council identified four capital works projects that are linked to the disposal of potentially surplus parcels of land.

These projects are:

PROJECT	NET COST TO RATES (Asset Sales)
Harold Preston Reserve- Traralgon Olympians Change Pavilion	380,000
Morwell Park Oval – Drainage	80,000
Moe Tennis Courts Reconstruction Project - Stage 1 & 2	240,000
Churchill Bowling Club Synthetic Green	300,000
<b>TOTAL</b>	<b>1,000,000</b>

*(The Total Project Cost for these four projects will require a further \$256,000 funded by grants and contributions from other sources.)*

At the Ordinary Council Meeting held 21 July 2014, Council resolved the following:

1. *That Council in accordance Section 189 of the Local Government Act 1989 and Sale of Council Owned Property Policy, resolves to give public notice of its intention to consider the sale of the following properties:*

#### *Churchill*

- *15 Winston Drive (Reserve) (Attachment 1)*
- *Ex Preschool Maple Cres - Pt Andrews West Reserve.*

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### *Morwell*

- *Fraser Court Reserve*
- *Catherine Street & Western end of Mary Street – both part of the Morwell West Development Plan area & Part of Helen Street Reserve*

### *Moe*

- *Burnside Street Reserve*

### *Newborough:*

- *Retford Street Reserve*
- *Yinnar Street Reserve*

### *Traralgon*

- *Part Think Big Reserve, Rainbird Court*
- *Emerald Court Reserve*
- *Haneton Park, Swallow Grove Reserve*
- *Grubb Ave & Elizabeth Street Reserve*
- *Glenlee Court Reserve*
- *Dawn Grove & Kosciuszko Street Reserve*

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 Council assets at the Ordinary Council Meeting to be held on Monday, 22 September 2014.*

The above 15 properties were identified as potentially surplus in accordance with the adopted Latrobe City Council Public Open Space Strategy Final Report, dated March 2013. For aerial and site images of these parcels of land, refer Attachment 1. These images have been arranged in order as listed in the above Council Resolution (i.e. Locality).

*Recommendation 9 of the Public Open Space Strategy states:*

*Undertake a separate planning exercise to audit existing open space sites in order to identify possible opportunities for rationalisation. Identification of possible sites is to be guided by:*

- *Sites with a low level use*
- *Existing undeveloped sites*
- *Planning scheme zoning (i.e. not currently PPRZ or PCRZ).*
- *Availability of alternative open space to service the catchment*
- *Suitability of the site for future development*

*The LCC Public Open Space Strategy, Healthy by Design Guidelines and the Crime Prevention through Design (CPTD) principles provide clear direction on open space planning and provision such as:*

- *Local parks and playgrounds should have active frontages on at least two dominant sides to provide surveillance and where possible should avoid bordering rear yards*

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- *People should be able to see, to be seen and to interpret their surroundings*
- *Use low walls or transparent fencing along street frontages and open space*
- *Isolated pocket of land (i.e. “dead” spaces) or those areas should be avoided as open space contributions.*

In addition to specific public open space properties identified as potentially surplus, two other parcels of Council owned land were also considered potentially surplus, i.e. – Catherine Street and western end of Mary Street Morwell both within the Morwell West Development Plan area.

### **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*
- *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.

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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 the event Council proceeds with the sale of parcels of land it considered appropriate that the method of sale for respective parcels of land be determined in consultation with the appointed selling agent/s to maximise the financial return to Council and the community.

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.

It is noted that a number of Council properties identified as potential surplus will require work to be undertaken to prepare the property for sale as freehold land and ready for potential development. This work may include the removal of any restrictive reservation and/or possible subdivision to create individual allotments. The applicable legislation being the:

- *Transfer of Land Act 1958, and*
- *Subdivision Act 1988.*

### **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.

A potential risk is that insufficient income is generated from the sale of identified properties. In this event Council would need to determine the priority of the four Capital Works Projects identified in the adopted 2014-2015 Budget it plans to proceed with. Alternatively, Council could undertake a further round of property sales to meet any shortfall in proceeds from the initial round of properties offered for sale.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

As mention above, in the 2014/15 Budget adopted 30 June 2014, 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.

Costs incurred to date with this statutory process have been minimal, being the cost of public notices in the Latrobe Valley Express inviting submissions and further follow up correspondence with interested parties.

In the event that Council resolves to sell potentially surplus property, it will be necessary to invite Expressions of Interest and appoint a selling agent/s, remove any reservations or other restrictions from the Certificate of Title for respective properties, advertise and direct market the properties for sale. The cost of respective processes would be offset from the sale of respective parcels of land sold.

The market valuation of respective properties will be determined by an independent Licenced Valuer. The respective valuations will be used in conjunction with the selling agent's report to determine a reserve sale price. In accordance with the Department of Planning and Community

## ORDINARY COUNCIL MEETING AGENDA 22 SEPTEMBER 2014 (CM447)

Development - Local Government Best Practise Guideline for the Sale and Exchange of Land, the reserve price for properties being sold by public auction is to remain confidential.

### **INTERNAL/EXTERNAL CONSULTATION**

#### *Engagement Method Used:*

- Notices were published in three editions of Latrobe Valley Express – Council Noticeboard Thursday 7 August, Monday 11 August and Thursday 14 August 2014.
- 780+ direct mail letters were sent out to property owners in the vicinity of the respective Council properties.

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

Council Officers received approximately 20 telephone/counter enquiries following the public notices and direct mail letters. The persons making these enquiries were encouraged to make a written submission.

It is noted that there were at least two *Your Letters* published in recent editions of the Latrobe Valley Express.

The closing date to receive written submissions was Thursday 4 September 2014. At the time of preparing this report 20 written submissions received. Copies of the written submissions (refer Attachment 2) are summarised below:

	<b>Interested party</b>	<b>Land</b>	<b>Submission summary</b>	<b>Officer comment</b>
1	N & C James  Winston Drive Churchill	15 Winston Drive Churchill  Page 1 – Attachment 1	<b>Objection</b> - Abutting reserve influenced the decision to purchase residential property. Reserve was a planning permit condition to allow connection to Tubb Rd. Subdivision creating the reserve was 4 years ago, question why the reserve is no longer required in such a short period. Surface water from unmade Tubb Rd is channelled through this reserve.	Potential drainage issues will be investigated.  Poorly designed and inconsistent with the Public Open Space Strategy adopted in 2013.



**ORDINARY COUNCIL MEETING AGENDA  
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	<b>Interested party</b>	<b>Land</b>	<b>Submission summary</b>	<b>Officer comment</b>
2	L Rasmus  Hawthorn Crescent Churchill	Part Andrews West Reserve Churchill  Page 2 – Attachment 1	<b><u>Objection</u></b> – Ex Preschool buildings and surrounds should have been better maintained. Building should be made available to other clubs prior to selling. Any funds from sale of property should be used to improve the oval playing surface at the Reserve.	** Intends to speak in support of this submission.  Refurbishment of the oval surface is not included in current capital works program.  Oval Surface is Classified as Category B, The Recreation & Sporting Reserve Teams recognise that that drainage and surface refurbished redeveloped
3	Lend Lease  Madden St Morwell	Catherine St (Maden St) Morwell  Page 4 & 5 – Attachment 1	<b><u>Comment</u></b> – Heavy Industrial Workshop in an Industrial 3 zone. Can operate continuous shifts 24 hours / 7 days per week. Concerned at the potential impact of nearby residential development on their business.	Comments are being obtained from the Strategic Planning Team.
4	P Devonshire  Email Address.	137 Helen St Morwell  Page 6 – Attachment 1	<b><u>Comment</u></b> – Land used for saw milling purposes, may have waste buried under the surface.	Comment noted. Details on file support this advice. This lot has been used as a car park by the adjoining bowling club. It is understood that the bowling club is interested in acquiring this land.

**ORDINARY COUNCIL MEETING AGENDA  
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	<b>Interested party</b>	<b>Land</b>	<b>Submission summary</b>	<b>Officer comment</b>
5	J O'Keefe  Rainbird Crt Traralgon	Rainbird Court Traralgon  Page 10 – Attachment 1	<b>Objection</b> - Open space influenced the decision to purchase nearby residential property. Reserve used to exercise guide dog.	This reserve has a 30 m frontage to Rainbird Crt. This is sufficient width to create a lot and retain an entrance to the Think Big linear reserve
6	S & D Shields  Rainbird Crt Traralgon	Rainbird Court Traralgon  Page 10 – Attachment 1	<b>Objection</b> - Nearby open space influenced the decision to purchase residential dwelling. Area provides a safe place for children to use. Fear type of development may be detrimental to safety and peaceful area	This reserve has a 30 m frontage to Rainbird Crt. This is sufficient width to create a lot and retain an entrance to the Think Big linear reserve. Council still retains sufficient Public Open Space.
7	M Bray  Wood Crt Traralgon	Rainbird Court Traralgon  Page 10 – Attachment 1	<b>Objection</b> – By selling the land residents of Rainbird Crt will not have easy access to the nearby linear reserve.	This reserve has a 30 m frontage to Rainbird Crt. This is sufficient width to create a lot and retain an entrance to the Think Big linear reserve.
8	N & L Jones  Chester Close Traralgon.	Rainbird Court Traralgon  Page 10 – Attachment 1	<b>Support</b> – Suggests Council maintain access to the reserve off Rainbird Crt. Minimum 4 metre wide at the western (lower) side and about 8 metre at the rear.	This reserve has a 30 m frontage to Rainbird Crt. This is sufficient width to create a lot and retain an entrance to the Think Big linear reserve.

**ORDINARY COUNCIL MEETING AGENDA  
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	<b>Interested party</b>	<b>Land</b>	<b>Submission summary</b>	<b>Officer comment</b>
9	R & S Lloyd  Emerald Crt Traralgon.	Emerald Court Traralgon  Page 11 – Attachment 1	<b>Support</b> – Support the findings of the Public Open Space Strategy for this reserve. Interested in purchasing the whole or part of the reserve. Have offered to purchase the land on three other occasions. Are again interested in purchasing either whole or part of the land.	The size of the land 422 m <sup>2</sup> which is sufficient in size to construct a small residential dwelling.
10	J Makowski  Elizabeth St Traralgon	Grubb Ave / Elizabeth St Traralgon  Page 13 – Attachment 1	<b>Support</b> – Ideal residential land. Open space not generally used except as a shortcut to/from Grubb Ave.	Supporting comments noted.
11	A Boothman  Grubb Ave Traralgon	Grubb Ave / Elizabeth St Traralgon  Page 13 – Attachment 1	<b>Comment</b> – Seeking further information.	** Intends to speak in support of this submission.
12	D & A Brooks  Swallow Grove Traralgon	41-43 Swallow Grove Traralgon  Page 12 – Attachment 1	<b>Support</b> – Adjoining open space influenced purchase of adjacent property. Request adjoining property owners have first option to purchase the land.	Council's preference is to sell land by auction unless circumstances exist that justify an alternative.

**ORDINARY COUNCIL MEETING AGENDA  
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	<b>Interested party</b>	<b>Land</b>	<b>Submission summary</b>	<b>Officer comment</b>
13	Dr Zafar  Wilga Crescent Traralgon	41-43 Swallow Grove Traralgon  Page 12 – Attachment 1	<b>Support</b> – Property undeveloped, sale will generate income and save on maintenance cost, will also generate rate income. Development will eliminate potential antisocial behaviour area.	Supporting comments noted.
14	N & C Arnold  Glenlee Crt Traralgon	2 Glenlee Crt Traralgon.  Page 14 – Attachment 1	<b>Objection</b> - Land size is too small for a viable residence. Open space used regularly by children. Additional residents in the Court will increase traffic.	The size of land is 637 m <sup>2</sup> . This is sufficient to allow residential development.  Road is considered adequate for local traffic.
15	P Dunlop  Glenlee Crt Traralgon	2 Glenlee Crt Traralgon.  Page 14 – Attachment 1	<b>Objection</b> – Land is still used for recreation purposes. Nearest reserve involves crossing busy roads. Parking is congested in the Court and can make it difficult to enter/leave the driveway.	The two nearest reserves are a distance of 430 and 470 metres by foot. The busy streets referred to are likely to be Lafayette and Garibaldi Streets.
16	H Bolwell  Dawn Grove Traralgon	12 Dawn Grove / Kosciuszko St Traralgon  Page 15 – Attachment 1	<b>Objection</b> – this open space used regularly by families.	A large neighbourhood playground (4200 m <sup>2</sup> ) is less than 200 metres from the Dawn Grove / Kosciuszko St land.

**ORDINARY COUNCIL MEETING AGENDA  
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	<b>Interested party</b>	<b>Land</b>	<b>Submission summary</b>	<b>Officer comment</b>
17	D Preusker  Kosciuszko St Traralgon	12 Dawn Grove / Kosciuszko St Traralgon  Page 15 – Attachment 1	<b>Objection</b> – Dawn Grove / Kosciuszko St reserve was gifted by Father for recreational purposes. This land is used by children and adults of the neighbourhood.	The land provided would have been a requirement of the residential subdivision.
18	E Jeffery  Kay St Traralgon.	Six Traralgon Parks  Pages 10 > 15 – Attachment 1	<b>Objection</b> - to sale of public open space in Traralgon. Valuable community assets, once sold they are irreplaceable. Traralgon has less open space than other towns. Public open space is necessary for health and wellbeing.	These six parcels of land were identified as potentially surplus when assessed against the criteria of the Public Open Space Strategy adopted in 2013.
19	J Sykes  Retreat Rd Traralgon	Six Traralgon Parks  Pages 10 > 15 – Attachment 1	<b>Objection</b> – to sale of public open space in Traralgon. Concerned Council considers it necessary to fund capital works by sale of land. Suggests a copy be provide to the appointed Monitor, Mr Lyndon Webb.	A copy of the submission has been forward to the independent monitor, Mr Lyndon Webb.
20	J & M Ellis  Email Address	Rainbird Court Traralgon  Page 10 – Attachment 1	<b>Objection</b> – Please refer submission 27 below.	** Intends to speak in support of their submission.

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	<b>Interested party</b>	<b>Land</b>	<b>Submission summary</b>	<b>Officer comment</b>
21	A Evans	Six Traralgon Parks  Pages 10 > 15  Reference to Emerald Crt  Pages 11 - Attachment 1	<b><u>Objection</u></b> – Opposed to sale of all land in Traralgon. No public open space in the area. Valuable community assets, once sold they are irreplaceable	** Intends to speak in support of their submission. Unsuitable as public open space. Doesn't meet the guidelines recommended in the Public Open Space Strategy: -Fenced on 3 sides, - Poor Surveillance, - Not functioning as POS, -Does not link or connect to existing POS, Suitable Public Open Space nearby.
22	Dr Coghlan	Part Andrews West Reserve Churchill  Page 2 – Attachment 1	<b><u>Objection</u></b> – Is concerned at the possible change that may be made to the use of the property if sold.	Andrews Park Reserve is currently zoned Public Purpose Reserve Zone (PPRZ). Andrews West Reserve is 6.5 ha in area, the existing ex preschool building & playground is 1100 m <sup>2</sup> . It is considered the sale of the building would have minimal impact on the entire park.

**ORDINARY COUNCIL MEETING AGENDA  
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	<b>Interested party</b>	<b>Land</b>	<b>Submission summary</b>	<b>Officer comment</b>
23	E Yates	Part Andrews West Reserve Churchill  Page 2 – Attachment 1	<b>Objection</b> – Sale does not satisfy the guideline requirements to justify the sale of the building.  Park is regularly used by the public to play and exercise.	The potential sale of the ex-preschool building in 2003 did not proceed, the Church withdrew from the sale – As there was no transfer the covenant was not created. Income generated by leasing the property does not meet total expenditure. Aging building requiring increased ongoing maintenance. Andrews West Reserve is 6.5 ha in area, the existing ex preschool building & playground is 1100 m <sup>2</sup> .
24	D & P Wargent	Part Andrews West Reserve Churchill  Page 2 – Attachment 1	<b>Objection</b> – Concerned that future use of the building may be inappropriate or undesirable for the area. Reserve is extensively used by children and families. The building could be used as a preschool in the future	Please refer comment provided for Submission 23, above.

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	<b>Interested party</b>	<b>Land</b>	<b>Submission summary</b>	<b>Officer comment</b>
25	Petition 1 - Part Andrews West Reserve Churchill – 15 signatures	Part Andrews West Reserve Churchill  Page 2 – Attachment 1	<b><u>Objection</u></b> – 15 signatures.  Purchased property due to proximity to the reserve. Concerned that future use of the property may be in appropriate or undesirable for the area. Reserve is extensively used by children and families. The building could be used as a preschool in the future.	The entire reserve is zoned PPRZ. The sale of the building will require the subdivision of the land. A rezoning may also be necessary in the event it isn't purchased by a religious group.  Please refer comment provided for Submission 23, above
26	A Gumpold	Six Traralgon Parks  Pages 10 > 15 Attachment 1	<b><u>Objection</u></b> - to sale of public open space in Traralgon.  Reference is made to the previous City of Traralgon Review of Minor Reserves, Final Recommendation adopted August 1994.	Land proposed for sale does not currently function as Public Open Space. With the exception of part of the land fronting Rainbird Court, the other areas are not suitable for POS due to their design or lack of connectivity and surveillance.



**ORDINARY COUNCIL MEETING AGENDA  
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	<b>Interested party</b>	<b>Land</b>	<b>Submission summary</b>	<b>Officer comment</b>
27	J Ellis + Petition 46 Signatures.	Rainbird Court Traralgon  Page 10 – Attachment 1	<b>Objection</b> – Area is readily accessible by local residents and is a quality recreational area. Land provides an open link for friends and family within the neighbourhood. It has good visualisation The Petition urges Council to prevent the sale of Council property in Rainbird Court.	This reserve has a 30 m frontage to Rainbird Crt. This is sufficient width to create a lot and retain an entrance to the Think Big linear reserve. Council still retains sufficient Public Open Space remaining.
28	J Wood  Kay St Traralgon	All listed potential surplus land.	<b>Objection</b> – Opposed to the sale of 14 public green spaces in Latrobe City. Residents utilise and enjoy these areas.	Land proposed for sale does not function as Public Open Space. A number of lots proposed for sale are unsuitable as many have fences on 3 sides and lack connectivity and surveillance.
29	G & D Cahir	Rainbird Court Traralgon  Page 10 – Attachment 1	<b>Objection</b> – Ideal recreational land. Reserve provides access to shops, public transport and the neighbourhood. There are no blind corners, surveillance is unlimited and the area is well utilised.	This reserve has a 30 m frontage to Rainbird Crt. This is sufficient width to create a lot and retain an entrance to the Think Big linear reserve. Council still retains sufficient Public Open Space. Sale of part of the land fronting Rainbird Crt will have minimal impact on the general amenity of the area.

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The above 29 submissions can be broken as follows:

- 19 Objections to the potential Sale (17 letters & 2 Petitions)
- 5 Support the potential sale
- 5 Unknown/Comments concerning the potential sale.

Twenty eight of these submissions relate to the following 10 properties:

Churchill

15 Winston Drive – Page 1

Saint Andrews West Reserve – Page 2,

Morwell

Catherine St (Maden St) – Page 4 & 5

137 Helen St – Page 6

Traralgon

Rainbird Court – Page 10

Emerald Court – Page 11

Grubb Ave / Elizabeth St – Page 13

41-43 Swallow Grove – Page 12

2 Glenlee Court – Page 14

12 Dawn Grove / Kosciuszko Street – Page 15

The one other submission relates to the general principle of selling municipal land.

It is anticipated that additional submissions will be received prior to the 22 September Ordinary Council Meeting. If this occurs, this report will be updated and circulated.

**OPTIONS**

Council has the following options:

1. After considering the submission received identify which properties are surplus to both the community and Council requirements and proceed with the sale of these properties, or
2. After considering the submission received determine not to proceed with the sale of any properties, or
3. Consider the submissions received and defer further consideration of this matter to a future Council Meeting.

**ORDINARY COUNCIL MEETING AGENDA  
22 SEPTEMBER 2014 (CM447)****CONCLUSION**

Council has given public notice and invited written submission concerning its intention to consider the sale of potentially surplus Council properties.

Council now has to consider the submissions received and determine which properties are underutilised and/or surplus to both the community and Council requirements, and authorise the sale of identified parcels of Council land.

In the event additional written submissions are received, an updated report will be circulated.

**SUPPORTING DOCUMENTS**

NIL

**Attachments**

1. Aerial and Site Images of Parcels of Land.
2. Written Submissions Received

## **9.1**

### **POTENTIAL SALE OF SURPLUS PROPERTIES**

- 1 Aerial and Site Images of Parcels of Land. .... 35**
- 2 Written Submissions Received ..... 51**

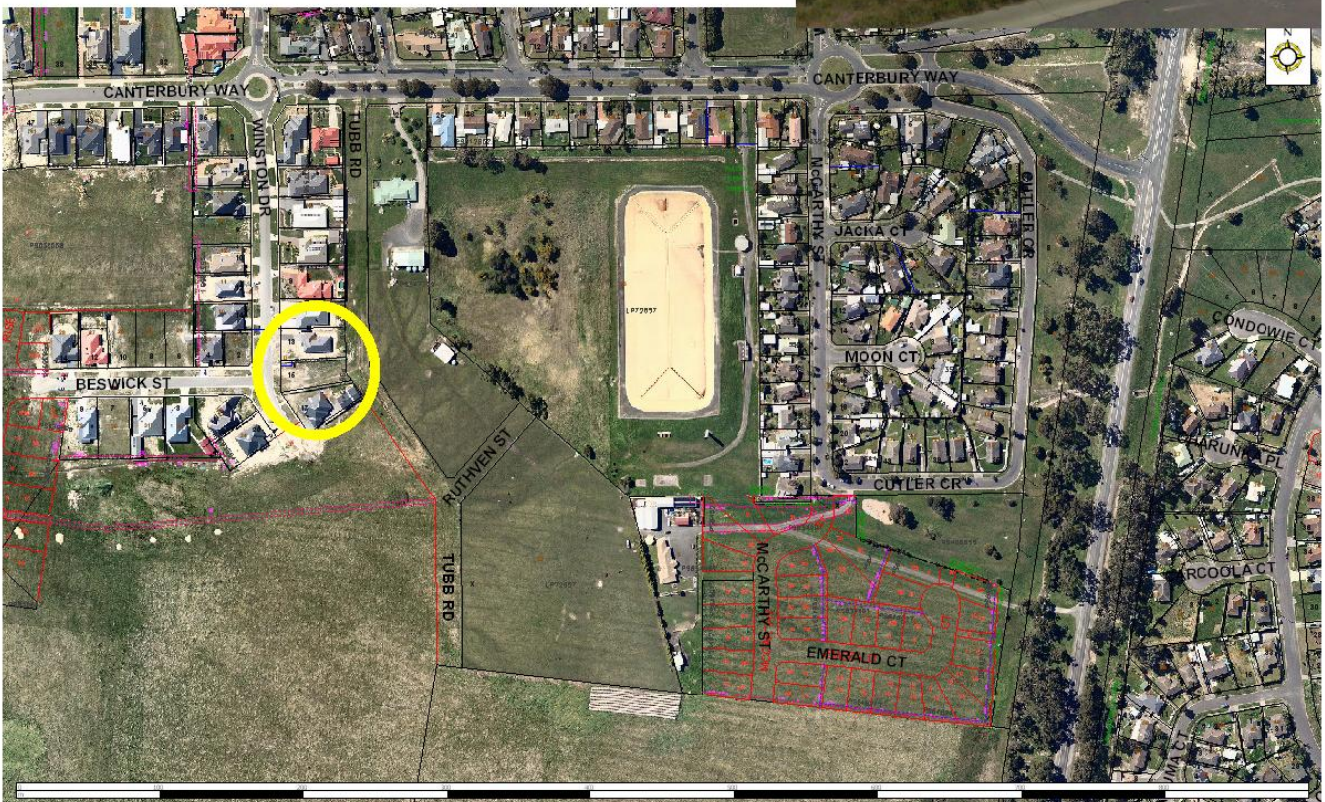


**ADDRESS:** 15 Winston Court, Churchill

**CLOSEST RESERVE:** Cutler Crescent, Gaskin Park

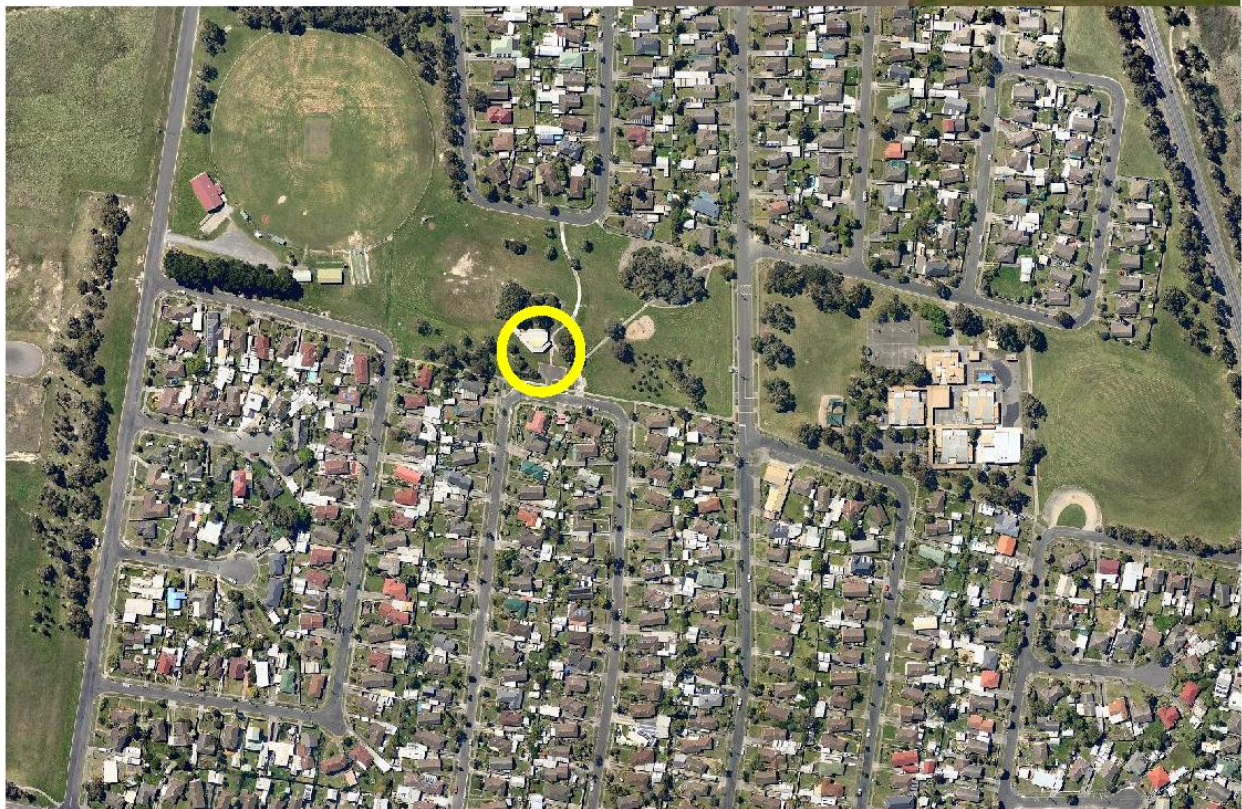
**WHY IS THIS LAND SURPLUS TO NEEDS?**

Residential type land unsuitable for open space development lack of surveillance, connectivity and another reserve is within reasonable walking distance.



**ADDRESS:****Ex Preschool Maple Crescent****CLOSEST RESERVE:****Saint Andrews West Reserve****WHY IS THIS LAND SURPLUS TO NEEDS?**

Council building surplus to requirements. Building not used for Council purposes, presently leased.





**ADDRESS:** 2 Fraser Court, Morwell

**CLOSEST RESERVE:** Waterhole Creek Linear Reserve

**WHY IS THIS LAND SURPLUS TO NEEDS?**

Unsuitable for open space development, a single lot which does not connect to any existing open space network.





**ADDRESS:** Catherine Street, Morwell

**CLOSEST RESERVE:** Toners Lane Reserve

**WHY IS THIS LAND SURPLUS TO NEEDS?**

The lot is zoned as residential, included in the Morwell West Development Plan as residential land.







**ADDRESS:** Mary Street, Morwell

**CLOSEST RESERVE:**

**WHY IS THIS LAND SURPLUS TO NEEDS?** Toners Lane Reserve. This site will also be developed as wetland

The lot is zoned as residential, included in the Morwell West Development Plan as residential land.

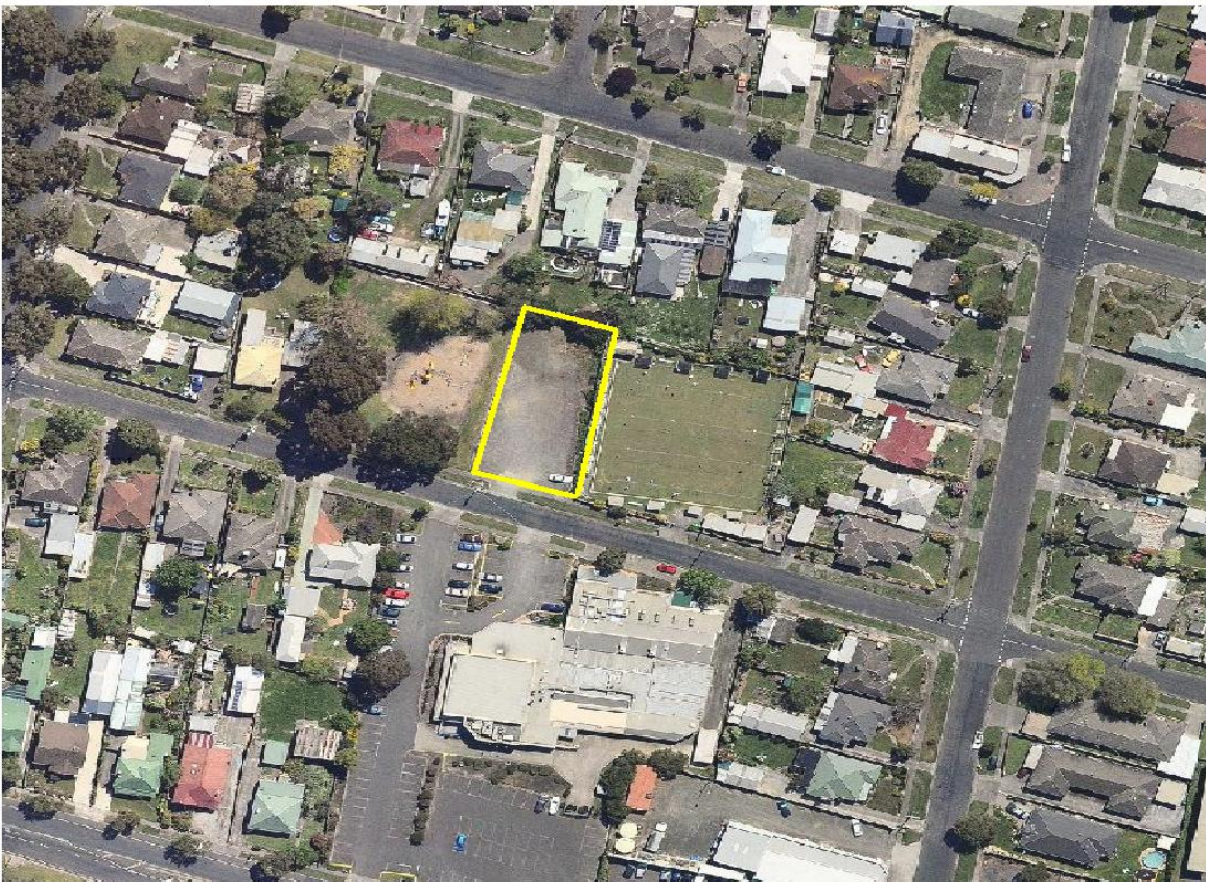




**ADDRESS:** 137 Helen Street, Morwell

**WHY IS THIS LAND SURPLUS TO NEEDS?**

The lot is zoned as residential, serves as a car park for the bowling green.





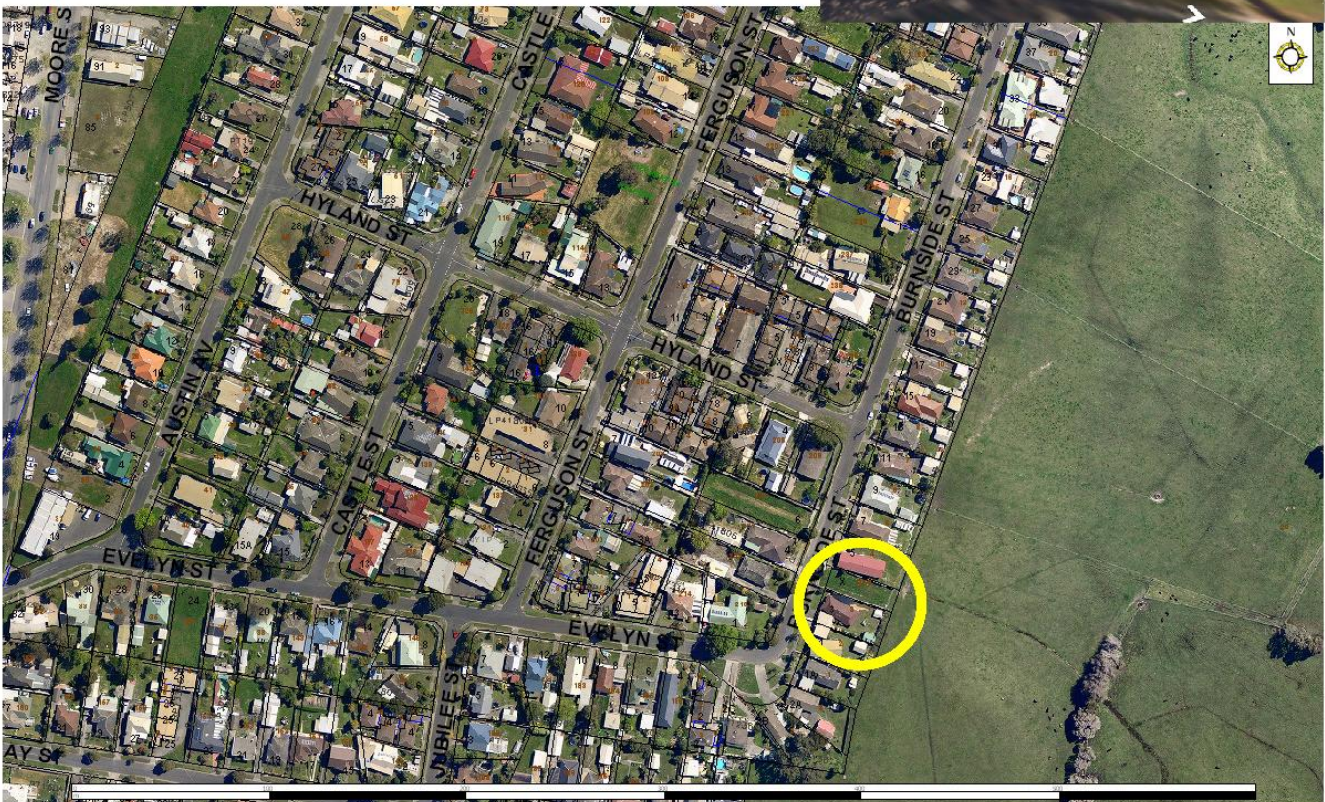
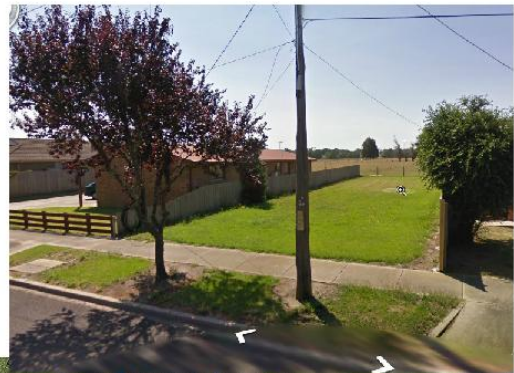
**ADDRESS:** 3-5 Burnside Crt, Moe

**CLOSEST RESERVE:** Ferguson St Reserve

**WHY IS THIS LAND SURPLUS TO NEEDS?**

Residential type land unsuitable for open space development, no connectivity and another reserve is within reasonable walking distance

+



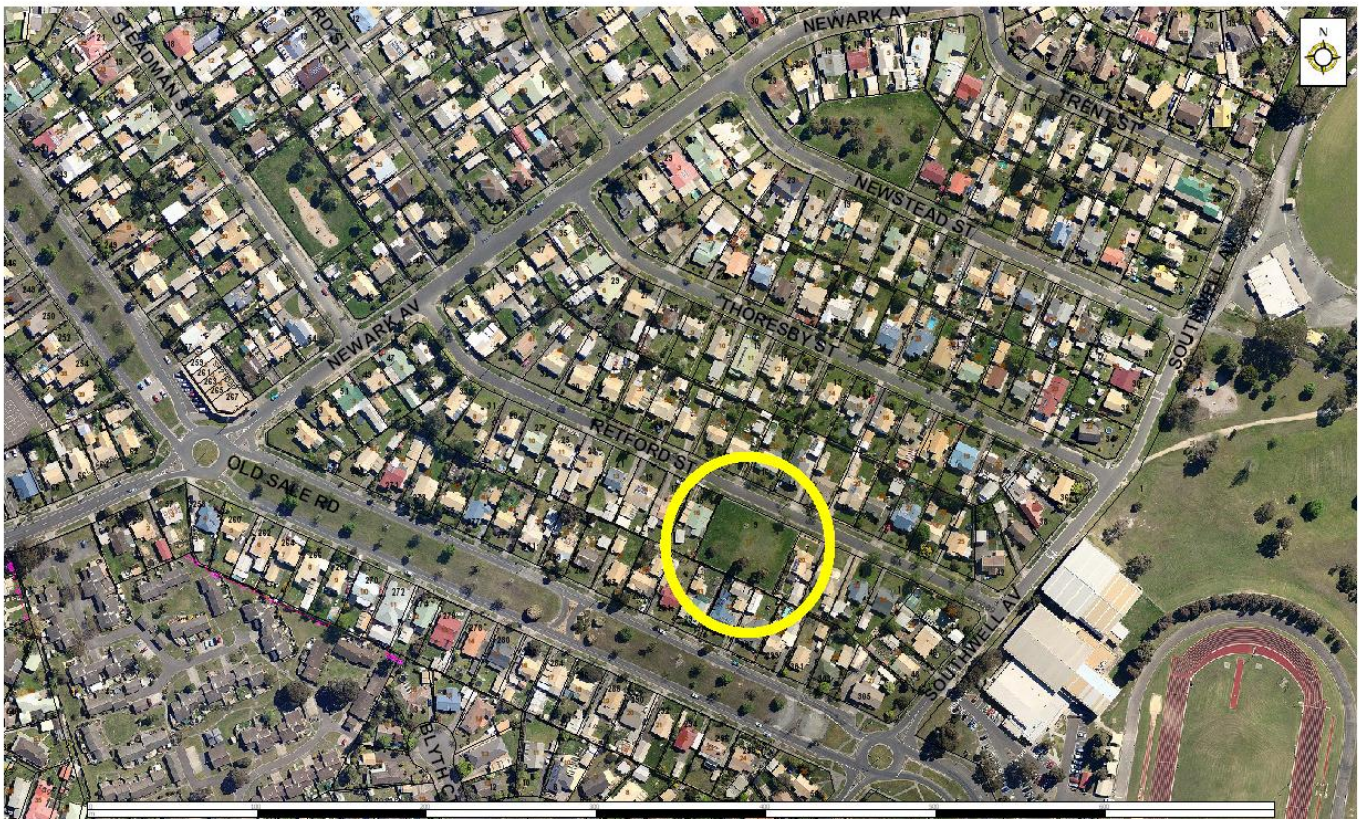


**ADDRESS:** 9 Retford St, Newborough

**CLOSEST RESERVE:** Northern Reserve Precinct & Stearman St Reserve

**WHY IS THIS LAND SURPLUS TO NEEDS?**

Former playground site that is now surplus to needs. Open space including play facilities is located within reasonable walking distance from site.



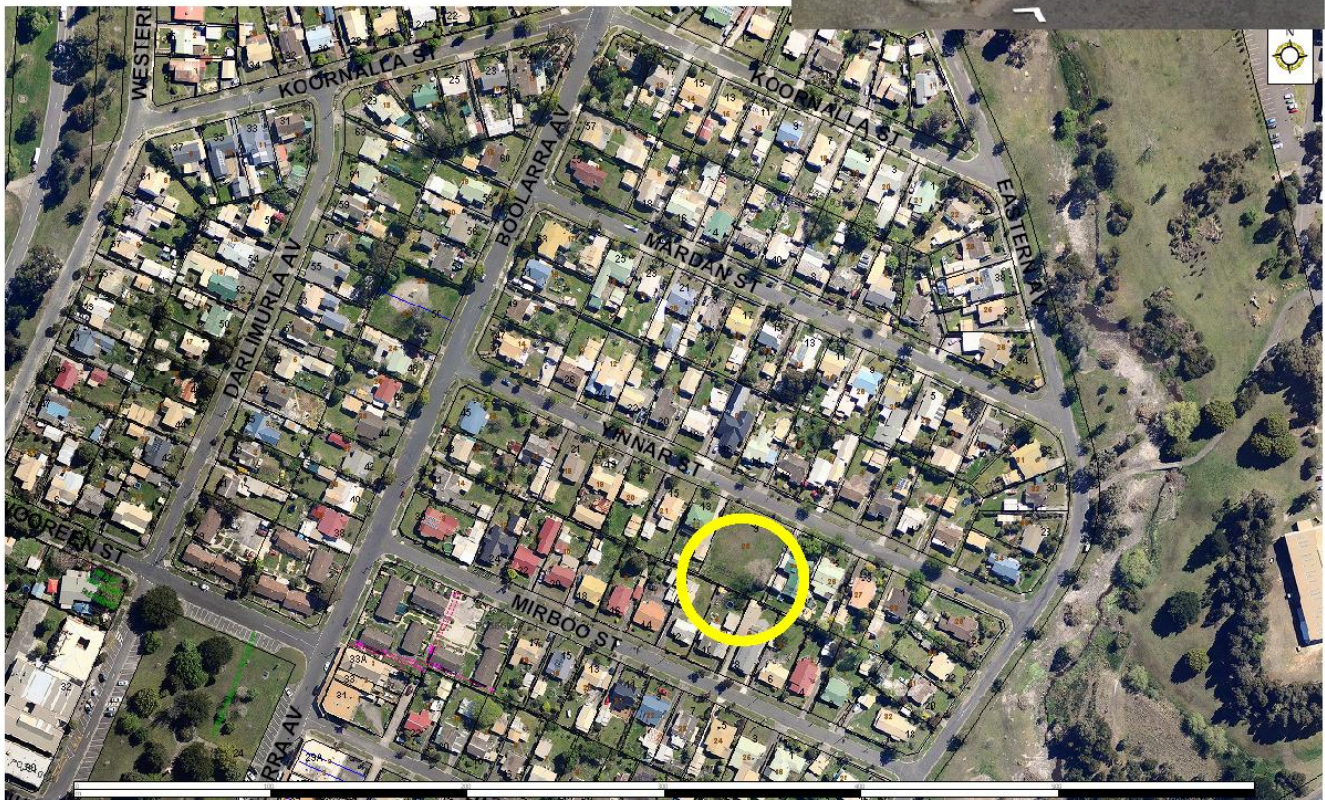


**ADDRESS:** 9-11 Yinnar St, Newborough

**CLOSEST RESERVE:** College Park

**WHY IS THIS LAND SURPLUS TO NEEDS?**

Former playground site with no recreational purpose. Site could possibly be a two lot subdivision.



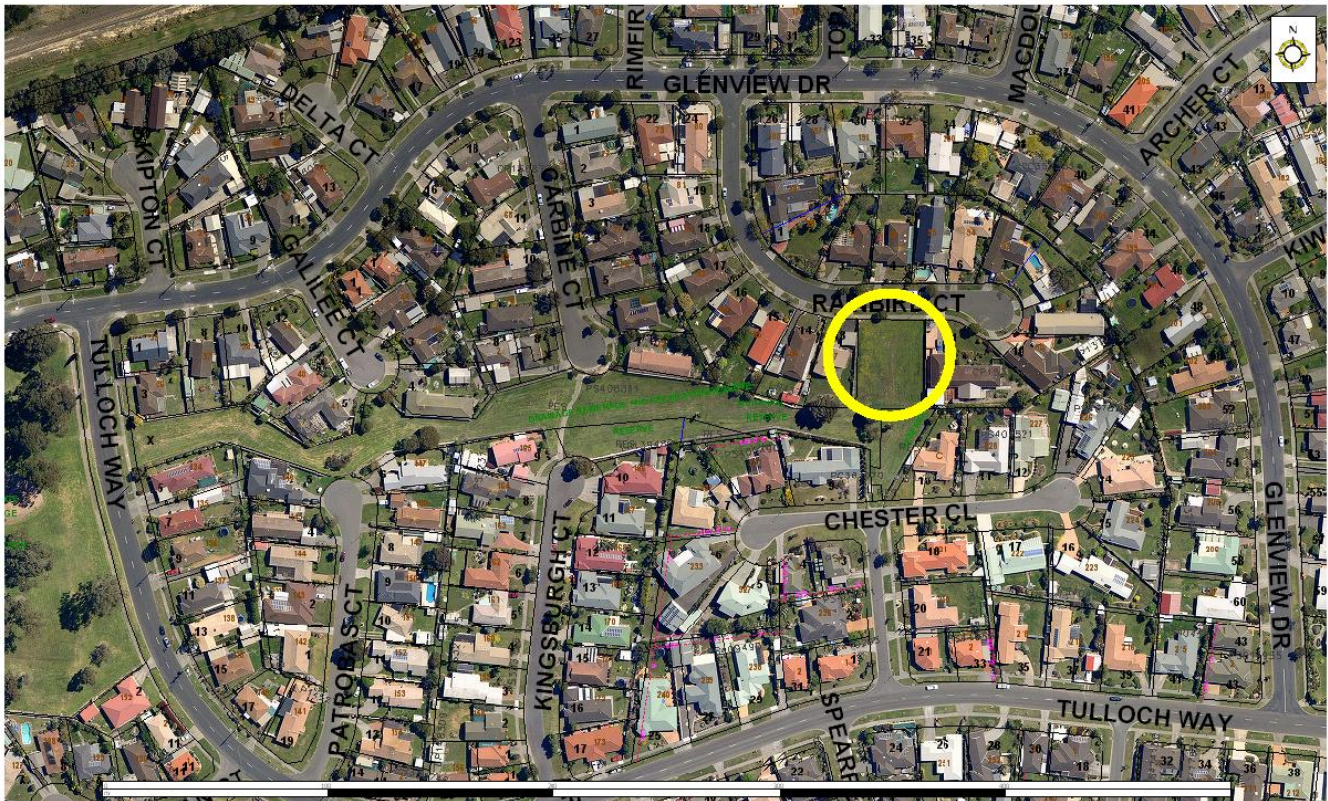


**ADDRESS:** 11-13 Rainbird Court Traralgon

**CLOSEST RESERVE:** Tulloch Way Reserve

**WHY IS THIS LAND SURPLUS TO NEEDS?**

Residential type land unsuitable for open space development lack of surveillance, another reserve is within reasonable walking distance



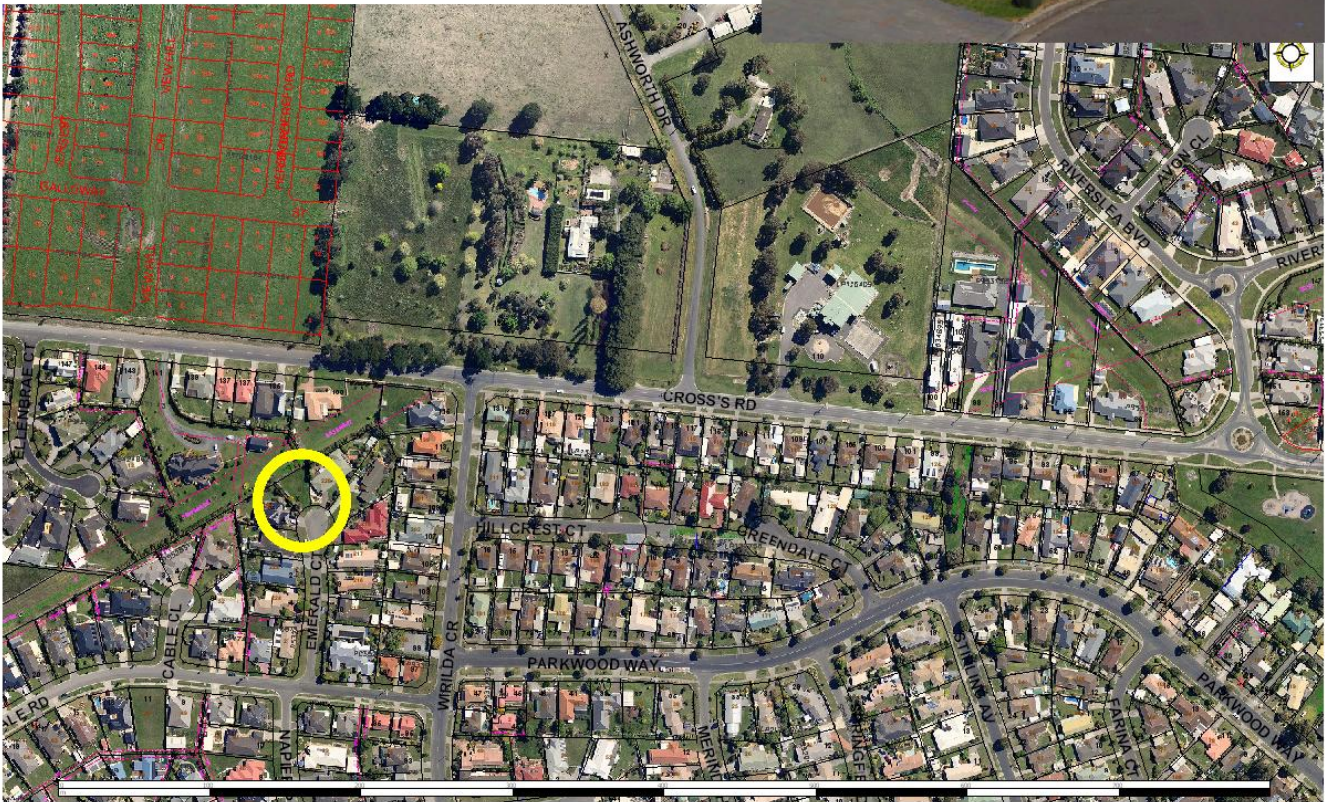


**ADDRESS:** 4-5 Emerald Court Traralgon

**CLOSEST RESERVE:** Cross's Rd Playground, Stockdale Fields

**WHY IS THIS LAND SURPLUS TO NEEDS?**

Residential type land unsuitable for open space development lack of surveillance, another reserve is within reasonable walking distance.





**ADDRESS:** 41-43 Swallow Grove, Traralgon

**CLOSEST RESERVE:** Willaroo Court

**WHY IS THIS LAND SURPLUS TO NEEDS?**

Residential type land unsuitable for open space development lack of surveillance, connectivity and another reserve is within reasonable walking distance.







**ADDRESS:** 25 Grubb Avenue/30 Elizabeth St, Traralgon

**CLOSEST RESERVE:** Traralgon West Sports Complex, Willaroo Court

**WHY IS THIS LAND SURPLUS TO NEEDS?**

Residential type land unsuitable for open space development lack of surveillance, connectivity and another reserve is within reasonable walking distance



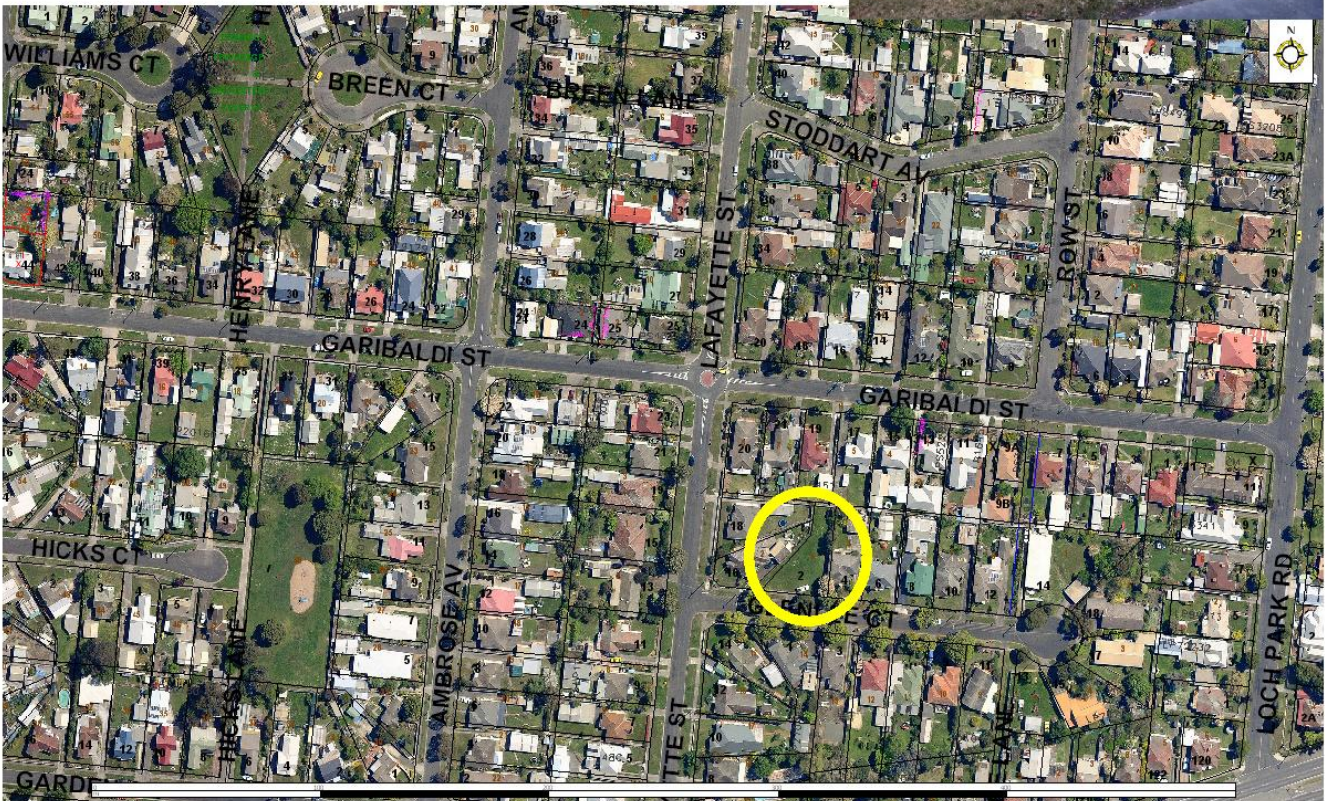


**ADDRESS:** 2 Glenlee Court, Traralgon

**CLOSEST RESERVE:** Hicks Court, Breen Court Reserves

**WHY IS THIS LAND SURPLUS TO NEEDS?**

Residential type land unsuitable for open space development lack of surveillance, connectivity and another reserve is within reasonable walking distance.



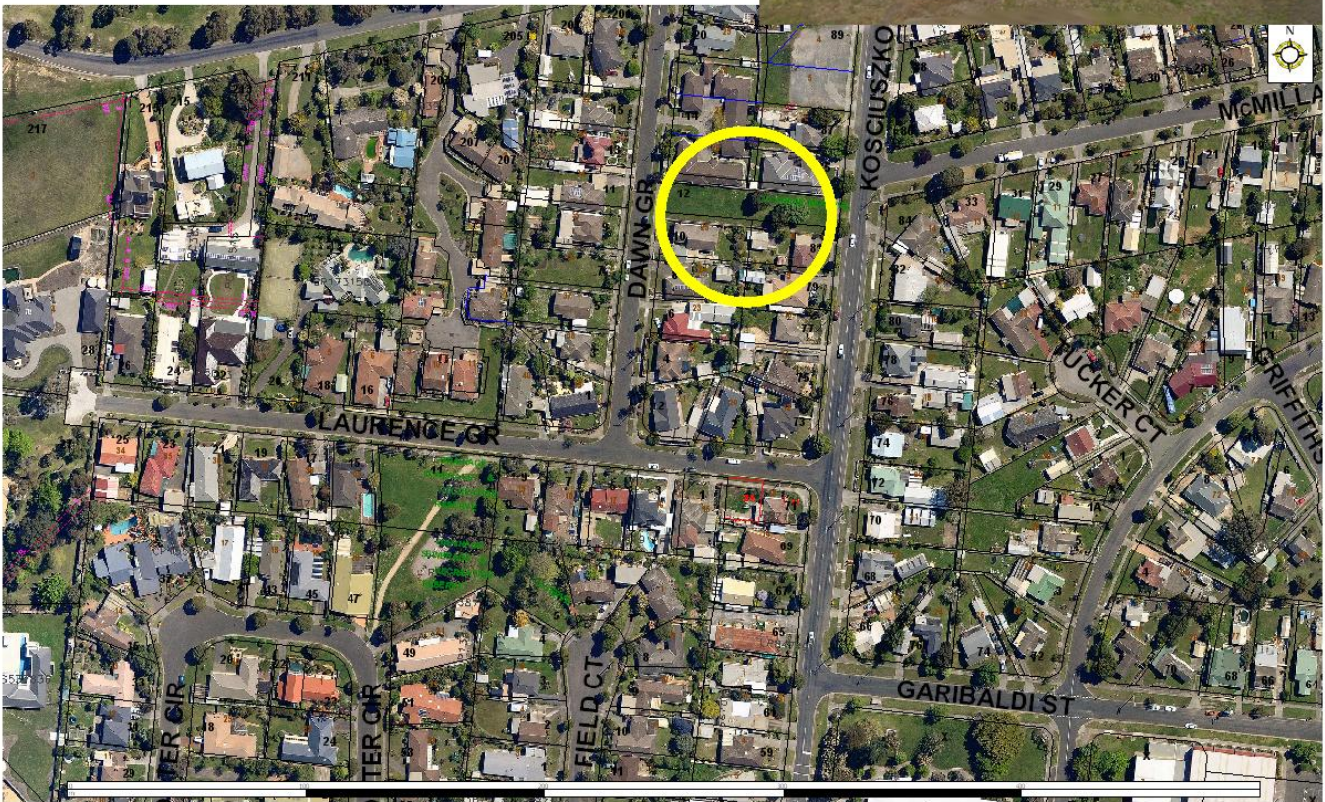


**ADDRESS:** 12 Dawn Grove, Traralgon

**CLOSEST RESERVE:** Laurence Grove Reserve

**WHY IS THIS LAND SURPLUS TO NEEDS?**

Residential type land unsuitable for open space development lack of surveillance, another reserve is within reasonable walking distance



Narelle & Chris James

## Submission 1

3 September 2014

Mr John Mitchell  
Acting Chief Executive Officer  
Latrobe City  
PO Box 264  
MORWELL VIC 3840

Dear Mr Mitchell

### **Potential Sale of Surplus Council Property**

We refer to your letter of 15 August 2014 and wish to provide a submission in objection to the sale of 15 Winston Court (Drive), Churchill.

We are an adjoining property owner and when we purchased this property in 2010, a benefit was seen to be that we had a reserve next to our property, as you will see from the attached plan, we have no current connecting residences. The fact that you are now looking at selling this property is upsetting to us and will impact on the privacy and peacefulness of our current living situation.

It is noted that this Reserve was created as part of a planning permit condition requested by Council to allow a connection from the development to Tubb Road which is an unmade Government Road to the rear of the Reserve. If this was a requirement as part of the subdivision, has the requirement for this connection been removed in the less than 4 years since Certification of the Plan of Subdivision? And if the situation has changed in such a short period of time, will it change again in the future? We do not understand how this requirement would've changed in such a short period of time and do not feel that a "cash grab" from Council is enough to justify this change.

It was also a condition of the Planning Permit that the reserve be fenced by the developer, cost borne by the developer now seems unreasonable, given you see that this property is no longer required.

Please also refer to the attached aerial photo of this parcel of land and draw your attention to the earthen drain that was constructed from almost the middle of the rear of the property through to the front of this property. This drain assists in the drainage from the Tubb Road reserve, would this be created into an easement prior to the sale of this property? Would the location of this easement then make the property almost useless for building on given the location of the power substation that is in the north-western corner of this property? If the easement was not created, would the

drain be filled in and removed from this property? We hope not, as you will see, there is also an earthen drain at the rear of my property and this has already had to be reformed once as it did not flow appropriately and instead flowed into the rear of our property. Fortunately, in a period of high rainfall, we were home in the past to direct this water away from our buildings to prevent flooding, however if we were not home, flooding would have occurred. We would hate to see the drain removed from the reserve next to our property as it may see additional flows down the drain directly behind our property and increase the risk of flooding again.

To address the criteria that you have used to identify possible opportunities for rationalisation we comment as follows –

Sites with a low level use - Given the drain that runs from almost the middle of the property, we believe the use to be higher than low level, it is used every time it rains, perhaps it could be used in other ways in the future also to improve the amount that the site is used.

Existing undeveloped sites – although this site has not had any major improvements above ground, it has been developed for drainage and was proposed to be used as a connection from the subdivision to Tubb Road approximately 4 years ago according to your Planning Permit condition.

Planning Scheme zoning – It is noted that this land is zoned for Residential purposes however give the location of the drain, it limits the ability to build on this site.

Availability of alternative open space to service the catchment – it is noted that you advise that there is another park within walking distance of this reserve, it would be great to see this reserve developed into a park for children in the local area of this new development to use.

Suitability of the site for future development – as advised previously, the location of the existing drain limits the potential for residential development on this site.

In conclusion, we feel that the existing use of this site for drainage precludes the sale of this property and we feel that our property would be a risk of future flooding should the drain be removed from this property. Our internal storm water drains have not been designed to handle excess water run-off from your adjoining land.

If you wish to discuss this further please contact Narelle on \_\_\_\_\_ or by email

Yours sincerely

Narelle & Chris James



## Submission 2

To the  
Acting Chief Executive Officer

In response to your letter Potential sale of Surplus Council Property . As the property called Saint Andrews Reserve is the nearest to our property in Hawthorn Crescent .I believe that while the land is currently leased it would have still been an asset had Council and the current Tenants kept the maintenance up on both property surrounding the building and the building it's self .A couple of reasons dont add up for selling this particular asset one is public transport or other recreation facilities as their is an oval used by the Cricket club and the Baseball club that are part of Andrews Park ,I believe Council should be making it known to other clubs that the venue is available for their use before selling any asset .Should this property end up on the market to gather revenue for Council projects as explained in your letter then I can only say that unless this money is put into improvements at Andrews Reserve , something ignored by Latrobe City Council for some time now in preference for other projects. I could only support any sale of this property if the monies gained from the sale are spent on Andrews Park particularly the playing surface as it would have to rate as one of the worst in Latrobe City Councils sporting reserves, this would give council the chance to say we are no longer looking at the reserve we are spending Andrews Park Reserve asset sales money on Andrews Park Reserve not trying to make up for shortfalls in other project expenditures . should you wish to contact me regarding my views I can be contacted at the address or phone number below .

yours sincerely

Laurence Rasmus

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## Submission 3

25 August 2014

Mr John Mitchell  
Acting Chief Executive Officer

Latrobe City  
P.O. Box 264  
Morwell Vic 3840

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Dear Sir,

### SALE OF SURPLUS COUNCIL PROPERTY

We are in receipt of your letter dated 18<sup>th</sup> August 2014 in relation to the potential sale of surplus property within the vicinity of our business operations at 60-64 Madden Street Morwell.

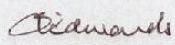
The business operations at this Madden Street address has been in place since the late 1950's originally owned by Simon Engineering/Simon Carves and more recently the Lend Lease Group.

Essentially the business practice has not changed in all this time and the business has always been a major employer throughout the Latrobe Region and currently employs in excess of 120 local employees (many with 20 to 40+ years service) situated both at the Workshops in Madden Street and on all local major Power Station sites in the Latrobe region and at the Australian Paper 's Maryvale Mill site.

Over the years we have had previous discussion with the Council in relation to expansion and zoning issues and again we wish to reiterate that the business is Zoned Industrial 3, we are a heavy steel manufacturing workshop and we can operate 7 days per week and at times run continuous shifts when the works program requires and we do emit reasonable noise levels. Primarily over the past few years our business is normally a 5 day week starting 7am and finishing 3.30pm.

Given the forgoing and again reiterating our business activity is heavy manufacturing it should be noted by Council that any development of adjacent land to our business must consider the circumstances of our business operations so as we experience no impact on our business.

Yours Faithfully  
Lend Lease Services Pty Ltd

  
S.G. Edwards  
Area Accountant

Lend Lease Services Pty Limited  
ABN 87 081 540 847  
60-64 Madden Street  
Morwell VIC 3840  
Australia

Telephone +61 3 5134 3686  
Facsimile +61 3 5133 9274

[www.lendlease.com](http://www.lendlease.com)





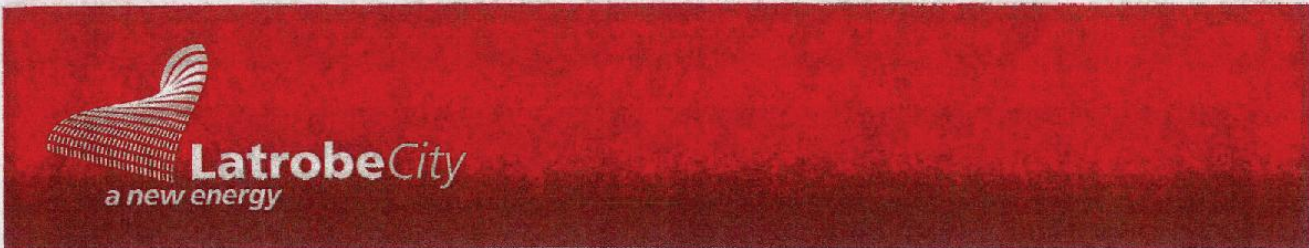
**ADDRESS:** Catherine Street, Morwell

**CLOSEST RESERVE:** Toners Lane Reserve

**WHY IS THIS LAND SURPLUS TO NEEDS?**

The lot is zoned as residential, included in the Morwell West Development Plan as residential land.



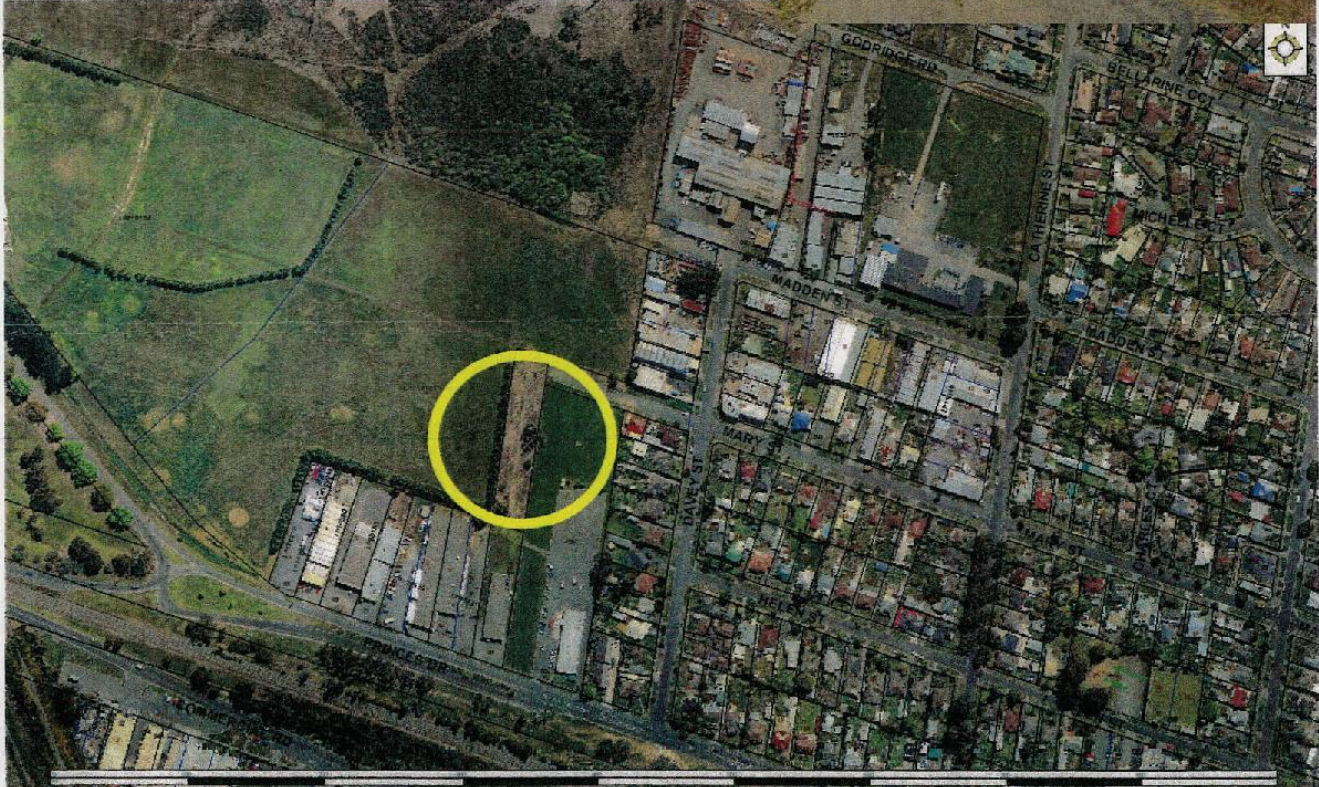


**ADDRESS:** Mary Street, Morwell

**CLOSEST RESERVE:**

**WHY IS THIS LAND SURPLUS TO NEEDS?** Toners Lane Reserve. This site will also be developed as wetland

The lot is zoned as residential, included in the Morwell West Development Plan as residential land.



## Submission 4

### **Henry Morrison**

---

**From:** peter  
**Sent:** Monday, 25 August 2014 9:49 AM  
**To:** Henry Morrison  
**Subject:** Potential Sale 137 Helen st Morwell

Greetings,

My understating is that this land was used for sawmilling purposes many years ago and as such may have waste buried under the surface.

It may pay to do some exploratory drilling to check what nasties may lurk below.

Cheers, Peter.

**Peter Devonshire RPF**

Phone

Devtree Pty Ltd

Inc. Gippsland Plantation Management

The Vegetation Offset Market



**Henry Morrison****Submission 5**

---

**From:** Judy Okeefe  
**Sent:** Thursday, 28 August 2014 8:39 PM  
**To:** Henry Morrison  
**Subject:** Potential sale of Surplus Property.

Dear Mr Morrison,

I am writing in response to your letter dated August 18, and advise that we are against the selling of land in Rainbird Court, Traralgon. We have lived in Rainbird Court for about 33 years. We built here because my husband had a guide dog and it was somewhere he could exercise the dog. He does not have a dog at the moment, the dog died but in the future he hopes to have another guide dog. The blocks here are so small we need to have that land to be able to give a dog of that size someplace this close to home so that my husband only has to cross the road from our house.

Yours faithfully,  
Judith OKeefe

Sent from my iPad

Submission 6

CATROBE CITY COUNCIL INFORMATION MANAGEMENT	
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Sue + Darryl Shields

25-8-2014

To Whom it may concern,

My husband and I are holidaying in Queensland while it has been brought to our attention that the greenbelt in our court may be sold off.

We strongly object to this happening.

As we invested in this court around 26 years ago being a safe area for our children then and now grand children also other children around for their social activities.

We fear what type of development may eventuate and be detrimental to our safe and peaceful area.

We feel it is unlawful

for council to change rules  
and regulations for east at  
the detriment of the public.

We sincerely hope this  
letter will fall on just and  
fair ears and bought to closure.

Thanking You  
Sue & Darryl Shields.



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## Submission 7

Traralgon 3844

1<sup>st</sup> September 2014

Acting Chief Executive Officer,

Latrobe City Council,

PO Box 264,

Morwell. 3840

Dear Sir,

Re: Potential Sale of Surplus Council Property, 11-13 Rainbird Court Traralgon. Your ref HUM:KP

I refer to your letter dated 18<sup>th</sup> August 2014.

I wish to comment on the proposed sale of land in Rainbird Court. Your letter states that there is another reserve within reasonable walking distance. In fact, if the land referred to is sold, and presumably developed, most of the residents of Rainbird Court will not have easy access to any public land. All the other Courts in the area encircled by Glenview Drive and Tulloch Way have access to the greenbelt running from Tulloch Way up to the proposed "surplus" block.

It seems unreasonable to be reducing the opportunity for children to run and play in a safe and open area, when there is so much focus these days on childhood obesity.

In addition I believe the sale and development of this block significantly reduces the appeal, and therefore the value, of my property at 4 Rainbird Court.

I respectfully request that the Council reconsider selling this property.

Yours faithfully,



Maree Bray

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3 September 2014

Acting Chief Executive  
Latrobe City Council  
P O Box 264  
MORWELL VIC 3840

## Submission 8

Dear Mr Mitchell,

### **PROPOSED SALE OF COUNCIL OPEN SPACE – RAINBIRD COURT REQUEST TO RETAIN DIRECT PEDESTRIAN ACCESS**

I refer to your letter dated 18 August 2014, Ref: HJM:KP, inviting comment on the proposed sale of Council land.

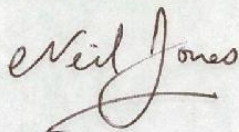
It is requested that Council retain permanent, direct pedestrian access from Chester Close to Rainbird Court across the existing public open space/reserve to cater for current regular use. Most days we cross the reserve from Rainbird Court to Chester Close at the end of our daily walk. When we are walking or driving we often see students or adults heading into the reserve from Tulloch Way or the reverse direction. Some are walking a dog and most are not residents of Chester Close. On the day we received your letter I spoke to a gent that had walked from High Street with his dog and included this reserve in the journey.

If Council proceeds to sell part of the Rainbird Court reserve it is suggested that the retained access way be along the western (lower) side of the reserve, at least 4 metres wide at Rainbird Court and about 8 metres width in line with property rear fences. If a critical event occurred in Rainbird Court this would retain alternative access/egress.

Since playground equipment was installed in the Tulloch Way reserve a 'walk to the park' has been a highlight for grandchildren visiting our house. As new grandchildren come the park and playground equipment will continue to be enjoyed. If the Rainbird Court reserve had playground equipment we would have gone there because it was much closer.

I will be pleased to discuss any aspect of my request with a member of your staff.

Yours sincerely,

 for Neil & Linda Jones



Submission 9

27 April, 2014

Mr John Mitchell  
Acting Chief Executive Officer  
Latrobe City Council  
PO Box 264  
MORWELL 3840

Dear John

**POTENTIAL SALE OF SURPLUS LAND: 4-5 Emerald Court, Traralgon**

Thank you for the opportunity to comment on the proposed sale of land identified as 4-5 Emerald Court, Traralgon. Our property is located at 4 Emerald Court and we have sought to offer to buy this reserve on three previous occasions from Council. We are again very interested in purchasing the whole or part of this reserve if this gains Council agreement.

We built our house next to the reserve 22 years ago and lived in the court the longest of our neighbours. The reserve has remained an open reserve with out any equipment or trees and council has been required to mow the reserve regularly.

The reserve as per the Public Open Space Strategy Final report has identified the reserve as;

- low level use,
- is an existing undeveloped site is not zoned for use,
- there is an availability of alternative open space to service the catchment and
- the site is suitable for future development.

At this stage we will not be seeking to speak in support of our submission at the 22 September Council meeting as our points are consistent with your recommendation 9 of the Public Open Space Strategy Final Report and we are prepared to offer to purchase the whole or part of the reserve depending on estimated sale price.

Should you require any additional information to add to our submission please let me know by email.

With thanks

Susan and Richard Lloyd

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To: Acting Chief Executive  
 Latrobe City Council  
 Morwell Vic. 3840

From: Miss Jennifer Makowski  
 [Redacted]

### Submission 10

LATROBE CITY COUNCIL INFORMATION MANAGEMENT	
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28 AUG 2014	
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Re: Proposed Sales of Land.  
 25 Grubb Ave/30 Elizabeth St, Traralgon.

I am writing regarding the sales of  
 the above land.

I have no objections at all and  
 I think it would be ideal for  
 residential land as this is a  
 prime area. Close to schools, shops  
 and to LRH.

It has been unused for a long time,  
 sometimes for people walking through for  
 a shortcut to Grubb Avenue, so  
 I am happy for it to be sold.

Yours sincerely,  
 Jennifer Makowski

## Submission 11

2<sup>nd</sup> September 2014

Mr John Mitchell  
(Acting) Chief Executive Officer  
Latrobe City Council  
PO Box 264, Morwell 3840

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Dear John

**Subject: Potential sale of surplus council property**

In response to the recent articles in the Latrobe Valley Express and a letter date the 18<sup>th</sup> of August 2014, I wish to advise you that I would like to participate in any future discussions in relation to the sale of the property located at:

25 Grubb Avenue / 30 Elizabeth Street Traralgon.

I have requested additional information relating to this land from a Council representative and would like the opportunity to discuss this and other concerns at the meeting planned for Monday the 22<sup>nd</sup> of September 2014.

Yours sincerely



Andrew Boothman



Acting CEO

Latrobe City Council

PO Box 264

Morwell Vic 3840

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## Submission 12

Dear Sir,

RE: Surplus land Swallow Grove Traralgon.

We refer to recent correspondence received relating to the above matter and would like to make the following comments.

We are a young couple recently married and have purchased the adjacent property at 41 Swallow Grove Traralgon. Although currently undeveloped by Council our decision to purchase our home was influenced by the fact it has open space next door along with the potential that one day this open space would be used as it was previously intended. In any case it would provide a safe area adjacent to our house for our future children to play. We understand that this land is not currently used to its full potential so it may be that we would not necessarily object to Councils proposal to rezone the land but ask that as adjoining property owners we be kept informed of the progress and have first option to negotiate to purchase part or the whole of the land should it be rezoned residential.

We look forward to receiving your future correspondence,

Yours Faithfully



Dean & Alisha Brooks



04.09.2014

To

## Submission 13

Mr John Mitchell  
Acting Chief Executive Officer  
Latrobe City Council  
PO Box 264, Morwell  
3840

Dear Mr John Mitchell

I thank you very much for advising me about the council's consideration to sell the surplus properties. As an owner within the vicinity of the identified area as 41-43 Swallow Grove Traralgon, I agree and fully support the sale of such properties which have been lying undeveloped for some time.

The sale of such properties, in my view, will

- 1, Bring in revenue to the council to develop or complete other projects
- 2, Take off the burden of maintaining these properties
- 3, Generate funds in the form of rates, in future if sold and
- 4, Eliminate the potential spaces for loiterers and drug users to reassure the peace, harmony and safety in the community.

I will be happy to be part of discussion on this matter.

Yours Sincerely

Dr Zafar Iqbal Zafar

1/9/14

Dear Sir/Madam,

LATROBE CITY COUNCIL  
INFORMATION MANAGEMENT

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Submission 14

R/O:

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We the undersigned hereby register our objection to the sale of the parcel of land being 3 Glenlee Court Traralgon 3844 because:

- ① It's far too small to hold a viable residence.
- ② It has been open land for as long as we remember and had playground equipment on it, and is still enjoyed as an area to play with dogs and children (safely).
- ③ As this is a court with only one way in and out, encouraging extra housing poses a danger with more traffic.
- ④ Further disruption to residents at the bulb end of the court, as people from the top end of the court just love to drive their cars, (sometimes at high speed and noise), down the court and back again, to avoid doing a U turn in their own driveway.

Sincerely,

Norman + Clasina ARNOLD  
Glenlee Court  
Traralgon  
Ratepayers and Voters!

Submission 15[REDACTED]  
Traralgon

Vic 3844

Acting Chief Executive Officer

Latrobe City Council

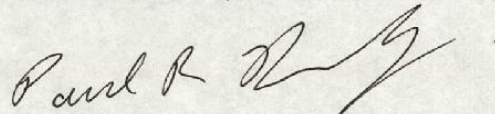
PO Box 264

Morwell Vic 3840

Dear Sir

I would like to object to the sale of 3 Glenlee Court for a few reasons. First the land is still used for recreation. Second the mentioned closest reserves both involve crossing busy roads by children to access them. Finally it would add to the parking congestion the court is quite often subjected to, making it difficult to enter leave my drive way when cars are parked both sides of the court.

Yours sincerely



Paul Dunlop

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Mr John Mitchell  
Latrobe City Council  
P.O.Box 264  
Morwell.

## Submission 16

Dear Sir,

I wish to put in a complaint in regards to the sale of the green belts in Dawn Grove and Kosciuszko Street Traralgon.

The green belts back on to each other and provide a great play area for the young families in the streets. There is not a day, when it is not winter, were the children are not playing in these green belts.

I should have expected the council to sell of these pieces of land as years ago they removed the slide and swings from the area. Therefore giving all a warning that the area would be sold.

I was under the impression that the idea of the green belts were for the benefits of the young. But now it seems that the green belts are for the benefit of the council and how much money they can make from them.

I expect the council to ignore all who disprove of what they are doing and go ahead anyway.

But please note that I disagree with the sale of ALL green belts in the Latrobe Valley Council area.

*Heather Bolwell*

Heather Bolwell

[Redacted]

Traralgon

[Redacted]

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Submission 17

3/9/14.

To  
Mr John Mitchell  
Latrobe City Council

Regarding your proposed selling  
off of some parklands.

Dear Sir,  
Many years ago, when my father, Mr Robert Sexton, opened up some land facing Kosciuszko St and Dawn Grove in Traralgon for residential use, he was expected to make a gift of many blocks of his land to the council, which, he was told, was for recreational use.

He was never given any compensation for the blocks that were taken by council and now I have been told that the council is intending selling these blocks that were a gift.

The blocks that were acquired by the council are used by the children and adults of the neighbourhood and they are the only parkland in the area. Why would council want to deprive the ratepayers of this area of something that the original owner, my father, was told would be recreational and for their use.

Is this the right thing to do by council?

Hoping to receive an explanation from you regarding this matter soon,  
yours sincerely  
(Mrs) Dawn Preusker.

Submission 18<sup>1</sup>

Mr. John Mitchell CE  
 Latrobe City Council  
 P.O Box 264  
 Morwell 3840

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August 31, 2014  
 Elizabeth Jeffery

## SALE OF POTENTIALLY SURPLUS COUNCIL PROPERTIES

### TRARALGON

Dear Mr Mitchell and Councillors

Thank you for the opportunity to contribute to the discussion regarding the possible sale of these community parks.

I wish you to note that I oppose the proposal to sell **six parks** in Traralgon. I see you designate them as council properties, but to begin with I consider they are Community Parks, owned and maintained by the people of Traralgon. Council is elected and paid by the community to care for and conserve our property. Not to sell it to cover a budget crisis, or shortfall. Herald Sun June 13. 2014 reports that our Council is under scrutiny by the Ombudsman, which has resulted in the appointment of a monitor who has "practice in reforming troubled councils" (Latrobe Valley Express 21.8.14). Now if there is, or has been, a financial problem, I do not think it should be ameliorated by the sale of irreplaceable assets. The people now, and those in the future should not have to pay for administration faults or errors. David Uren (The Australian 28.8.14) says "voters expect fiscal discipline" so we do, but the application of moneys received by un-renewable asset sales must be of the highest priority, something requested and recognized as necessary and needed by all the Latrobe Community. The stated purpose of the sale of these valuable community assets is to fund Capital Works Projects. That is the moneys disappear into Councils funds and no appropriate community asset will replace them. Churchill, Moe, Morwell and Newborough residents should also be concerned.

In fact land is a most valuable asset it is irreplaceable, public open space is irreplaceable. Council will never buy open parkland for the community, in fact the policy has always been to sell, and sell, then to explain to the community that somehow there is very little public land for public purposes, it's a pity, but that's how it is. So the next complex must go onto whatever scarce public space there is. There have been many attempts to sell, or build over Hubert Osborne Park, there have been thousands of objections, but it seems the aquatic complex will eventually go there in spite of inadequate parking, traffic congestion and the wish by most people to just have a simple heated pool.

These parks are important to the community, "Significant public land, once sold, is lost to the people forever. When governments sell land that is of significance or value to the people they are

also selling our children's future. Governments should not be allowed to act in this way"  
Protectors of Public Land (PPL Vic)

It is an acknowledged fact that Traralgon has less open space than any other city in Latrobe Shire, yet we are nominated to make the most substantial contribution to the council budget shortfall. Is this part of the ongoing perceived discrimination against Traralgon ? That Traralgon residents pay far and away the most in rates, and receive much less in return, a matter of some concern. To sell our scarce parklands is to reinforce that perception.

Latrobe City's mission statement is to "provide public open space to meet the broad expectations of the community, this is a key responsibility of Latrobe City ...." "Other major aspirations are for a community that is both liveable and sustainable, with a continued focus on healthy lifestyles supported by a high quality recreational and cultural facilities and a natural environment that is nurtured and respected"

Latrobe City Values include "Planning ..... and acting responsibly, in the best interests of the whole community" and "listening to and working with the community" There are also promises to "Effectively manage Council debt to minimize long term cost."

My contention is that by selling these lots of land, you are selling the future liveability and sustainability and possibility of healthy lifestyles with the sale of our open space. One of the greatest benefits to urban peoples is to have accessible open space. This space is necessary for exercise, structured or unstructured. Most people responding to a recent survey said their preferred exercise was walking, most people in the newer suburbs surrounding Melbourne said they missed walking because there is no open space, no grass, no trees, just more and more crowded housing. The people living at Docklands recently pleaded for "just open space with grass and trees". Children need to be able to get out and play in the open, its good for human physical and mental health, indeed its necessary.

Even if the land is left undeveloped, trees and bushes which support our native environment can be planted there, indeed the people of that street would probably be glad to add to the plantings. It is a part of Councils Initiative to "improve neighbourhood amenity, to commence Latrobe City Public Open Space Strategy to manage and maintain parks and gardens across Latrobe City and maintain and develop playgrounds" and to "work in partnership with the community to address causes of chronic preventable disease by developing local solutions for healthy living, encourage physical activity etc" People on low incomes cannot afford to visit the gym, busy parents consider it a boon to be able to allow their children to visit a nearby park to play at no immediate cost. Older and disabled people like to be able to visit a close by open space to contemplate nature, even better if they can admire native birds visiting native flowering bushes. Even Joe Hockey admits travel is a burden for those on low incomes. Open space needs to be accessible.

The health benefits are undisputable rudi net states "the knowledge base shows that exposure to natural spaces – everything from parks to open countryside to gardens and other greenspace – is

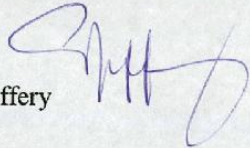
good for health. Contact with natural spaces can improve health directly and indirectly (by for example encouraging physical activity and social health). It had been suggested that the percentage of greenspace in a person's residential area is positively associated with their perceived general health."

Trees are known carbon sinks, of great value in this area. And the adjoining residents of these six parks will be greatly disadvantaged by losing a restorative, refreshing, green open space to a development of many flats or a housing complex.

I hope that Council will take note and refuse to sell our few remaining valuable community parks.

Yours sincerely

Elizabeth Jeffery



LATROBE CITY COUNCIL  
INFORMATION MANAGEMENTSubmission 19

RECEIVED

5 SEP 2014

Mr. John Mitchell,  
Acting CEO, Latrobe City,  
PO Box 264,  
Morwell. 3840.  
4<sup>th</sup> September 2014.

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Dear Mr. Mitchell,

Along with Mrs. Elizabeth Jeffery's concern of the selling of several 'Community Parks' in our community, [The Latrobe Valley Express 1. 9,2014.] may I add my concern also.

It makes me so so sad that I again have the need to comment on the situation of Traralgon in regard to the LCC and on the LCC.

However, I very reluctantly do so as we should be and are grateful for what we have, compared to what we see/hear daily on the media in other parts of the world.

Nevertheless may I make a few comments.

Unfortunately I did not see the original article in the Express, however from what is stated, there seems to be a need of \$2 million to fund capital works.

With Mr. Webb being employed to monitor the LCC, he may discover why we have to sell these areas for \$2 million? What has gone wrong with the LCC that this situation of selling land has arisen?

Where is the Community Health in LCC? As Mrs Jeffery stated the need and contribution of Greenspace for our children, elderly and young families etc. for their health and wellbeing.

Where are the Sports people in the LCC? To encourage to use these areas for walks, play etc...

Where is the Tourism Section of the LCC? Do they see the need to enhance our communities, which Greenspace can assist with?

Are the Councillors unable to have a say on behalf of the Community in the LCC?

Is the need of Mr. Webb's employment, an omen to all that something is amiss within the LCC?

Individual households are able to own premises of \$1 million + -- how is it that a City like Traralgon needs to take these steps? For \$2 million.

Why is not Traralgon in a situation that is able to cope with \$2 million and not having to sell 6 of its sites?

Are these sites being maintained by the LCC correctly and sufficiently?

Do all the sites need to be sold?

Along with the other reasons, my main concern is that these sites are being sold for the monies.

Why and how has it come to this? That land has to be sold to maintain the LCC?

Please may we or do we need to re think/re visit the LCC and the Amalgamation that took place in 1994.

The TECC site has been sold I believed, I tried so hard along with others and pleaded for it remain with the people of Traralgon. With no success.

Our few weeks travelling Outback Australia reinforced for me the role of Councils. Eg Winton, Queensland, and the surrounds were near perfect as were the rest areas everywhere. These, no doubt, are for the many tourists, but the locals too were very proud of the situation. We do not have the tourists but we do have a larger population, which also has its own needs, to be proud of and happy in our area.

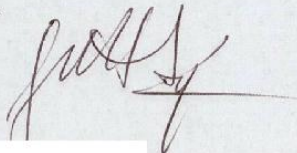
I am sorry for these questions and comments Mr. Mitchell, however I believe that they need to be made, I do not blame any one person.... It just seems to have developed to this situation over the years.

I personally do not need a reply to these questions, just hope and anticipate that they maybe addressed/thought about along with other Community thoughts, before the final decision is made, to sell these sites.

Thanking you for this opportunity and will be happy to discuss these points with you.

Yours sincerely,

Johanna Sykes



PS. I am hoping to forward a copy of this to Mr. Webb and other interested parties.

## Submission 20

**Henry Morrison**

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**From:** jenny ellis  
**Sent:** Thursday, 4 September 2014 9:15 AM  
**To:** John Mitchell  
**Cc:** Henry Morrison  
**Subject:** Re potential sale of council property

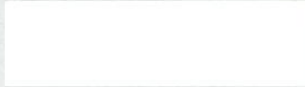
Dear Mr Mitchell,

I wish to advise you that Jennifer Ellis and Michael Ellis will be attending the ordinary council meeting on Monday 22 September 2014, being held in Morwell offices to have the opportunity to speak in support of our submission against the potential sale of council property located in Rainbird Court, Traralgon.

Yours sincerely,

Jennifer Ellis

Mrs. Adrienne Evans



Mr John Mitchell

Latrobe City Council

Kay Street

Traralgon, Victoria 3844

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## Submission 21

4 September 2014

RE: Sale of surplus land in Traralgon

Dear Mr. Mitchell:

In relation to the sale of surplus land in Traralgon, I strongly oppose the sale of ALL surplus land. The surplus land closest to our home, Emerald Court Reserve, has been in contention with council since 2003. At this time, local residents had a meeting with the then Council Recreation Officer on site regarding when our area would be getting some public open space. At that time, the State Government rules stated that areas with 1km square of housing required some public open space. Our area, bound by Wirilda Cres, Kimberley Drive, Tyers – Traralgon Road and Cross' Road has NO public open space at all, and this area is much larger than 1square km!!!

It was agreed with Council, at the conclusion of the meeting, that the Emerald Court Reserve would not be sold until such time as Council offered us a public open space SOMEWHERE within our area. To day, there is still NO Public Open Space.

Considering the value of open space to our environment, whether it be active or passive, and the benefits that all residents can have just from having this sort of land in their area, none of the areas identified, Think Big Reserve, Haneton Park, Grubb Avenue and Dawn Grove should be allowed to be sold. Once our open space is gone, it will never be replace.

At the council meeting on 22 September, I wish to speak.

Sincerely,

Mrs. Adrienne Evans

5 August 2014

Submission 22

To: John Mitchell,  
Acting Chief Executive Officer,  
Latrobe City Council  
PO Box 264,  
Morwell 3840

Re: Proposed sale of the Andrews Park West PreSchool site, Maple Crescent  
Churchill.

Dear Mr Mitchell,

I am a resident living on the boundary of Andrews Part West, at 21 Banksia Crescent, and our property directly faces the Andrews Park West PreSchool site. I am not in principle opposed to the sale of this property as indicated by the proposed sale of land of surplus council property [Ref:HJM:KP 18/09/2014]. However I am seriously concerned by any possible change that may be made to the purpose or use of this property. This property is currently set aside for municipal and religious purposes only. Any change to the use or purpose of this public space would be undesirable and inappropriate. The park itself is used by many citizens, children, sporting clubs, and so on. Any change to the use or purpose of the former PreSchool site which exists within the park would potentially seriously harm the capacity of the park to function as a public space. I strongly urge the council to ensure that it remains for municipal and religious use and purpose only.

Yours truly,

Dr Ian J. Coghlan



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Submission 23

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5\9\14.

Dear Sir

In response to your invitation to comment on the sale of the former Andrews Park West pre-school site, which is currently leased by the Churchill Christian Fellowship, my husband and I, who have lived in Banksia Crescent for thirty five years, consider this sale to be inappropriate. In the letter dated 18/8/14 "Potential Sale of Surplus Council Property", five guidelines are listed to identify possible sites to be sold; this property in Andrews Park does not appear to come under these criteria. Specifically, the first criteria is "sites with a low level of use", and as this property is leased by the Churchill Christian Fellowship, thereby providing income to the Latrobe City Council, it does not come under this criteria. The site is not undeveloped, which is the second criteria. How can this property be considered surplus, when it is bringing in an income for the Council?

In a letter dated 3/12/03 from Mr H. Morrison to Mr and Mrs Warget, it was stated that the sale of this property "will be conditional upon a covenant being created on the transfer of the property providing that the property can only be used for Municipal and religious purposes". It therefor makes no sense for Council to sell this property.

Once a precedent has been set it is unlikely that the status quo will remain. If council sells this property there is a real concern that other parts of the park will be sold at a later date, when Council again requires money for some venture.

This park is used by children to play and exercise, which is so important for their healthy development. Our son used this park frequently when he was young, as did his friends; it was also instrumental in socialisation with other children. Now we take our grandchildren to the park frequently. We are all aware of the need to stop children spending all their time looking at computer screens and it is essential that the park always remains to encourage the children to play and exercise.

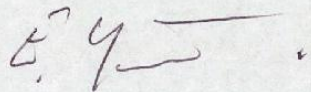
Many people can be seen walking their dogs in the park, and this is essential for animals in urban areas.

The oval is used for various sports and this is essential for the healthy development of young people and adults alike, as well as the community involvement in the sports.

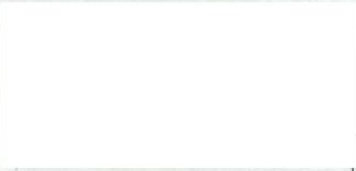
In a letter to the Latrobe Valley Express, dated 1/9/14, Page 10. Elizabeth Jeffrey stated that "Greenspace is the key to good health". Ms Jeffrey also stated that according to experts even "20 minutes a day will improve cardiovascular health and memory, concentration and the ability to copy complex figures". Ms Jeffrey also stated that we would be taking a retrograde step if we sell our parks for more development, and I heartily endorse this.

Surely Council should find funds elsewhere to pay for capital works projects. It was my understanding that our rates pay for capital works projects. Ratepayers must live within their means, so should the council. Please leave our parks alone. We need our parks and so do our children and our grandchildren.

Yours Sincerely



Elizabeth Yates. B.App.Sc.N. M.Ns.

  
Submission 24

Mr Henry Morrison  
Manager Governance  
Latrobe City Council  
P O Box 264  
Morwell

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Dear Sir

Re: Proposed sale of: Andrews Park West Pre-School Churchill

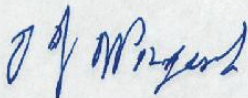
We live at 19 Banksia Cres, Churchill which is close to the above pre-school and whilst we do not object to the sale of this property to the present tenant, existing land and building only, for the purpose of conducting church services, we are concerned that once this property passes from public ownership and control, the new owner, or a future owner, or tenant may use this property for a purpose or activity that would be inappropriate or undesirable in this area.

The parkland surrounding the above property is in constant use. Football, cricket and baseball are played on this land. There is constant use of the playground, and at all times of the day there are people walking dogs, or just strolling or jogging. It is a beautiful area and well maintained by the Parks and Gardens department. It would be most undesirable for the Council to lose control of the above property, and have the use of the park and the pleasure it gives to the local people, compromised by any unwanted activities taking place on the above property.

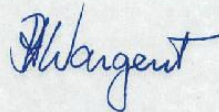
As the property was originally built as a Pre-School, and as the population of Churchill is increasing it seems to be an unwise move to sell a property that has been purpose-built when it is likely that the Council will have to build more Pre-schools in the future. Any new Pre-school will undoubtedly cost more than the sale price of this existing property.

We therefore strongly suggest that Council take suitable measures to ensure that this situation cannot happen, now, or in the future.

Yours faithfully



DOUG WARGENT  
6th September, 2014



PAT WARGENT

## Submission 25

Mr Henry Morrison  
Manager Governance  
Latrobe City Council  
P O Box 264  
Morwell

Dear Sir,

Re: Proposed sale of : Andrews Park West Pre-School Churchill

We the undersigned reside in Banksia Cres, Churchill and as half of Banksia Cres faces Andrews Park we all are part of a community with ties to the Park and the Pre-School. Some of us have had children and grandchildren attend the Pre-School, and all of us enjoy activities in the Park.

Most of us purchased our own property because of the proximity of the park.

We object to the sale of the above property, because we are concerned that once this property passes from public ownership and control, a future owner or tenant may use this property for a purpose or activity that would be inappropriate or undesirable in this area.

The Park is a wonderful space with a playground where we take our children and grandchildren to play. It is a great sports area and is used by many people, especially the young who are supported by their parents and friends. There are the walkers and pet owners.

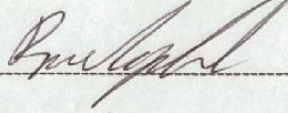
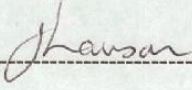
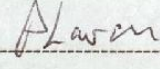
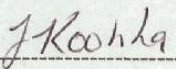

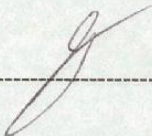
Should the present tenants of the Pre-school building leave, the building itself could again be used as a Pre-School, or any number of community uses. It seems irresponsible to sell off such an asset especially, as, in all probability a new Pre-school will have to be built in the future, as more and more homes are being built in Churchill all the time.

We therefore strongly suggest that council reconsider selling this property and takes suitable measures to ensure that this situation cannot happen, now or in the future.

Yours faithfully,

6th September, 2014

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NAME	SIGNATURE	ADDRESS
BRENDA		33 BANKSIA CRES CHURCHILL
MR LAWSON		25 Banksia Cres Churchill
MRS LAWSON		25 Banksia Cres Churchill
Laurie Rasmus		42 Hawthorn Cres Churchill
Lorraine Rasmus		42 Hawthorn Cres Churchill
Sean Stevens		3 Banksia Crs Churchill
Carly Stevens		3 Banksia Crs Churchill
Jolly Brown		6 BANKSI CR. "
Bonnie Brown		6 BANKSIA CR.
Janet Kootstra		23 Banksia Cres Churchill
MICHAEL VAN TILBURG		23 BANKSIA CRES CHURCHILL
Taylor Van Tilburg		23 Banksia Cres Churchill

NAME

SIGNATURE

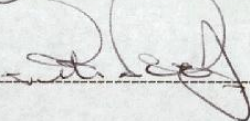
ADDRESS

Justin Vantilburg JVT

23 Banksia cre

Emma Pooley

39 Acacia Way

Peter Pooley 

39 ACACIA WAY

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Annabelle Gumpold

Tuesday 2<sup>nd</sup> September 2014

Mr John Mitchell  
Latrobe City Council  
P.O. Box 264  
Morwell, 3840

## Submission 26

**Submission re:** Sale of potential surplus council properties – Churchill, Moe, Morwell, Newborough and Traralgon

Dear Sir,

It is with a strong sense of déjà vu that I address this submission for your attention; it was back in the day when you were CEO for Latrobe Shire, Traralgon City Council or whatever when the proposed sale of green strips was first mooted. After diligent searching of existing archives, a Latrobe City Council Service Officer was regrettably unable to lay hands on the document I presented to Council as a late submission regarding those strips proposed.

However, many of the points raised then are possibly even more valid now with the marked increase in urban development in the Latrobe Valley – Traralgon area particularly. What is hoped to be achieved by scabbling for cash through ‘selling the farm’ when the proceeds are to be lost somewhere in the future under the dubious heading of Capital Works Development?

For example: Elliott Street in Traralgon has been up for a comprehensive overhaul for the last 15-20 years. Similar to Leila Street, which was updated in the now rapidly receding past, this would have involved a total upgrade. Not so now it seems; we still have incorrectly laid drains which are repositories for stagnant water or which simply flow back into various properties; increased road traffic has resulted in chronic potholes, patched over occasionally when things get too bad; frequently exploding water pipes at the Hyde Park Road end, etc.

Meanwhile, Hickox Street extension has recently has a partial footpath laid – not where it ought to go, ie; where street lighting and open drains are fronting these spacious new properties, but for a laughably incomplete distance bordering part of the Traralgon Railway Conservation Reserve.

Page 1 of 3

Furthermore, following Traralgon's spirited civic opposition to the proposed selloff of parts of the Hubert Osborne Reserve, it emerged that the \$6 million anticipated from that sale would barely cover Latrobe City's debt interest repayments, let alone fund a development of the type then envisaged.

If these be the results of diligent urban planning, it can be understood one would view any further prospective capital works development with justifiable scepticism.

My submission pertains mainly to Traralgon. Why is it that Traralgon, apart from consistently paying higher civic rates than any of the other towns targeted, is now apparently being asked to part with no less than six (6) reserves or green strips? When I addressed Council re the earlier proposed sales, you advised me that Traralgon has more green areas than Canberra, as though this was sufficient reason for Traralgon to disencumber herself forthwith. The point you made then appears now to be applied to the current 'potentially surplus' areas.

The point I made then which appeared to be accepted by the Council meeting and is even more relevant now in light of the Hockey austerity budget proposals, is that many children - from tots to teens - may not have access to the necessary funding or physical aptitude to take advantage of the exciting new recreational complexes both actual and envisaged.

With current enlightenment indicating an increased desirability for childhood and early youth access to unstructured outdoor environmental activities it comes as a shock that Council now elects to fly in the face of modern thinking by effectively selling out the ground from under these future ratepayer's feet. We are all aware by now of the existing current McMansions trend to crowd edge to edge on standard building blocks leaving precious little individual outdoor area, thus encouraging our kids towards a sedentary lifestyle with resultant rises in healthcare costs from obesity and allergy problems, not to mention an alarming increase in youth suicide, substance abuse and street violence. Boredom, desperation or just plain frustration at being boxed in on all sides?

It may be of interest here also, that when private sector planning for the old Hobson Park Hospital area was in process it was deemed essential that green strips be provided for: these strips are to run contiguously with those already insitu in Elliott Street and Hugh Court. Thus Council wants to play ducks and drakes or should that be pea and thimble with Traralgon land? Now you see it, now you don't.

I would further draw your attention to the potential problem of urban overdevelopment whereby suburbs in Stonnington Council ('The Age' 18/8/2014 - [Stonnington's predicament](#)) including Glen Iris, Armadale, Toorak, Prahran and Malvern have now been identified not as having 'surplus' green spaces but rather the converse, to the extent that Stonnington Council has identified 450 privately owned and public sites for



potential compulsory acquisition in an attempt to reverse the decline in the amount of open space available in the municipality after years of intense development. Whilst at this stage the proposed compulsory acquisition is still in the planning phase and projected to take place possibly over the next 20 years, the amounts required by the Council for re- purchase or compulsory acquisition are estimated to run into mega dollars.

How fortunate that Traralgon in particular is blessed by the foresight of long-gone city planners and benefactors in that it is well-endowed with green strips and reserves already!

It is realised that in the current rush for short term cash, and this is not the first time, today's city planners will not be encouraged to look beyond the so-called urgent present. A significant number of Traralgon residents are backing the motion to secede from the Latrobe City conglomerate. For years Traralgon has borne the brunt of exorbitantly high rates and poor town planning initiatives with the bulk of our money being spent on other towns. There is no viable reason to expect things will be any different either now or in the foreseeable future, and to propose a sell off <sup>of</sup> valuable assets for the vague promise of future benefits simply invites derision. Although 'a monitor' may now be on hand to 'help' with future civic guidance, there is no guarantee they will be any more effective than the unlamented recently departed senior council officers. It is a sure thing that oversight by this monitor will be in an advisory or rubber-stamp capacity only, and doubtless our rates will rise yet again to accommodate the costs of his so-called expertise.

Bearing in mind the foregoing, this submission respectfully begs a stay of the dread hand of any further developer-backed acquisitions of this nature before any potential Traralgon surplus blocks are sacrificed for nebulous gains when indeed these very areas and more may need to be re-requisitioned at highly inflated sums of course, merely to reverse an inevitable decline in the amount of green space available in the municipality after years of intense development. At the risk of sounding somewhat pedagogical may I suggest you recall the timeworn but not inappropriate adage that 'a bird in the hand is worth two in the bush'?

And yes, I would appreciate the opportunity to speak to this submission.

Yours sincerely



Annabelle Gumpold

[Redacted]

Enc.

20 NEWS

## Stonnington may compel hundreds of home owners

Chris Vedelago

Stonnington Council is set to take a landmark vote on a controversial policy that could compel hundreds of home owners and businesses to sell their properties to the city for conversion into parks.

But nearly all owners are being left in the dark about whose properties have been selected, with the council choosing not to publicly release the list of 450 identified sites in South Yarra, Toorak, Armadale, Glen Iris, Prahran and Malvern.

In the first stage of its strategy, the council will decide on Monday whether to apply a new planning control - known as a public acquisition overlay - to five privately owned properties in Prahran, marking them permanently "reserved" as potential public space. The designation gives the council the option of buying the land at some future date.

The Prahran properties are among hundreds of private and publicly owned sites identified in a confidential report commissioned by the council, which is looking to reverse the decline in the amount of open space available in the municipality after years of intense development.

But the policy is bitterly resented by some land owners, who claim they will be left in "limbo" by a government that is laying a claim to their land but has made no formal commitment to buy it.

"The council hasn't made any of-

fers. They're saying, 'We'll reserve it and when you're ready to sell, the council will buy it off you'. But if the council decides it's time, they'll just compulsorily acquire our property and we won't have a choice," factory owner Maria Sardellis said.

"It's all in their hands. In the meantime, our lives get put on hold for 10 or 20 years or however long. Obviously, no one else is going to want that land now."

The planning amendment envisions creating a "pedestrian link" between four streets by converting the five properties into so-called "pocket parks", some of which will be separated from each other by distances of up to 50 metres.

**'No one else is going to want that land now.'**

Maria Sardellis, owner

A City of Stonnington spokesman stressed the council was not compulsorily acquiring the properties but using the planning control to "flag its interest in potentially purchasing these properties in the future" should owners decide to sell. "The application of [an overlay] does not require an authority to then and there proceed to acquire the property, and it may be some years before the property is actually acquired by council."

In the interim, owners would still be able to sell their land on the open market.

But veteran Stonnington estate agent Philippe Batters said the designation would act as a "blight" for any affected property, depressing its value and hampering any real chance of selling to anyone but the council.

"It's going to have a very detrimental impact for owners who get the designation. Plenty of others will be in for a nasty shock if the council turns out to have picked their property to be one of the hundreds that are being considered."

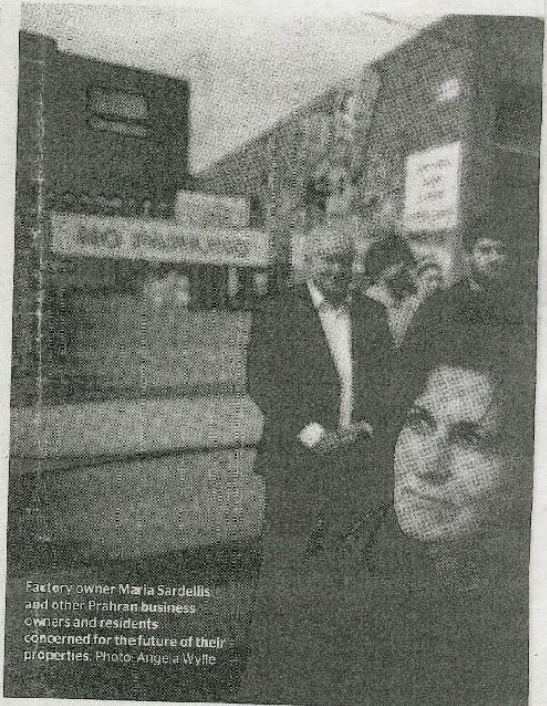
Owners can apply for compensation if they believe the designation has caused them financial loss, the council said.

The council's strategy has identified up to 450 private and publicly owned sites that are suitable for conversion into parks and open spaces, which includes potentially "undergrounding" car parks, decking over rail lines and redeveloping council flats.

The council has no plans to release the complete list of properties identified as "strategic opportunities" that could be designated for purchase over the next 20 years.

Plans are already under way to apply an overlay to two properties in Carters Avenue, Toorak. *The Age* also understands several home owners in Armadale were notified last week that an overlay was being considered for their land, which is next to Toorak Park and estimated to be worth more than \$1 million for each parcel.

cvedelago@theage.com.au



Factory owner Maria Sardellis and other Prahran business owners and residents concerned for the future of their properties. Photo: Angela Wylie

GRABBABLE CUT OUT

1<sup>st</sup> September 2014

Mrs Jennifer Ellis

Mr John Mitchell  
Acting Chief Executive Officer  
Latrobe City  
PO Box 264 Morwell 3840

## Submission 27

Dear Mr Mitchell,

Re potential sale of surplus council property.

I am writing this letter in order to express my concern regarding the Latrobe City Council considering the sale of potentially surplus property which is located in Rainbird Court, Traralgon. As an owner of a property within the vicinity of the land being considered for sale, I am strongly opposed to any such proposal.

The area provides a quality recreational environment that is readily accessible to locals without the reliance on a car and is well utilised by both young and old. It provides a safe environment in which I am able to exercise my dogs and play with my grandchildren.

The open space adds to the unique character of the area and promotes a feeling of wellbeing and encourages interaction between the residents and the natural environment.

The land provides an open link between the neighbourhood allowing for easy walking access to the local shop and to family and friends in the area. It allows for good visualisation of the greenbelt from Chester Close through to Rainbird Court thereby discouraging any anti-social behaviour in the area.

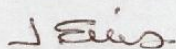
It is for these reasons that I urge you not to go ahead with the proposal to sell the land but to preserve it as an open space for all to share.

I enclose a petition signed by concerned ratepayers, requesting that the council property in Rainbird Court, Traralgon remain as an open space and not be considered for sale.

As noted in the comments section of the petition, the land is a much valued recreational area and is well utilised by the local residents.

Please reconsider your proposal and the effect it will have on the members of the local community.

Yours sincerely,



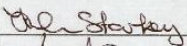
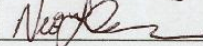
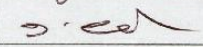

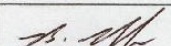
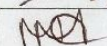
Jennifer Ellis.

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### Petition to Prevent Sale of Council Property

Petition Summary: The Council property located in Rainbird Court, Traralgon should not be developed for residential use. The property forms a section of the greenbelt within the local neighbourhood. It protects the unique character of the area providing a sense of openness and fostering a connection between the community residents and the natural environment. It provides a safe, easily accessible recreational area for residents, where children can play close to home and pets can be exercised. The green belt promotes a feeling of well being and encourages people to walk through to other parts of the neighborhood instead of getting in the car and driving.

Action Petitioned For: We the undersigned are concerned citizens who urge Latrobe City Council members to act now to prevent the sale of Council property located in Rainbird Court Traralgon.

Date	Signature	Printed Name	Address	Comment
31-8-14		HELEN STARKEY	7 RAINBIRD CRT.	I USE this Greenbelt regularly with pets.
31-8-14		NEIL STARKEY	7 RAINBIRD CRT	WE WALK OUR DOGS THROUGH THERE & HAVE ACCESS TO FRIENDS.
31-8-14		Debra Cahill	5 Rainbird ct	
31-8-14		A Cahill	5 Rainbird	we use this green belt
31-8-14		BEN CLIFTON	4 RAINBIRD CRT	KIDS PLAY ON GREEN BELT.
31-8-14		MALANDA CLIFTON	4 RAINBIRD CRT	"
31-8-14	Alison J. Waite	ALISON WAITE	13. RAINBIRD CT.	ACCESS TO SIDE ENTRACT

Date	Signature	Printed Name	Address	Comment
31-8-14	<i>D Herold</i>	D Herold	20 CHESTER CL	
31-8-14	<i>J Douglas</i>	J. DOUGLAS	2 Chester Cl.	
31-8-14	<i>Carla Sell</i>	Carla Sell	19 Chester Ch	
31-8-14	<i>Jan Graham</i>	Jan Graham	14/49-53 Hazelwood Rd	It is important to retain open space for people to enjoy fr.
31-8-14	<i>G. Sici</i>	G. Sici	13 CHESTER CL	
31-8-14	<i>U. Monk</i>	U. MONK	13 CHESTER CL	LEAVE AS IS
31-8-14	<i>C Doyle</i>	C. DOYLE	13 CHESTER CL	
31-8-14	<i>C Lipman</i>	C LIPMAN	13 CHESTER CL	
31-8-14	<i>J. Ellis</i>	J. ELLIS	11-12 Rainbird Cr. T160	Access the area on a daily basis - exercise pets, value green belt space.
31-8-14	<i>J O'Keefe</i>	J O'KEEFE	10 RAINBIRD CRT	LEAVE AS IT IS
31-8-14	<i>B Hayes</i>	B. HAYES	14 TULLOCH WAY	LEAVE - Please Pres. AS ARE. FOR PUBLIC USE
31-8-14	<i>M Hayes</i>	M. HAYES	14 TULLOCH WAY	WALK TO GRANDDAUGHTER

### Petition to Prevent Sale of Council Property

Petition Summary: The Council property located in Rainbird Court, Traralgon should not be developed for residential use. The property forms a section of the greenbelt within the local neighbourhood. It protects the unique character of the area providing a sense of openness and fostering a connection between the community residents and the natural environment. It provides a safe, easily accessible recreational area for residents, where children can play close to home and pets can be exercised. The green belt promotes a feeling of well being and encourages people to walk through to other parts of the neighbourhood instead of getting in the car and driving.

Action Petitioned For: We the undersigned are concerned citizens who urge Latrobe City Council members to act now to prevent the sale of Council property located in Rainbird Court Traralgon.

Date	Signature	Printed Name	Address	Comment
31/8/14	<i>JH Mason</i>	JOHN	19 RAINBIRD CT	5 GRAND KIDS USE PARK
31/08/14	<i>Chris Hannah</i>	CHRIS HANNAH	86 GLENVIEW	WE VALUE PARKLANDS
31/08/14	<i>Wilma</i>	Wilma	24 GLENVIEW	we have parklands
31/08/14	<i>Jenny Sutton</i>	Jenny Sutton	6 Chester Close	Nice place to walk the dogs!
31/08/14	<i>Ray Sutton</i>	Ray Sutton	6 Chester Close	Nice place for kids to play and walk dogs.
31/08/14	<i>Ian Adams</i>	IAN ADAMS	5 CHESTER CLOSE	GOOD FOR NATURE.
31/08/2014	<i>Keith Williams</i>	Keith Williams	18 CHESTER CLOSE TRAR	Been good for 30+ years why change

Date	Signature	Printed Name	Address	Comment
31/8/14		LINDSAY WATE	13 RAINBIRD CT	I use this land regularly for health reasons
31/8/2014		SANDRA DOUPIN	14 Rain Bird Court Tigon	Promotes good health.
31/8/2014		JOAN DOYLE	15 RAINBIRD CRT TIGON	We must protect our natural resources.
31/8/2014		PETER DOYLE	15 RAINBIRD CRT TIGON	much of the area is worth living
31/8/2014		BRIAN HAZELMAN	16 RAINBIRD CRT TRARALGON	WE NEED TO KEEP OUR PARK LAND
31/8/2014	A. Hazelman	ANNE HAZELMAN	16 RAINBIRD CRT TRARALGON	PROVIDES HEALTH FOR LIVING GRANDCHILDREN
31-8-2014	A WINTERTON	WINTERTON	17 RAINBIRD CRT TRARALGON	We use this park for recreation
31-8-14	R Grabham	RENAE GRABHAM	17 RAINBIRD CRT TRARALGON	we use it for recreation
31-8-14		KATHY EASTBURN	18 Rainbird ct Tigon	use it everyday recreation
31-8-14		TOBY EASTBURN	18 Rainbird ct Traralgon	recreation
31-8-14		GRAEME EASTBURN	18 Rainbird ct Tigon	walking dog running
31-8-14	M. Ellis	MICHAEL ELLIS	11-12 RAINBIRD CT	PARKS provide better living





Jennie Wood



3 September 2014

Mr. John Mitchell

Latrobe City Council

PO Box 264

Morwell VIC 3840

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## Submission 28

Dear Mr. Mitchell,

**Re: Council plan to sell 14 public green spaces in Latrobe City**

I am writing with concern about this plan. My family and I have always actively used green spaces in Traralgon. When my children were young, they loved running and playing in these spaces. Now they are older, they regularly meet friends in these places and catch up with each other over picnics, etc. I have walked our dog daily through green spaces and she had many happy times in them (she passed away last month due to old age, but she'd had a happy life, with lots of opportunity to run in public green spaces). I have often seen other people out enjoying the green spaces, and they add significantly to the ambience of Latrobe City. It's very pleasant to look upon them during walks, or from our homes, or while driving past them, and I think they have a palpably therapeutic benefit for our whole community.

I do hope this plan does not go ahead.

Yours sincerely,

A handwritten signature in blue ink that reads "Jennie Wood".

Jennie Wood

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Submission 29

Mr GW &amp; Mrs DJ Cahir

**POTENTIAL SALE OF SURPLUS COUNCIL PROPERTY**

We are writing this in response to the letter titled as the above, dated 18<sup>th</sup> August 2014.

Our property is directly opposite this parcel of so called *surplus /unused* land that you refer to in your letter, and we would like to make mention of a few things which we feel are inaccurate in your correspondence, and to strongly object to you threatening the removal if this park.

The parcel of land in question is a part of a network of parkland that makes up a fantastic and well thought out recreational land that provides not only access to shops and public transport and alternative access to different parts of open space, but also a green space that are sadly lacking in urban areas in other parts.

Also as I see it, there are no blind corners, surveillance as you state is unlimited, this whole area is very well lit in terms of street lighting across the park land from street to street.

On any given day I see people walking there dogs or playing football on this land or simply walking from street to street and we use it to access the local shops as required , without this we would have to use our cars and shop elsewhere.

We have lived at this address for 13 years and have never had any trouble with either bad behaviour or theft stemming from the parkland in fact as it is linked to other streets and courts it is a fantastic use of public land, i have seen on more than one occasion the Police use this park to gain access to the other streets, blocking this off will stop this, and will create a blind spot for surveillance and anti social behaviour such as drug taking.

We do not feel that this parkland in Rainbird court meets the definition that you stated in your letter. That is: 'It is considered that a number of these sites have poor surveillance and /or do not provide links or connections to other open space, public transport or recreational facilities"

This parkland clearly does not meet this definition.

A number of points if I may:

- 1.. This park is not unused it is very regularly and appropriately utilised.
- 2..By removing or selling this land you will create a surveillance problem for inappropriate activity such as drug taking.
- 3..By removing this land you will block immediate and timely access to emergency services.
- 4..By removing this land you are forcing us to use our vehicles to shop elsewhere, therefore making us much less environmentally active , stopping us exercising and not supporting local business .

5.. By removing this land you are removing what was the major selling point for this development and therefore devaluing our properties ( so we can expect a reasonable drop in rates ?) at the time the Council would have made a lot of money from the sale of this estate.

6.. Without this parkland our children and grandchildren will be forced to play on the street rather than a safe available parkland network that is open to all.

7.. You don't have to look too far to see underutilised property in Latrobe council but this small piece of parkland is not one of those!

Thank you

Greg & Debra Cahir

# CORRESPONDENCE

## 10. CORRESPONDENCE

### **10.1 EUREKA'S FUTURE WORKERS COOPERATIVE**

**General Manager**

**Planning & Economic  
Sustainability**

**For Decision**

#### **PURPOSE**

The purpose of this report is to present Council with a request received from Eureka's Future Workers Cooperative for assistance in relocating its Solar Hot Water System manufacturing facility from Dandenong to Morwell.

#### **EXECUTIVE SUMMARY**

Since 2009, Council has been providing assistance to Eureka's Future Cooperative with the establishment of a not for profit solar hot water facility to be located in Morwell.

In August 2014, a request was received from the business seeking advocacy and business development assistance to support the relocation of the Eureka's Future factory from Dandenong to Morwell.

Central to the request from Eureka's Future is a joint approach to the Minister for Housing and the Member for Morwell to advocate for state government purchase of Eureka solar hot water systems.

The request provides Council with the opportunity to provide advocacy support for the establishment of a manufacturing facility in Morwell, in addition to the assistance that continues to be delivered from Council officers.

#### **RECOMMENDATION**

**That Council write to the Minister for Housing and the Member for Morwell seeking assistance from the Victorian Government to establish a new Eureka's Future factory in Morwell.**

#### **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 - Economy*

## ORDINARY COUNCIL MEETING AGENDA 22 SEPTEMBER 2014 (CM447)

*In 2026, Latrobe Valley has a strong and diverse economy built on innovative and sustainable enterprise. As the vibrant business centre of Gippsland, it contributes to the regional and broader communities, whilst providing opportunities and prosperity for our local community.*

Latrobe City Council Plan 2013 - 2017

### Theme and Objectives

*Theme 1: Job creation and economic sustainability*

*Strategic Direction – Actively pursue and support long term job security and the creation of new employment opportunities for our community.*

### **BACKGROUND**

Since 2009, Council has been providing assistance to Eureka's Future with the establishment of a not for profit solar hot water manufacturing facility to be located in Morwell. The business is an initiative of the Earthworker Cooperative, a membership-based non trading cooperative which facilitates a range of employment and social justice projects.

In 2009, Council contributed \$2,200 towards the development of a business plan for the initiative, and since that time the business has been actively working to seek funding and develop partnerships to enable the establishment of a presence in the Latrobe Valley.

In 2011, Eureka's Future established a micro-funding campaign whereby individuals could purchase an annual membership of the collective to support the development of the facility.

Eureka's Future has since entered into an agreement with Everlast Solar and has been manufacturing tanks in Everlast's Dandenong factory for two years. The Cooperative intends to use this site to train workers, and scale up operations to a point at which a new factory in Morwell can be justified.

The business has negotiated arrangements in three Enterprise Bargaining Agreements (Victoria University, Geelong City Council and Federation University) whereby employees can purchase a system which is paid from wage increases over a period of time.

On 15 August, 2014 officers received a request from Eureka's Future (Attachment 1). The request seeks the following from Council:

*1. We want to work our way across to Morwell and are therefore keen to discuss taking a joint position to the State Government around procurement. We understand that will involve a Tender process, but we are confident that we will hold the superior position above other contenders. We wish to argue strongly for a quick Tender process. If we were to install across Gippsland Public and Community Housing as well as State Schools, that could go a long way to covering the cost of the down*

**ORDINARY COUNCIL MEETING AGENDA  
22 SEPTEMBER 2014 (CM447)**

*time required in order to shut the Dandenong factory, fit a out and finish the Morwell factory, and some of the costs around training Morwell-based workers interested in becoming worker-owners of Eureka's Future Workers Cooperative.*

*2. Procurement by Council itself.*

*3. Assistance with the logistics of the move, and when the time comes, recruitment of people who wish to become worker-owners generally, but also women and in particular, people from the Indigenous community.*

**KEY POINTS/ISSUES****Request for assistance in lobbying the state government regarding procurement:**

Eureka's Future have requested a joint approach to the Minister for Housing and the Member for Morwell to discuss how to best progress the utilisation of Eureka's Future Systems in public housing and government schools.

Eureka's Future representatives have advised officers that they see this as a clear path to generating the necessary increase in production to compel relocation of the manufacturing facility to Morwell.

Over many years Eureka's Future have demonstrated a commitment to the Latrobe Valley and a willingness to employ and train local staff has long been a central goal of the business. For Council, seeking meetings with the Minister for Housing and Member for Morwell to progress Eureka's proposal would be a strong demonstration of support for the project.

**Procurement of Eureka's Future Solar Hot Water Systems by Council:**

Procurement of Eureka's Future Solar Hot Water Systems would need to be conducted in accordance with Council's Procurement Policy. Council does not currently require, or have in place a preferred supplier arrangement for this type of product as it is normally considered as part of a facility upgrade or refurbishment.

Once a local manufacturing presence was established, this would be considered favourably in relation to the local content section of any tender submitted.

**Assistance in relocating from Dandenong to Morwell:**

Eureka's Future has requested assistance with relocation including site selection and facilitation of relevant approvals. Additionally, Eureka's Future has clear targets regarding the recruitment of women and Indigenous workers and has requested assistance in identifying appropriate agencies to assist.

**ORDINARY COUNCIL MEETING AGENDA  
22 SEPTEMBER 2014 (CM447)**

This assistance is considered to be operational in nature and consistent with the Planning and Economic Sustainability Business Plan, Council Plan and Economic Sustainability Strategy. Work on this request has already progressed, with Eureka's Future being introduced to Council's Indigenous Employment Officer and sites currently being scoped by the Business Development Team.

**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 are no implications to the Planning and Economic Sustainability Resourcing or Budget as a result of this report.

**INTERNAL/EXTERNAL CONSULTATION**

Since 2009, officers have been in regular contact with representatives of Eureka's Future. Officers met with Eureka's Future representatives in August 2014 to confirm the elements of this request to Council.

**OPTIONS**

1. That Council agree to advocate on behalf of Eureka's Future Workers Cooperative and therefore seek assistance from the State Government on their behalf.
2. Take no action.

**CONCLUSION**

The request to provide advocacy support to Eureka's Future provides Council with the opportunity assist in the establishment of a new manufacturing facility in Morwell, facilitation of this request would further enhance Council's long term relationship with the business.

**SUPPORTING DOCUMENTS**

NIL

**Attachments**  
1. Correspondence



# **10.1**

## **Eureka's Future Workers Cooperative**

**1 Correspondence ..... 105**



# EARTHWORKER COOPERATIVE

15/8/2014

Dear Donna

First a brief description of Earthworker Cooperative for the sake of any colleagues new to Council. Earthworker Cooperative is a facilitating cooperative which people can join. Annual membership of Earthworker is \$22 for low-waged, \$44 standard membership rate or \$66 for membership **and** deposit.

Each year that micro-financing capital grows and we are currently engaged in the **100,000 Australians Campaign** nationally to build Earthworker Cooperative's capacity.

Earthworker is establishing not-for-profit manufacturing cooperatives, making the green technologies. Our first factory is in Dandenong and our intention, as you know, has always been to move it to Morwell.

We now have a range of solar and solar hot water products, and **apart from selling into the growing Earthworker community, we sell the goods as part of the workers' wage rise in their union-employer negotiated Enterprise Bargaining Agreement (EBA).**

So as part of their wage increase a worker can take solar hot water for their own, their parents or their children's house, using either their mortgage, or a special Earthworker interest rate offered by bankmecu, the cooperative bank.

Take the situation at one of Australia's regional universities, where the lowest-paid worker would be on the entry-level rate of \$45,664. A %3 rise over 3 years represents a \$4,234 increase to \$49,897. So, by midway through the EBA the worker breaks even if they divert their increases towards paying off the solar hot water system.

**Repayments, combined with savings on their hot water bill which amounts to 26% of the household bill, puts the worker ahead. Then once the payments stop, the worker receives a 2 x 3% increase (that's a 6% wage increase).**

So the household bill drops towards zero at exactly the same time as the wage rise hits.

Apart from the immediate benefit to workers and their families in the **3 EBA's Earthworker is currently in**, there are a number of other benefits to Australia generally, which are to do with the values of the union movement:

- Manufacturing jobs which never leave our shores
- A development pathway into the full range of renewable and energy producing goods
- Training for our young
- Practical steps in dealing with climate emergency
- Indigenous jobs in every intake of worker-owners – practical treaty work
- Young women into the trades
- **5% of surplus from all viable factories towards social justice through the Father Bob Maguire Foundation. We have already started with our first two installations going in.**

Donna we like a meeting with Council to discuss a number of issues related to the movement of our Dandenong factory to Morwell:

1. We want to work our way across to Morwell and are therefore keen to discuss taking a joint position to the State Government around procurement. We understand that will involve a Tender process, but we are confident that we will hold the superior position above other contenders. We wish to argue strongly for a quick Tender process. If we were to install across Gippsland Public and Community Housing as well as State Schools, that could go a long way to covering the cost of the down time required in order to shut the Dandenong factory, fit a out and finish the Morwell factory, and some of the costs around training Morwell-based workers interested in becoming worker-owners of Eureka's Future Workers Cooperative.
2. Procurement by Council itself.
3. Assistance with the logistics of the move, and when the time comes, recruitment of people who wish to become worker-owners generally, but also women and in particular, people from the Indigenous community.



# PRESENTATION OF PETITIONS

**11. PRESENTATION OF PETITIONS**

Nil reports

# OFFICE OF THE CHIEF EXECUTIVE

12. OFFICE OF THE CHIEF EXECUTIVE

**12.1 DRAFT COMMUNITY ENGAGEMENT STRATEGY AND ACTION  
PLAN 2015-2019 - COMMUNITY CONSULTATION**

Office of the Chief Executive

For Decision

**PURPOSE**

The purpose of this report is to present to Council the draft Community Engagement Strategy and Action Plan 2015-2019 and the community consultation plan to seek Council endorsement to commence external community engagement.

**EXECUTIVE SUMMARY**

The draft Community Engagement Strategy and Action Plan 2015-2019 has been developed and we are seeking to obtain community feedback on the document. Extensive internal consultation has already been undertaken.

Council is committed to undertaking community engagement on matters that may be of interest or directly affect members of the community. Therefore, it is important that community input is sought on the draft Community Engagement Strategy and Action Plan 2015-2019.

**RECOMMENDATION**

**That Council approves the draft Community Engagement Strategy and Action Plan 2015-2019 be released for community consultation.**

**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 – Advocacy and Partnerships*

## ORDINARY COUNCIL MEETING AGENDA 22 SEPTEMBER 2014 (CM447)

In 2026, Latrobe Valley is supported by diversity of government, agency, industry and community leaders, committed to working together to advocate for and deliver sustainable local outcomes.

### Latrobe City Council Plan 2013 - 2017

#### Theme and Objectives

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

To advocate for and support cooperative relationships between business, industry and the community.

To ensure effective two-way communication and consultation processes with the community in all that we do.

#### **BACKGROUND**

Council is committed to providing opportunities to members of the community so that their views and opinions can be used to inform Council's decision making process. Latrobe City Council is constantly looking at ways to increase public participation and involvement by developing, enhancing and continually improving our community engagement activities.

The draft Community Engagement Strategy and Action Plan 2015-2019 has been developed following a review of the current Community Engagement Plan 2010-2014. This review involved a community and employee survey, progress of the actions and highlights of major achievements. It showed that strong foundations have been established during the four years to assist staff tasked with undertaking community engagement activities, such as community engagement training and templates. Extensive work had also been undertaken on improving and establishing new external communication methods and mediums, such as the Community Sounding Board and social media sites, Facebook and Twitter.

To further inform the development of the strategy and action plan, extensive research was also undertaken to benchmark external community engagement documents from other Councils in Victoria, Australia and around the world, and relevant industry-related documents from other non-Council related organisations.

The review findings and research undertaken have been utilised to assist and inform the development of the Community Engagement Strategy and Action Plan 2015-2019. It provides members of the community with information on Council's commitment to community engagement and how Council will make every effort to provide opportunities to people to have their say on matters that may concern them or have a direct impact.



**KEY POINTS/ISSUES**

Many opportunities exist for Council to further enhance community engagement practice to better enable community members to participate in Council's decision making process. These opportunities will be realised through the delivery and implementation of the Community Engagement Strategy and Action Plan 2015-2019.

The proposed strategy outlines why and how we engage with members of the community and how their input is used to inform Council's decision making process. The proposed action plan determines the specific activities that will be implemented to further enhance community engagement practice at Latrobe City Council.

**RISK IMPLICATIONS**

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

If Council does not undertake community consultation as part of the development of the Community Engagement Strategy and Action Plan 2015-2019, the risks may be damage to reputation and criticism that Latrobe City Council is not being open and transparent building distrust within the community.

**FINANCIAL AND RESOURCES IMPLICATIONS**

The decision to proceed with undertaking community consultation for the strategy and action plan can be accommodated within the existing budget.

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

The results of the internal engagement have contributed to the development of the draft Community Engagement Strategy and Action Plan 2015-2019.

Internal engagement with Councillors and council officers has been undertaken over the past couple of months during the development of the strategy and action plan, as follows:

- 2 x meetings with the Project Advisory Group
- 2 x meetings with the Project Reference Group
- Document circulated to Senior Team Leaders and Coordinators Network for comments
- Presentation to Executive Team

*Details of Community Consultation / Results of Engagement:*

As the internal engagement process has now been completed to develop the draft Community Engagement Strategy and Action Plan 2015-2019 to

## ORDINARY COUNCIL MEETING AGENDA 22 SEPTEMBER 2014 (CM447)

this stage, the opportunity should now be taken to receive comments and feedback from members of the community.

A detailed community consultation plan for external communication is attached. The community consultation period will be undertaken from Monday, 29 September to Friday, 31 October (minimum 5 weeks). This includes one week of school holidays covering 29 September to 3 October. The extra week of consultation has been included as a result of school holidays occurring at the start of the consultation period. The community consultation plan will cover a range of activities which include face-to-face opportunities in the form of displays at shopping centres, libraries, sports and recreational areas, feedback via the Council website and written submissions. These methods have proved very effective in the past, particularly face to face meetings during school holiday periods, where there is a higher level of footfall particularly in the sports and recreation areas, with parents willing to engage.

The consultation period also coincides with promotion of the Community Sounding Board, so both opportunities for community engagement will be available and promoted in conjunction.

### **OPTIONS**

The options available to Council are as follows:

1. To note the information contained in the draft Community Engagement Strategy and Action Plan 2015-2019 and Community Consultation Plan and release the document for community engagement.
2. To note the information contained in the draft Community Engagement Strategy and Action Plan 2015-2019 and Community Consultation Plan and request further information prior to releasing the document for community engagement.

### **CONCLUSION**

The draft Community Engagement Strategy and Action Plan 2015-2019 is Council's community engagement guiding document for the next five years. It is important to gain community input into the final stages of the documents development particularly as this is the document that provides an overview of Council's commitment to community engagement.

The proposed strategy outlines why and how we engage with members of the community and how their input is used to inform Council's decision making process. The proposed action plan determines the specific activities that will be implemented to further enhance community engagement practice at Latrobe City Council.

### **SUPPORTING DOCUMENTS**

There are no additional supporting documents.

#### **Attachments**

1. Draft Community Engagement Strategy and Action Plan 2015-2019
2. Community Consultation Plan - Draft Community Engagement Strategy and Action Plan 2015-2019

## **12.1**

### **Draft Community Engagement Strategy and Action Plan 2015-2019 - Community Consultation**

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- 2 Community Consultation Plan - Draft Community Engagement Strategy and Action Plan 2015-2019..... 133**

## **COMMUNITY ENGAGEMENT STRATEGY AND ACTION PLAN 2015-2019**

### **Mayor's Statement**

Latrobe City Council makes decisions that impact you and your community from a social, economic, environmental and cultural perspective. Therefore, if you have chosen to work, live, learn and play here in Latrobe City, we want to hear what you have to say on the projects and initiatives that matter most to you.

Through our relationships with the community, individuals or groups, we want to maximise the vast knowledge and experience of our community through effective and inclusive community engagement practices.

We strongly urge you to take the time to read and understand the projects or initiatives that may be of interest to you, tell us your thoughts so that we can all contribute and build a sustainable and prosperous future for Latrobe City.

Thank you for your interest in Council's Community Engagement Strategy. We hope that it helps you to understand why Council engages with the community and how we appreciate and value your contribution.

Sharon Gibson  
MAYOR

## **Respect for Country and Cultural Diversity**

Latrobe City Council recognises the importance of working in partnership with Indigenous people and people from diverse backgrounds and cultures. This can be seen through Council's Statement of Commitment to Reconciliation and the Cultural Diversity Action Plan 2014-2018.

As part of Council's commitment to reconciliation with the traditional owners of the land that is now known as Latrobe City, we acknowledge the Gunnai/Kurnai people who are the traditional owners of the land upon which Council undertakes its community engagement activities.

Council actively encourages and welcomes people from diverse backgrounds and cultures into the community and recognises the considerable contribution made by the succession of migrants and refugees who chose to make Latrobe City their home.

Consultation, inclusion and empowerment are used wherever possible to ensure cultural diversity is promoted, maintained and developed.

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## **Background**

Latrobe City Council has been committed to providing opportunities for public involvement through its community engagement activities for many years. We recognise the importance of community involvement in our decision-making process and we are constantly looking at ways for continuous improvement. Community engagement activities are vital in enabling community members to be involved in opportunities that are provided by Council.

The Community Engagement Plan 2010-2014 (the Plan) guided Council's community engagement activities during this period. Great efforts have been made to increase awareness and provide advice and support to staff undertaking community engagement programs, as well as involve the local community in community engagement activities and deliver on the actions detailed in the Plan.

A review of the Plan was undertaken in 2014 and the full review report is available for viewing on Council's website or upon request. The review showed that extensive work had been undertaken to improve and introduce new external communications methods and mediums such as the Community Sounding Board and social media sites Facebook and Twitter. This assisted in the delivery of effective community engagement programs and initiatives in order to increase awareness and encourage public participation. Strong foundations, such as community engagement training and templates, were also established to assist staff tasked with undertaking community engagement activities as part of their role. However, community engagement is constantly evolving, changing and developing, and many opportunities still exist for Council to enhance its community engagement practices.

In addition to completing the review, extensive research was undertaken to benchmark external community engagement documents from other councils in Victoria, Australia and around the world, and relevant industry-related documents from other non-council related organisations. These documents provide a cross-section of community engagement information, tools and mechanisms to assist, inform and provide guidance in the development of Council's community engagement documentation and activities in the future.

Following the review process and additional research, the key findings and considerations have been utilised to form this Community Engagement Strategy and Action Plan 2015-2019. It is part of the documentation and activities required to drive continual improvement in the delivery of Latrobe City Council's community engagement practice for the next five years.

## **What is Community Engagement?**

Community engagement is about making sure that individuals and organisations have the opportunity to become involved in matters that may affect them. It allows community members to actively contribute to the decisions that are made by Latrobe City Council on their behalf.

Community engagement is also about making connections. This involves members of the community connecting with each other, members of Council connecting with the community and the community connecting with Council. It is also involving, enabling, listening to and providing members of the community with a voice in the decision making process. It is about creating an inclusive environment into the decisions made by Council on behalf of the community.

Council provides opportunities to community members to be involved in community engagement activities. Therefore, it is important that when these opportunities are made available community members actively get involved and provide essential input. Enabling community members to take an active part in community engagement better informs the final decision-making process of Latrobe City Council.

## **Who is the Strategy for?**

The strategy applies to anyone who has an interest in shaping the future of Latrobe City. This includes residents and individuals, public and private organisations, voluntary and community groups, workers, students, Indigenous people, ethnic groups, Council Officers and Councillors.

## **Aim of the Strategy**

The strategy has been developed to inform community members, Council Officers and Councillors of Council's community engagement practice and assist Council in their undertaking of community engagement activities across the municipality over the next five years. The strategy aims to achieve the following:

- assist community members to gain a better understanding of why Council undertakes community engagement;
- assist community members to understand why it is important for them to become involved in community engagement opportunities that are available;
- assist community members to understand how they can play an active role in Council's community engagement process;
- improve the community's understanding of Council's decision-making process;
- improve the relationship and level of trust between the community and Council by creating a positive environment;



- strengthen community connectivity with Council by creating and sharing opportunities for the community to be involved and 'Have a Say' on matters that may affect them or are important to them;
- enhance the coordination, planning and promotion of Council's community engagement activities; and
- strengthen feedback and communication from Council so that community members know when and how their input has been considered to inform decisions.

These aims will be achieved through the delivery of the action plan.

## **Vision and values**

The Latrobe City Council Plan 2013-2017 outlines Council's vision and direction for the community over the four years and guides the process by which community engagement is undertaken across the municipality.

The community mission statement for Latrobe Valley is:

*'To provide the best possible facilities, services, advocacy and leadership for Latrobe City, one of Victoria's four major regional cities.'*

One of the five themes and supporting objectives by which community engagement gains its strategic direction is:

Theme 4: Advocacy for and consultation with our community

Objectives:

To advocate for and support cooperative relationships between business, industry and the community.

To ensure effective two-way communication and consultation processes with the community in all that we do.

To underpin this mission and deliver on the strategic direction of the Council Plan, the following community engagement values have been developed for all staff and Councillors:

- **Respect**  
Show consideration to all members of our community. Accept people as they are and always be polite and kind. Listen to the views, concerns and experiences of community members. Value everyone's point of view, even if you do not agree. Do not engage in gossip, rumours or spreading lies.
- **Inclusiveness**  
Ensure that every effort is made to provide opportunities for anyone who wants to 'Have a Say' in our engagement activities. Whether an individual or community is difficult to engage with or 'hard-to-reach' should not compromise the effort made to engage.

- **Involvement**  
Provide every opportunity for all members of the community to participate in community engagement activities and initiatives to maximise involvement and contribute towards Council's decision-making process.
- **Integrity and honesty**  
Act in a trustworthy and honest manner in all levels of our community engagement practices and Council decision-making.
- **Accountability**  
Take responsibility for our actions and decisions made and be answerable for any resulting consequences relating to community engagement activities.
- **Transparency**  
Be open and transparent in everything that we do and provide members of the community with a clear understanding of how their comments and feedback have contributed to the final decision-making process.
- **Feedback**  
Provide feedback at all stages of the engagement process and demonstrate the changes that may have been made as a result of engagement and the final decision made.
- **Innovation**  
Constantly look at new and innovative ways to engage members of the community, and improve discussion and decision making in order to enhance the community engagement experience.
- **Accessible**  
Ensure that community engagement activities, supporting documentation and materials are accessible to everyone including people from a culturally diverse background and people with disabilities.

## Objectives

To ensure that Council delivers effective community engagement to members of the Latrobe City community and to persons with a personal or vested interest in the outcome from a wider region, the following objectives will be undertaken:

- increase the community's understanding of community engagement and confidence in the community engagement process;
- create opportunities for community members to be involved and 'Have a Say' in matters of interest that may affect them;
- actively encourage community members to participate and influence Council's decision-making process;

- acknowledge the valuable contribution that our citizens make in the community engagement process;
- assist the community to understand how their input may have been used to influence the final decision;
- develop and maintain an effective feedback process throughout all aspects of the community engagement process;
- continually develop and improve Council's community engagement practice and capacity; and,
- provide advice and support to Council officers to ensure effective and relevant community engagement programs are delivered to maintain continuous improvement.

To enable Council to deliver on these objectives a Community Engagement Action Plan has been developed and is attached as Appendix A.

## **Community engagement process**

### **Why and when we engage**

Council recognises the enormous benefit and importance of involving community members in shaping the future of Latrobe City. Undertaking community engagement fosters a sense of belonging and community ownership and a higher level of responsibility by the community of the overall outcome.

Well planned community engagement provides ideas and an opportunity for a range of voices to be heard on a project or initiative. It promotes a higher standard of customer service, a better understanding of the decisions to be made and their potential impacts, and an opportunity for Council to provide meaningful and relevant feedback on how the outcome was decided.

Community engagement enables and confirms the responsiveness of Council and guides the overall quality of our projects and initiatives.

Council undertakes community engagement activities when:

- strategies, plans or policies are required to be written or a change made;
- amendments and changes in legislation have been or are being put into effect;
- planning and/or infrastructure developments are proposed;
- seeking public opinion on matters such as leisure, tourism, arts, health and wellbeing, early learning and care of our children, etc; and
- any other matters that may require public participation.

### **How we engage**

Council is guided by the International Association for Public Participation (IAP2) which is internationally recognised as the leader in community engagement practice.

Individual community engagement plans will be developed for every project requiring community involvement or if a specific matter requires community input. Any approach adopted for the community engagement activity will be informed by the internationally recognised 'Public Participation Spectrum' developed by IAP2.

When planning community engagement activities, Council officers will need to determine the most appropriate level of participation required depending on the nature and complexity of the project/initiative being delivered. Guidance and assistance will be provided to Council officers by the Coordinator Community Engagement and/or external specialist consultants and also through internally established toolkits and templates throughout the development of their community engagement activities.

The following provides an overview of the public participation spectrum, which guides Council in the development of community engagement plans and the overall approach required.

- **Inform**  
To provide the community with balanced and objective information to assist them in understanding the project/initiative.
- **Consult**  
To work directly with the community to ensure that public concerns and aspirations are consistently understood and considered
- **Involve**  
To actively invite community members to provide feedback on a project/initiative that may directly or indirectly affect them
- **Collaborate**  
To partner with community members to develop an understanding of the project/initiative to ensure that recommendations are included in the final decision-making process
- **Empower**  
To provide community members with the mechanisms to make decisions and place the final decision making in the hands of the community

Note: One project/initiative may use different aspects of the spectrum at different times and with different individuals/groups depending on the level of potential impacts on the community.

It must be recognised that Council performs a specific role and that whilst informed by community input, many decisions will ultimately rest with Councillors, who are the community's elected representatives.

Council officers are encouraged to plan their community engagement activities in a timely, effective and innovative manner, ensuring that they assess their target audience and develop the most appropriate tools and methods of communication to encourage a high level of participation.

The following outlines Council's community engagement process:

### **1. Plan – Develop Community Engagement Plan**

- Establish the purpose
- Define the scope
- Establish objectives
- Identify and analyse stakeholders
- Select method(s) of community engagement
- Develop timeframes and deliverables.

### **2. Action – Engage**

- Implement the community engagement plan and conduct activities
- Organise resources
- Receive community input.

### **3. Report – Provide Feedback**

- Collect and analyse data/feedback
- Evaluate data/feedback and compile a report
- Many any necessary amendments to project/initiative based on data/feedback, if necessary
- Provide feedback.

If any changes are necessary there may be a requirement to repeat this process.

Council will continuously build the capacity of the organisation to deliver effective community engagement by providing staff with the appropriate support, skills and knowledge to plan for, manage and facilitate community engagement programs and activities.

## **Decision making, feedback and closing the loop**

Community engagement does not replace the final-decision making power of Councillors or the Chief Executive Officer. However, it is considered to be invaluable in the way that it enhances Council's capacity to make well-informed, acceptable and sustainable decisions on behalf of the community.

Many factors are taken into consideration prior to a decision being made. Councillors will ultimately make their decisions based on the following:

- the outcome of any community engagement process including community comments and involvement;

- other sources of information that may have been required such as specialists or experts, research studies, professional opinion, national or local guidance, local knowledge, facts and circumstantial or related influences; and
- Council's overall strategic planning direction, resource and budgetary constraints, and broader regional or State policies where relevant.

During the community engagement process, participants will be asked if they would like to be kept informed on the development of the project or initiative that they have provided input to. To show that we have listened during the community engagement process we will:

- publish a summary of feedback received and our response, in a timely manner;
- demonstrate how the feedback has been used to influence the final decision, in a timely manner; and
- feedback the results and the decision to those who took the time to get involved and requested to be kept updated, in a timely manner.

The land- use planning process includes a series of legislative controls and requirements that must be followed to satisfy Council's compliance with its statutory obligations. These include:

- Planning Permits
- Strategic Planning Projects
- Planning Scheme Amendments.

## **The role of Councillors in community engagement and decision making**

One of the most important roles for an elected member in any level of Government is to participate in making policy and decisions on behalf of their community.

Councillors are elected to oversee the everyday running of the Council. In order to assist them in achieving this, they request the views of the community to help them make sustainable decisions and better understand local issues and needs.

Community engagement provides support to Councillors in their role to assist them understand the nature of the decision to be made, identify who may have an interest in the topic under consideration, and to capture and report on the range of views and aspirations of the community.

The Councillor Code of Conduct states the following:

- In carrying out our role as councillors, we will:  
impartially exercise our responsibilities in the interests of the community
- In performing our role each councillor will:  
avoid conflicts between our public duties as a councillor and our personal interests and obligations

- When undertaking Council decision making, councillors are committed to making all decisions impartially and in the best interests of the whole community and acknowledge that effective decision making is vital to the democratic process and an essential component of good governance. Accordingly:  
we will actively and openly participate in the decision making process, striving to be informed to achieve the best outcome for the community;  
we will respect views of the individual in the debate. However, we also accept that decisions are based on a majority vote; and  
we accept that no councillor can direct another councillor on how to vote on any decision.

## **Other forms of engagement**

Planning and property development notifications are normally separate to Council's community engagement activities.

There may also be other legislative and statutory requirements that do not form part of Council's usual community engagement processes.

## **Exemptions**

There are two specific areas where community engagement activities may not occur. These are:

- 1. Ministerial Exemption**

Under the *Planning and Environment Act 1997*, the Minister can exercise powers that withhold public notification of specific land use planning matters.

- 2. Health, Safety and Wellbeing of the Community**

If a situation poses an immediate threat or risk to the health, safety or wellbeing of the community and Council is required to respond quickly, it may not be possible to engage with the community prior to Council taking action.

## **Legislation, policies and plans**

Community engagement must be undertaken in line with relevant legislation, policies, plans and any other statutory requirements. This may include, but is not limited to, the following:

- *Local Government Act 1989*
- *Planning and Environment Act 1987*
- *Public Health and Wellbeing Act 2008*
- *Road Management Act 2004*
- Latrobe 2026, Council's Strategic Community Plan
- Council Plan 2013-2017.

## **Data protection**

Any feedback received from community members will be kept in accordance with the relevant data protection laws. Your details will be kept on file but will not be disclosed to any third party for marketing purposes. Your details will only be used to provide feedback on the project/initiative you have provided opinion for and keep you informed of the final decision.

## **How to get involved**

There are many options for community members to be involved in the community engagement process. A great starting point is to join our Community Sounding Board.

Each month a bulletin is distributed to registered persons outlining the current community engagement activities with Latrobe City Council. Council may be seeking community opinion on a range of potential projects and initiatives that will help shape the future of Latrobe City.

The bulletin will provide details of how to get involved and these may range from online activities through Council website, formal written submissions and attendance at face to face meetings.

The bulletin can either be sent direct to an email address or posted in a hard copy.

For further information on the Community Sounding Board visit [www.latrobe.vic.gov.au/csb](http://www.latrobe.vic.gov.au/csb) or call 1300 367 700 and ask for a member of the Community Engagement team.

## **Is the Strategy working?**

During any community engagement activity, if you are not satisfied with the process of your involvement you can do the following:

- Contact the relevant Council officer and/or department to raise your concerns directly
- Use our formal citizens complaint process
- Register your concern if you believe statutory processes/procedures have not been followed correctly
- Contact your local Councillor or Member of Parliament.



## **Appendix A – Latrobe City Council Community Engagement Action Plan 2015-2019**

The following actions have been identified as integral to the success of the Community Engagement Strategy 2015-2019:

### **Objective 1: Increase the community’s understanding of community engagement and confidence in the community engagement process**

Actions:

- 1.1 Trial the provision of quarterly community engagement information sessions to inform community members of Council’s community engagement and decision making process, how community members can get involved and guidance on how to make a submission/provide feedback  
Responsibility: Community Engagement  
Timeframe: 2015-2016  
Measurement: Active participation of 25 or more community members and satisfaction with content and delivery through evaluation at each session  
  
Outcome: Increased understanding and knowledge of community engagement and Council’s community engagement and decision making process
- 1.2 Review and update community engagement information and factsheets available on the website and in hard copy at Council HQ, Service Centres and other Council-owned facilities  
Responsibility: Community Engagement  
Timeframe: 2015  
Measurement: Information is available to the community at Council HQ, service centres, other Council-owned facilities and corporate website  
Outcome: Increased understanding and knowledge of community engagement and Council’s community engagement process

### **Objective 2: Create opportunities for community members to be involved and ‘Have a Say’ in matters that may affect them**

Action:

- 2.1 Consider methods to increase community participation in existing Council community engagement platforms, further enhance social media communications and develop new opportunities  
Responsibility: Community Engagement  
Timeframe: Ongoing  
Measurement: Local Government Annual Community Satisfaction Survey and Review of the Community Engagement Strategy and Action Plan 2015-2019 in 2018  
Outcome: Increased community participation in community engagement projects/initiatives

**Objective 3: Actively encourage community members to participate and influence Council's decision-making process**

Action:

- 3.1 Actively promote Council's commitment to community engagement through a series of community information displays in targeted locations throughout Latrobe City to advise community members on how their views and opinions may be used to inform Council's decision making process

Responsibility: Community Engagement

Timeframe: 2015-2019

Measurement: Local Government Annual Community Satisfaction Survey and increased awareness and participation measured through the survey actioned to be undertaken in 2017-2018

**Objective 4: Acknowledge the valuable contribution that our citizens make in the community engagement process**

Actions:

- 4.1 Provide community engagement participants with timely and relevant feedback throughout the community engagement process

Responsibility: Project Managers

Timeframe: Ongoing

Measurement: The overall effectiveness of Council's decision-making process will form part of a survey of community engagement participants, which will be undertaken in 2017-2018 to measure performance in this area

Outcome: Community satisfaction with Council's feedback process

- 4.2 Explore the opportunity of producing an annual report through Council's existing Interplan software of Council's community engagement activities. This can be used to provide community members with annual feedback on Council's community engagement practices  
Responsibility: All personnel with community engagement responsibilities as part of their role

Timeframe: 2015-2016

Measurement: Form part of the community survey to be undertaken in 2017-2018

Outcome: Community satisfaction with community engagement practices and feedback mechanisms

**Objective 5: Assist the community to understand how their input may have been used to influence the final decision**

Actions:

- 5.1 Provide community engagement participants with information on how their contribution may have been used to inform the final decision making process to build community understanding

Responsibility: Project Managers

Timeframe: Ongoing

Measurement: The overall effectiveness of Council's decision-making process will form part of a survey of community engagement participants, which will be undertaken in 2017-2018 to measure performance in this area

Outcome: Community satisfaction with Council's decision-making process

**Objective 6: Develop and maintain an effective feedback process throughout all aspects of the community engagement process**

Action:

6.1 Develop effective feedback mechanisms

Responsibility: Community Engagement

Timeframe: End of June 2015, revision 2020 or if a change occurs

Measurement: Effective feedback mechanisms will be included in the Community Engagement Guidelines for staff and the overall effectiveness of the feedback will form part of Council's annual Community Satisfaction Survey Results and a survey of community engagement participants will be undertaken in 2017-2018 to measure performance in this area

Outcome: Community satisfaction with Council's feedback process

**Objective 7: Continually develop and improve Council's community engagement practice and capacity**

Actions:

7.1 Develop a Community Engagement Policy

Responsibility: Community Engagement

Timeframe: End of June 2015, revision 2020 or if a change occurs

Measurement: Local Government Performance Reporting Framework

Outcome: A principle of action in community engagement adopted by Council

7.2 Develop Community Engagement Guidelines for staff and revisit the existing tools and templates available to ensure that they are meeting the needs of the organisation

Responsibility: Community Engagement

Timeframe: End of June 2015, revision 2020 or if a change occurs

Measurement: Local Government Performance Reporting Framework

Outcome: Useful tools, techniques and templates for staff undertaking community engagement

4.3 Conduct a survey of community engagement participants at the end of each community engagement campaign

Responsibility: All personnel with community engagement responsibilities as part of their role

7.3 Timeframe: 2017-2018

Measurement: The survey will measure community satisfaction with Council's community consultation and feedback processes

Outcome: Overall satisfaction with Council's performance in undertaking community engagement projects/initiatives

7.4 Undertake a review of the Community Engagement Strategy and Action Plan 2015-2019 to measure the effectiveness and community perception

Responsibility: Community Engagement

Timeframe: to be complete by the end of 2018

Measurement: Review document

Outcome: Overview on how Council has been performing in the community engagement area since the commencement of the Strategy in 2015

7.5 Undertake a review of the Community Engagement training program to ensure that it is still meeting the needs of the organisation

Responsibility: Community Engagement

Timeframe: 2015

Measurement: Undertake feedback from participants and consult with management levels and above on the delivery, content and effectiveness of the training

Outcome: Continue to increase understanding of community engagement practice and provide practical skills and knowledge to undertake community engagement delivery

**Objective 8: Provide advice and support to Council officers to ensure effective and relevant community engagement programs are delivered to maintain continuous improvement**

Actions:

8.1 Explore opportunities to increase tracking and reporting of community engagement activities

Responsibility: Community Engagement

Timeframe: 2015-2016

Measurement: Established tracking and reporting mechanisms available to all staff members undertaking community engagement activities

Outcome: Improved systems and knowledge sharing

8.2 Develop internal mechanisms to ensure that the Community Engagement team is involved in the early stages of project planning to provide advice and guidance on appropriate community engagement plans and strategies

Responsibility: Community Engagement

Timeframe: 2015

Measurement: Timely input of community engagement team's involvement in the early stages of project development

Outcome: Well-planned, resourced and effective community engagement plans and strategies

8.3 Determine methods for improving internal knowledge sharing around community engagement

Responsibility: Community Engagement

Timeframe: 2015-2016

Measurement: Established centralised systems in place

Outcome: Increased knowledge sharing and more effective community engagement practice

8.4 Develop internal mechanisms to ensure that community engagement activities, supporting documentation and materials are accessible to everyone including people from a culturally diverse background and people with disabilities

Responsibility: Community Engagement/Marketing & Communications

Timeframe: Ongoing

Measurement: Established mechanisms in place

Outcome: All community engagement activities, supporting documentation and material is accessible and available to all

## LATROBE CITY COUNCIL COMMUNITY ENGAGEMENT STRATEGY AND ACTION PLAN 2015-2019

### COMMUNITY CONSULTATION PLAN

#### OVERVIEW

A Community Engagement Strategy and Action Plan has been developed for 2015-2019. The strategy and action plan describe Council's community engagement commitment to involving Latrobe City citizens in Council's decision making process and how this can be achieved over the next five years.

#### AIM

Our aim is to maximise the effectiveness of community engagement within Latrobe City Council and increase public participation in programs and initiatives that require input from Latrobe City citizens.

#### OBJECTIVES

- increase the community's understanding of community engagement and confidence in the community engagement process;
- create opportunities for community members to be involved and 'Have a Say' in matters of interest that may affect them;
- actively encourage community members to participate and influence in Council's decision-making process;
- acknowledge the valuable contribution that our citizens make in the community engagement process;
- assist the community to understand how their input may have been used to influence the final decision;
- continually develop and improve Council's community engagement practice and capacity;
- develop and maintain an effective feedback process throughout all aspects of the community engagement process; and
- provide advice and support to Council officers to ensure effective and relevant community engagement programs are delivered to maintain continuous improvement.

#### TARGET AUDIENCE

All citizens who live, work, learn or invest and have an interest in Latrobe City Council.

#### TOOLS FOR COMMUNICATION

- Latrobe City Council Website
- Community Sounding Board
- Shopping Centre Displays
- Leisure Centre Displays
- Library Centre Displays
- Displays at targeted locations in hard to reach areas
- Advertising – print and social media
- Linkages

**COMMUNITY ENGAGEMENT STRATEGY AND ACTION PLAN 2015-2019 - TIMEFRAMES**

DATE (2014)	ACTIVITY	VENUE/MEDIUM	ATTENDEES	MATERIALS/EQUIPMENT	STATUS
25 September	Advertising	Latrobe Valley Express and inclusion in Council Notice Board			
	Flyer (380)	Letterbox/PO Boxes at Churchill Post Office			
30 September	Shopping Centre Display	Mid-Valley Morwell (9am-12pm)	Coordinator Community Engagement + 1	Cooler Bags, Table, Display Boards, CSB Leaflets, Feedback Forms, Internet access	
	Display	Moe Town Hall (1.30pm- 3.30pm) – (The Big Samba)	Coordinator Community Engagement	Balloons and Ipod speaker dock, Table, Display Boards, CSB Leaflets, Feedback Forms, Internet access	
1 October	Display	Moe Newborough Leisure Centre (9am-12pm)	Coordinator Community Engagement + 1	Cooler Bags and Balloons, Table, Display Boards, CSB Leaflets, Feedback Forms, Internet access	
	Display	Morwell Library (1.30pm- 3.30pm) - (Koo Wee Kaper Show)	Coordinator Community Engagement	Balloons and Ipod speaker dock, Table, Display Boards, CSB Leaflets, Feedback Forms, Internet access	
2 October	Shopping Centre Display	West Place Shopping Centre, Churchill (9am- 12pm)	Coordinator Community Engagement + 1	Cooler Bags and Balloons, Table, Display Boards, CSB Leaflets, Feedback Forms, Internet access	
	Display	Morwell Leisure Centre (1pm-5pm)	Coordinator Community Engagement + 1	Cooler Bags and Balloons, Table, Display Boards, CSB Leaflets, Feedback	

<b>3 October</b>	Shopping Centre Display	Stocklands Traralgon (9am-12pm)	Coordinator Community Engagement + 1	Forms, Internet access Cooler Bags, Table, Display Boards, CSB Leaflets, Feedback Forms, Internet access
	Display	Traralgon Library (1pm-5pm)	Coordinator Community Engagement + 1	Cooler Bags and Balloons, Table, Display Boards, CSB Leaflets, Feedback Forms, Internet access
<b>9 October</b>	Advert	Latrobe Valley Express and inclusion in Council Notice Board		
	Flyer (500)	Letterbox/PO Boxes at Glengarry Post Office		
	Flyer (300)	PO Boxes at Tyers Service Station		
	Flyer (350)	PO Boxes at Yinnar Post Office		
	Flyer (150)	PO Boxes, General Store Toongabbie		
<b>13 October</b>	Display	Glengarry Main Street opp Post Office (9am- 12pm)	Coordinator Community Engagement + 1	Cooler Bags and Balloons, Table, Display Boards, CSB Leaflets, Feedback Forms, Internet access
	Display	Tyers Service Station (1pm-5pm)	Coordinator Community Engagement + 1	Cooler Bags and Balloons, Table, Display Boards, CSB Leaflets, Feedback Forms, Internet access
<b>14 October</b>	Display	Moe, Moore Street Cnr ANZ Bank (9am-12pm)	Coordinator Community Engagement + 1	Cooler Bags and Balloons, Table, Display Boards, CSB Leaflets, Feedback Forms, Internet access
	Display	Outside General	Coordinator	Cooler Bags and Balloons,



		Store/Post Office, Yinnar (1pm-5pm)	Community Engagement + 1	Table, Display Boards, CSB Leaflets, Feedback Forms, Internet access
<b>20 October</b>	Display	General Store, Toongabbie (1pm-5pm)	Coordinator Community Engagement + 1	Cooler Bags and Balloons, Table, Display Boards, CSB Leaflets, Feedback Forms, Internet access
<b>23 October</b>	Display	Children's Expo, Kernot Hall, Morwell (9am-4pm)	Coordinator Community Engagement + 1	Show Bag, Cooler Bags and Balloons, Table, Display Boards, CSB Leaflets, Feedback Forms, Internet access
	Advert	Latrobe Valley Express and inclusion in Council Notice Board		
	Flyer (380)	Letterbox/PO Boxes at Churchill Post Office		
<b>27 October</b>	Shopping Centre Display	Mid-Valley Morwell (9am-12pm)	Coordinator Community Engagement + 1	Cooler Bags, Table, Display Boards, CSB Leaflets, Feedback Forms, Internet access
	Display	Moe Library (1pm-5pm)	Coordinator Community Engagement + 1	Cooler Bags and Balloons, Table, Display Boards, CSB Leaflets, Feedback Forms, Internet access
<b>28 October</b>	Display	Morwell Library (9am-12pm)	Coordinator Community Engagement + 1	Cooler Bags and Balloons, Table, Display Boards, CSB Leaflets, Feedback Forms, Internet access
	Display	Moe Newborough Leisure Centre (1pm-5pm)	Coordinator Community Engagement + 1	Cooler Bags and Balloons, Table, Display Boards, CSB Leaflets, Feedback Forms, Internet access

<b>29 October</b>	Shopping Centre Display	West Place Shopping Centre, Churchill (9am-12pm)	Coordinator Community Engagement + 1	Cooler Bags and Balloons, Table, Display Boards, CSB Leaflets, Feedback Forms, Internet access
	Display	Morwell Leisure Centre (1pm-5pm)	Coordinator Community Engagement + 1	Cooler Bags and Balloons, Table, Display Boards, CSB Leaflets, Feedback Forms, Internet access
<b>30 October</b>	Display	Traralgon Library (9am-12pm)	Coordinator Community Engagement + 1	Cooler Bags and Balloons, Table, Display Boards, CSB Leaflets, Feedback Forms, Internet access
	Shopping Centre Display	Stocklands Traralgon (1pm-5pm)	Coordinator Community Engagement + 1	Cooler Bags, Table, Display Boards, CSB Leaflets, Feedback Forms, Internet access

**ORDINARY COUNCIL MEETING AGENDA  
22 SEPTEMBER 2014 (CM447)****12.2 PROPOSED ROAD CLOSURE - THIRD AVENUE, MORWELL**

Office of the Chief Executive

For Decision

**PURPOSE**

The purpose of this report is to seek Councils approval to commence the statutory process to discontinue Third Avenue, Morwell.

**EXECUTIVE SUMMARY**

Council has received a request from the Department of Treasury and Finance to discontinue Third Avenue, Morwell, to enable the land to be sold to the adjoining owner, J.W & H.L O'Connor Pty Ltd.

To facilitate this request it will be necessary for Council, as the responsible road authority, to undertake the statutory process to discontinue the road reserve pursuant to Section 206 and Schedule 10 Clause 3 of the *Local Government Act 1989*.

It would therefore be reasonable for Council to commence the statutory process to discontinue this road reserve by giving public notice of the proposal and inviting public comment.

**RECOMMENDATION**

1. That Council gives notice of its intention to consider the proposed discontinuance of Third Avenue, Morwell, pursuant to Section 206 and Schedule 10 Clause 3 of the *Local Government Act 1989*.
2. That Council considers any submissions received in relation to the proposed discontinuance of Third Avenue, Morwell, at the Ordinary Council Meeting to be held on Monday 24 November 2014.

**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.*

## ORDINARY COUNCIL MEETING AGENDA 22 SEPTEMBER 2014 (CM447)

### Latrobe City Council Plan 2013 - 2017

#### Theme and Objectives

*Theme 3: Efficient, effective and accountable governance*

#### **BACKGROUND**

Council has received a request from the Department of Treasury and Finance to discontinue Third Avenue, Morwell. (Attachment One)

Third Avenue measures approximately 2,900 square meters and is a Government road reserve that forms part of the internal road network of the former Lurgi site, many of which remain unconstructed. None of the roads in this former industrial estate are recorded on Councils Public Road Register and, as such, they are not maintained by Council.

As Third Avenue is a Government road the discontinuance can be undertaken either by the Department of Environment and Primary Industries (DEPI) under the *Land Act 1958* or, as in this instance, Council can discontinue the road under the *Local Government Act 1989*.

In either case, once the road has been discontinued the land will vest in the Crown and it will then be transferred to the adjoining property owner, JW & HL O'Connor Pty Ltd as per a previously negotiated agreement.

#### **KEY POINTS/ISSUES**

Section 206 and Schedule 10 Clause 3 of the *Local Government Act 1989* gives Council the power to discontinue roads:

“A Council may, in addition to any power given to it by Sections 43 and 44 of the *Planning and Environment Act 1987*-

- (i) discontinue a road, or part of a road, by a notice in the Victoria Government Gazette; and
- (ii) sell the land from that road (if it is not Crown land), transfer the land to the Crown or itself or retain the land.”

Both of these powers are subject to Section 223 of the *Local Government Act 1989* which requires Council “publish a public notice state 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 be heard are entitled to appear before a meeting of Council.

As stated above, should Third Avenue be discontinued the land would vest in the Crown and can then be transferred to the adjoining owner by the Department of Treasury and Finance as negotiated.

**ORDINARY COUNCIL MEETING AGENDA  
22 SEPTEMBER 2014 (CM447)****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**

Costs associated with undertaking the statutory process are minimal, being the cost of public notices in the Latrobe Valley Express inviting submissions.

Should Council resolve to discontinue Third Avenue, the Department of Treasury and Finance will be responsible for the costs of preparing a plan for inclusion in the Victoria Government Gazette.

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

Public comment on the proposed road discontinuance will be sought via the following methods:

- Public notices placed in the Latrobe Valley Express
- Letters to adjoining property owners
- Notice displayed at the Corporate Headquarters
- Details placed on the Latrobe City Council website

*Details of Community Consultation / Results of Engagement:*

In accordance with Section 223 of the Local Government Act 1989 any submissions that are received regarding this matter will be referred for consideration at a future Council meeting.

**OPTIONS**

Council may now resolve to either:

- Commence the statutory process to discontinue Third Avenue pursuant to Section 206 and Schedule 10 Clause 3 of the *Local Government Act 1989*.
- Refuse to undertake the statutory process to discontinue Third Avenue which will require the road to be discontinued by the Department of Environment and Primary Industries pursuant to the *Land Act 1958*.

**SUPPORTING DOCUMENTS**

Nil

**Attachments**

1. Attachment One: Letter of request from the Department of Treasury and Finance.
2. Attachment Two: Third Avenue Aerial Photograph

## **12.2**

### **Proposed Road Closure - Third Avenue, Morwell**

- 1 Attachment One: Letter of request from the Department of Treasury and Finance. .... 143**
- 2 Attachment Two: Third Avenue Aerial Photograph..... 147**



## Department of Treasury and Finance

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1 Treasury Place  
GPO Box 4379  
Melbourne Vic 3001  
Australia  
Telephone: (+61 3) 9651 5111  
Facsimile: (+61 3) 9651 5298  
DX 210759

4 September 2014

Our Ref: F2003/01035

Ms Donna Taylor  
Coordinator Business Development  
Latrobe City Council

**BY EMAIL:** [donna.taylor@latrobe.vic.gov.au](mailto:donna.taylor@latrobe.vic.gov.au)

Dear Ms Taylor

**RE: Proposed Road Discontinuance – Third Avenue, Morwell  
Morwell Heavy Industry Park**

I refer to previous correspondence and discussions regarding the proposed discontinuance of Third Avenue, Morwell, comprising an approximate area 2,900m<sup>2</sup> and shown highlighted yellow on the attached survey plan OP.123018.

The Department has negotiated price agreement to sell Third Avenue, Morwell to the sole adjoining owner JW & HL O'Connor Pty Ltd.

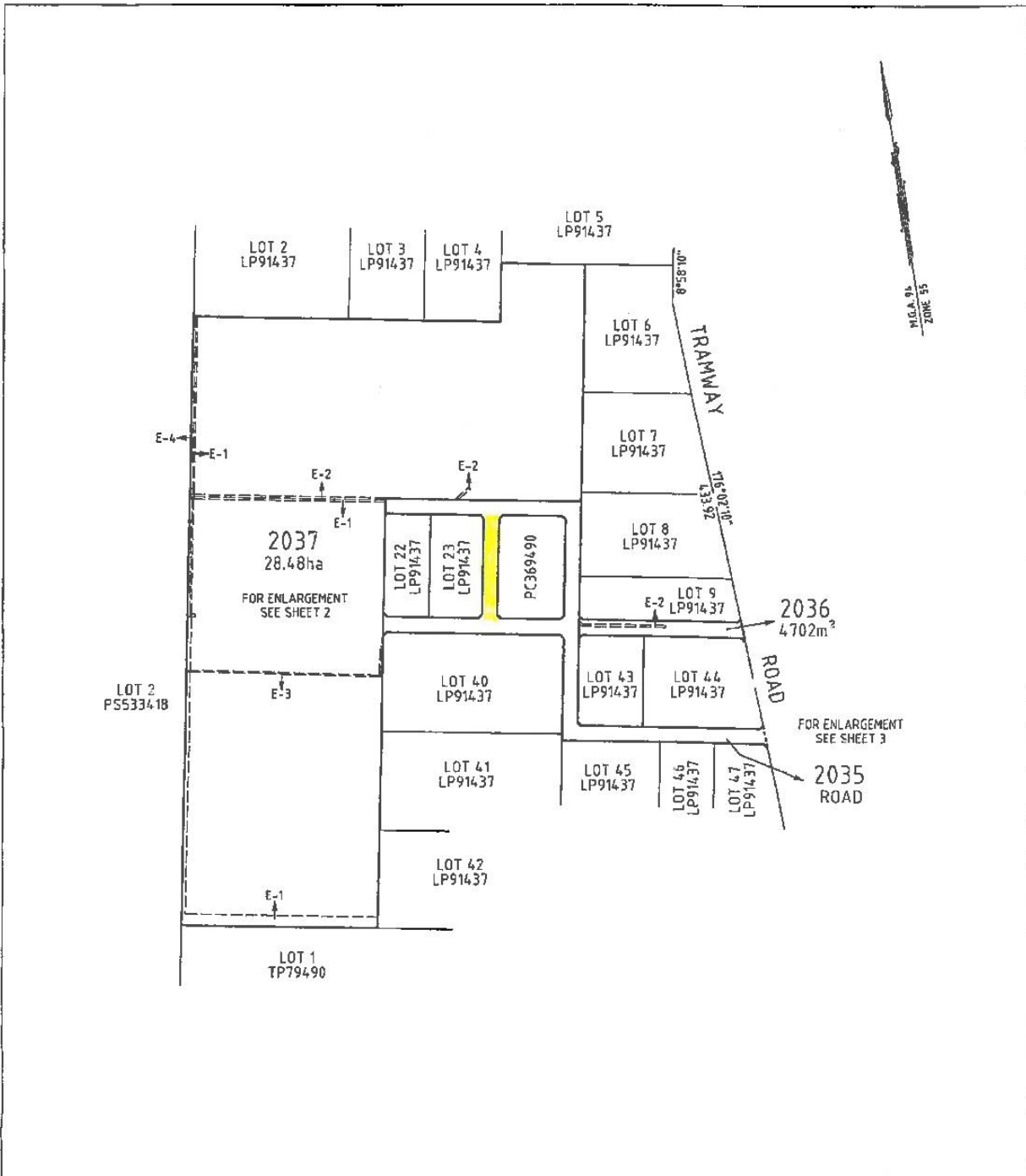
In order to effect the sale, it would be appreciated if you could facilitate the road discontinuance pursuant to the provisions of the *Local Government Act 1989*.

It would also be appreciated if you could advise when this process has been completed. If you require further information please contact me by telephone on 9651 2495 or by email at [andrew.martin@dtf.vic.gov.au](mailto:andrew.martin@dtf.vic.gov.au).

Yours sincerely

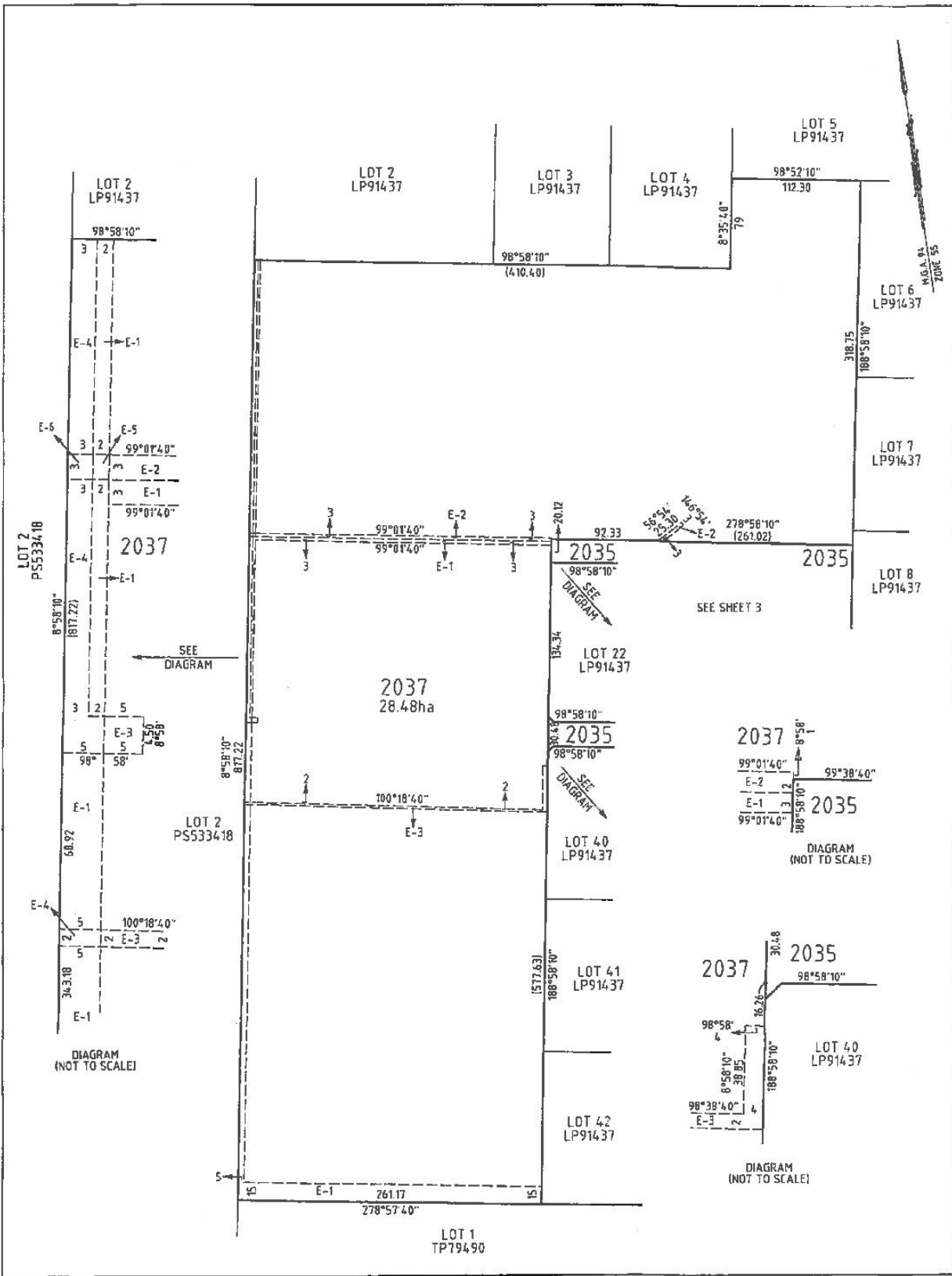
Andrew Martin  
Senior Project Manager  
Land and Property  
Shareholder Advisory Services





<p><b>NOTATIONS:</b>  <b>EASEMENTS</b>                  E-1, E-4, E-5, E-6 - DRAINAGE IN FAVOUR OF LATROBE CITY COUNCIL.                  E-2, E-5, E-6 - SEWERAGE IN FAVOUR OF CENTRAL GIPPSLAND REGION WATER CORPORATION.                  E-3, E-4, E-6 - WATER SUPPLY IN FAVOUR OF CENTRAL GIPPSLAND REGION WATER CORPORATION.</p>		<p><b>PLAN OF CROWN ALLOTMENT</b></p>	
<p>I, COLIN JOHN JONES of 18 BREED STREET, TRARALGON certify that this plan has been prepared from a survey made under my direction and supervision, in accordance with the Surveying Act 2004 and completed on 5/07/2010, that this plan is accurate and correctly represents the adopted boundaries and the survey accuracy accords with that required for LEVEL land as defined in regulation 7(2) of the Surveying (Cadastral Surveys) Regulations 2005.</p>		<p>COUNTY OF BULN BULN                  PARISH OF HAZELWOOD                  CROWN ALLOTMENTS 2035(ROAD),                  2036 AND 2037.</p>	
<p>Date 24/9/2010</p>		<p>Examined V.CASSAR 20-10-2010</p>	
<p>Office of Surveyor-General Victoria                  Department of Sustainability and Environment</p>		<p>SHEET 1 OF 3</p>	
<p><i>Colin John Jones</i>                  SURVEYOR-GENERAL</p>		<p>SCALE                  60 0 60 100 150 200                  LENGTHS ARE IN METRES</p>	
<p>20.10.2010                  DATE</p>		<p>ORIGINAL SCALE 1:6000 SHEET SIZE A3</p>	
<p>File Ref. F2003/01035</p>		<p>OP 123018 S</p>	





OFFICE OF SURVEYOR-GENERAL VICTORIA DEPARTMENT OF SUSTAINABILITY AND ENVIRONMENT	ORIGINAL SCALE 1:3000	SHEET SIZE A3	Date 24/12/2010	Licensed Surveyor, Surveying Act 2004	SCALE 30 0 30 60 90 120 LENGTHS ARE IN METRES	SHEET 2 OF 3
				File Ref. F2003/01035	OP123018	





# ORDINARY COUNCIL MEETING AGENDA 22 SEPTEMBER 2014 (CM447)

## 12.3 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 1 September 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:
12 July 2014	Victory Park Precinct Advisory Committee	<b>Councillors:</b> Cr Kam, Cr Harriman  <b>Officers:</b> Simon Clark	NIL
31 July 2014	Project Reference Group	<b>Councillors:</b> Cr Kam, Cr White, Cr Middlemiss, Cr Rossiter (via phone link)  <b>Officers:</b> Jason Pullman, Leanne Khan, Eileen Snowdon	NIL
13 August 2014	Morwell Town Common Development Plan Project Control Groups	<b>Councillors:</b> Cr Middlemiss  <b>Officers:</b> Simon Clark	NIL
21 August 2014	Traralgon CBD Safety Committee Meeting	<b>Councillors:</b> Michael Rossiter, Sandy Kam  <b>Officers:</b> Andrew Legge, Steve Tong	NIL
25 August 2014	Issues & Discussions	<b>Councillors:</b> Cr Gibbons, Cr Harriman, Cr Kam, Cr Middlemiss, Cr O'Callaghan, Cr Rossiter, Cr White.  <b>Officers:</b> John Mitchell, David Elder, Damian Blackford, Sarah Cumming, Debbie Tyson, Katrina Pizzi.	Cr Kam declared a Conflict of Interest in item 9.3 – Potential Sale of Railway Spur / Branch Line Reserve off Kirwin Road, Morwell.

**ORDINARY COUNCIL MEETING AGENDA  
22 SEPTEMBER 2014 (CM447)**

27 August 2014	Project Reference Group	<b>Councillors:</b> Cr Kam, Cr Gibson, Cr White, Cr Rossiter  <b>Officers:</b> Jason Pullman, Leanne Khan, Eileen Snowden, Gail Gatt	NIL
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**Attachments**

1. Attachment 1
2. Attachment 2
3. Attachment 3
4. Attachment 4
5. Attachment 5
6. Attachment 6

**RECOMMENDATION**

**That Council note this report.**

## 12.3

### Assembly of Councillors

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6	Attachment 6 .....	169



## 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:** Victory Park Precinct Advisory Committee

**Date:** 12 July 2014

**Time:** 5:15pm

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

### **In Attendance:**

**Councillors:** Cr Sandy Kam and Cr Dale Harriman

**Officer/s:** Simon Clark

### **Matter/s Discussed:**

Special Business – Fire Memorial

Deb Brown spoke to the Committee regarding the Fire Memorial project. She thanked the Committee for their involvement particularly David Mackenzie who sat on the project Committee. Deb distributed a newsletter and spoke about the proposed landscaping of the project.

The memorial will have eleven caps as part of the structure and eleven trees symbolising the lives lost in the 2009 fires. Cr Kam suggested that native trees be planted and that any landscaping advice re: tree species, could be sought from Council's parks and gardens or landscaping teams.

Deb informed the Committee that one family represented by a family member wished to have included in the memorial, three name plates at the base of three of the trees. The plates would name the members of their family lost in the 2009 fires. Cr Kam said that this family member would like to come to a Committee meeting to present the family's wishes in person.

The Committee discussed this request and resolved that there be no specific family names of any disaster event included in the memorial including the 2009 fires. The Committee do not wish to set precedence for Victory Park to be the park in Latrobe City that was reserved for disaster memorials on a large or small scale. The Committee will



pass this advice onto Latrobe City Council and Latrobe City senior management with the recommendation that any final decision on the family's request be taken by Council and/or senior management.

The Committee also resolved that their decision on this matter be viewed by Council as its policy on any future requests from the community for disaster or tragedy memorials/plaques in the Victory Park Precinct.

The Committee also recommends to Council that a policy on memorials for disaster/tragic events be developed to direct Council decisions in the future including perhaps dedicating an open space area for memorials.

Correspondence in: Nil

Correspondence out: Nil.

Business arising from previous minutes

1. Cr Kam informed the meeting that a Notice of Motion had been presented to Council and that a funding application had been submitted to Darren Chester's office for the Lone Pine Tree fence project. Further advice will be brought to the Committee.

2. Linda informed the Committee that the Gippsland Model Engineering Society (GMES) had finalised their five year vision document and will be presenting it to the Committee and Council officers in the future for comment. Action – Linda

3. Alan spoke of the Lions Club proposed project of installing life sized bronze statues of native animals in Victory Park. The project would cost in the vicinity of \$100,000. The Committee gave its support for the project and the Lions Club will now discuss the project with Council. On hold

4. Linda requested that the cracks in the asphalt in the GMES facility be repaired by Council. Ongoing Action – Simon

Bookings – til 16 April 2014

1. Nil.

General Business

1. Linda reported that the Couches Lane carpark project was progressing well with no issues.

2. Linda requested that Simon investigate where the lease agreement process between





the GMES and Council is at. Action – Simon

3. David spoke of the lighting in Victory Park and Doorty Park. It is his opinion that the lights in Victory Park are adequate while the concrete path in Doorty Park requires lighting. Simon to discuss with Council Engineers. Action - Simon

4. Simon encouraged the Committee representatives to consider lodging a Latrobe City Council 2014/2015 Community Grant which open on 7 July and close on 22 August.

5. Simon informed the meeting that he would be on holidays commencing Monday 14 July until Tuesday 5 August. Whilst he is away the Council contact will be Josh Whittaker on 5128 5422/0408 731 440 or [josh.whittaker@latrobe.vic.gov.au](mailto:josh.whittaker@latrobe.vic.gov.au).

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

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

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

**Councillors:** Nil

**Officer/s:** Nil

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

**Completed by:** Simon Clark



### 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:** Project Reference Group

**Date:** 31/07/14

**Time:** 1.00 pm

**Assembly Location:** Nambur Wariga, Latrobe City Council Headquarters

**In Attendance:**

**Councillors:** Councillor Sandy Kam, Councillor Darrell White, Councillor Graeme Middlemiss, Councillor Michael Rossiter (was on conference call)

**Officer/s:** Jason Pullman, Leanne Khan, Eileen Snowdon

**Matter/s Discussed:** Latrobe Planning Scheme Review

**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:** Leanne Khan



### Assembly of Councillors Record Explanation / Guide Notes

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- whether a Councillor who has disclosed a conflict of interest as required by subsection (3) leaves the assembly."

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- incorporated in the minutes of that Ordinary meeting.

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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:** 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. xxxx re: proposed xx story development at ADDRESS, etc)

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



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

**Councillors:**

**Officer/s:**

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

**Completed by:** Simon Clark



### 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*):

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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:** Traralgon CBD Safety Committee Meeting

**Date:** Thursday, 21 August 2014

**Time:** 9.02 am - 9.39 am

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

**In Attendance:**

**Councillors:** Michael Rossiter, Sandy Kam

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

**Matter/s Discussed:** No Smoking Signs Update, Late Night Venue operating hours update, Late Night Bus Service, Victoria Police Update, Traralgon liquor Accord Update, Late Night Venure report, Latrobe City Council Report, Newsletter, LCHS Drug and Alcohol Program update, Correspondence to Russell Northe MP, Information on the Newcastle Model, Draft Spring Newsletter.  
(e.g: Proposed Development in TOWN discussion with residents, Planning Permit Application No. xxxx re: proposed xx story development at ADDRESS, etc)

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

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

**Councillors:** Nil

**Officer/s:** Nil

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



Completed by: Andrew Legge



### Assembly of Councillors Record Explanation / Guide Notes

Required pursuant to the Local Government Act 1989 as amended.

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

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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.

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- the Council; or
- a special committee; or
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#### 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:

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##### **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:

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## Assembly of Councillors Record

**Assembly details:** Issues and Discussions Session

**Date:** Monday, 25 August 2014

**Time:** 6:00 PM

**Assembly Location:** Nambur Wariga Meeting Room, Latrobe City Council Offices, Commercial Road, Morwell

**In Attendance:**

**Councillors:** Cr Gibbons, Cr Harriman, Cr Kam, Cr Middlemiss, Cr O'Callaghan, Cr Rossiter, Cr White

**Officer/s:** John Mitchell, David Elder, Damian Blackford, Sarah Cumming, Debbie Tyson, Katrina Pizzi.

**Matter/s Discussed:**

- 4.1 Tonight's Presentations
- 1 Matters Arising From Public Presentations
- 8.1 Kawasaki Heavy Industries
- 8.2 Gippsland Women's Health Services
- 8.3 Indexation of the Local Government Financial Assistance Grants
- 8.4. International Day of Peace
- 9.1 Latrobe City Council Website Compliance with Web Content Accessibility Guidelines (WCAG) Version 2.0
- 10.1 Traralgon Creek Flood Study
- 12.1 . Review of Social Planning For Wellbeing Committee - Terms of Reference
- 13.1 Officer Delegations Review

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

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

**Councillors:** Cr Kam declared a Conflict of Interest in agenda item 9.3 - Potential Sale of Railway Spur / Branch Line Reserve off Kirwin Road Morwell.



**Officer/s:**

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

Cr Kam left the room at 7.31pm and returned at 7.40pm.

**Completed by:** Katrina Pizzi



**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:**

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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:** Project Reference Group

**Date:** 27/08/14

**Time:** 12.00 pm

**Assembly Location:** Meeting Room 4, Latrobe City Council Headquarters

**In Attendance:**

**Councillors:** Councillor Sandy Kam, Councillor Sharon Gibson, Councillor Darrell White, Councillor Michael Rossiter

**Officer/s:** Jason Pullman, Leanne Khan, Eileen Snowdon, Gail Gatt

**Matter/s Discussed:** Latrobe Planning Scheme Review

**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:** Leanne Khan



### Assembly of Councillors Record Explanation / Guide Notes

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# PLANNING & ECONOMIC SUSTAINABILITY

13. PLANNING & ECONOMIC SUSTAINABILITY

**13.1 FUNDING REQUEST FROM THE TRARALGON  
NEIGHBOURHOOD LEARNING HOUSE**

General Manager

Planning & Economic  
Sustainability

For Decision

**PURPOSE**

The purpose of this report is to present to Council a request for \$50,000 in funding which was received from the Traralgon Neighbourhood Learning House (TNLH) for the expansion of their learning and community engagement facilities into the Victorian Railways Institute (VRI) Hall and old tennis courts site in Queens Parade Traralgon.

**EXECUTIVE SUMMARY**

The funding is sought to support an application to Regional Development Victoria (RDV) to achieve a \$190,000 grant to enable the VRI Creative Community Space Plan to be realised. The VRI Creative Community Space is proposed to include a Digital Shed, Mens Shed which includes Furniture Making, Community Garden and Kitchen, Learning Activities, Health Promotion, Education, Venue Space and will model sustainability ideas/initiatives. The ultimate aim is that the VRI Hall will become financially sustainable in its own right.

The TNLH has also requested that Council waive any associated planning permits for the site.

The site proposed to be utilised for the community garden is located within the Traralgon Station Precinct and as such the *Traralgon Station Precinct Master Plan (TSPM) 2011* must be considered when assessing any new development within the station precinct.

The funding proposal has been considered against its consistency with a number of Council's strategic documents. Much of the proposal is supported by the strategic direction of Council; however, some elements are in conflict with the adopted *Traralgon Station Precinct Master Plan (TSPM) 2011*. These conflicting elements would need to be addressed before Council could support an application.

The funding proposal also needs to be assessed with consideration that the land proposed to be utilised is VicTrack leased land, providing a risk to continuity of access. The land could be sold at any time if the land was no longer required for rail use; and though unlikely, the potential future sale of this land could impact the TNLH by requiring the community garden to be relocated at some future point in time.

**ORDINARY COUNCIL MEETING AGENDA  
22 SEPTEMBER 2014 (CM447)**

Recent discussions with V/Line have confirmed that they are still keen to see the site redeveloped as per the TSPM, which includes the need to construct additional vital car parking for commuters and V/Line staff.

The proposal by the TNLH is identified as a risk to the future implementation of the TSPM in its current form and the future car parking requirements for V/Line.

If the TNLH community garden was to be considered as a long term venture for the site, Council may need to consider making amendments to the adopted TSPM in consultation with key stakeholders to incorporate the community garden. This would require additional resources and budget allocation for the 2014/2015 financial year along with the reprioritisation of existing strategic projects.

The requested \$50,000 funding contribution has not been included in the 2014/15 budget and after a full investigation of all potential funding resources; the only suitable existing funding stream within Council is the Community Grants program, which would provide a maximum of \$5,000 in funding. In addition, the TNLH could apply to the SP AusNet Community Development Fund which opens in late September 2014, and which provides grants of up to \$3,000.

**RECOMMENDATION**

**That Council:**

- 1. Not support the funding request from the Traralgon Neighbourhood Learning House;**
- 2. Waive planning permit application fees as per Regulation 16 of the *Planning and Environment (Fees) Regulations 2011* for this project;**
- 3. Ensures that any planning permits issued for the site contain a condition that reiterates the temporary nature of any use or development undertaken on the site.**
- 4. Write to the Traralgon Neighbourhood Learning House:**
  - a. Recommending that Traralgon Neighbourhood Learning House apply for \$5,000 in funding from the *Community Grants Program 2015/16 (minor capital works)* for any permanent works undertaken to the VRI Hall Building and;**
  - b. To inform Traralgon Neighbourhood Learning House that Planning permission will be required prior to undertaking this project;**

- c. **Recommending that Traralgon Neighbourhood Learning House formally make an application to *the SP AusNet Community Development Fund* for a grant of \$3,000 for any permanent works undertaken to the VRI Hall Building;**
5. **Write to VicTrack requesting consideration of the adopted *Traralgon Station Precinct Master Plan (TSPM) 2011* when considering any lease renegotiations with the Traralgon Neighbourhood Learning House and;**
6. **Refers to the 2015/16 budget and business planning process a Planning Scheme Amendment to implement the adopted *Traralgon Station Precinct Master Plan (TSPM) 2011* into the Latrobe Planning Scheme.**

#### **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.

Please refer to attachment 5 - Strategic Direction.

#### **BACKGROUND**

The TNLH, in partnership with the RMIT Office of Urban Transformation Research (OUTR) ReActivate Latrobe Valley, are undertaking a project to expand learning and community engagement facilities into the VRI Hall and former tennis court site in Queens Parade Traralgon. This community space is intended to have a community garden and facilities for community learning and leisure activities. More information on the project can be found here: <http://www.youtube.com/watch?v=ZPx-OVPGVCg>

The TNLH has undertaken fundraising initiatives to support the proposal and are now applying to RDV for a grant through the 'Putting Locals First' program. The TNLH is seeking a contribution of \$50,000 from Council toward the project, which will make the project eligible for a \$190,000 grant to realise the plan (see attachment 1 – Traralgon Neighbourhood Learning House – Funding Request).

The site proposed to be utilised for the community garden is located within the Traralgon Station Precinct. The *Traralgon Station Precinct Master Plan (TSPM) 2011* was adopted by Council at the 27 June 2011 Ordinary Council Meeting. The TSPM project aims to provide a strategic and conceptual plan to guide future development of land adjacent to the Traralgon train station.

Significant community consultation was undertaken during the project which was used to inform the TSPM Final Report 2011. Issues raised in submissions were satisfactorily addressed and key state government departments and agencies were involved to ensure that the TSPM met the needs of all stakeholders and the community.

### **KEY POINTS/ISSUES**

#### **Alignment to the Strategic Direction of Council and the Latrobe Planning Scheme**

The TNLH plan for the VRI Creative Community Space aims to achieve outcomes that are consistent with a number of Council's strategic documents, including the Latrobe City Council Plan 2013 – 2017, the *Latrobe City Municipal Public Health and Wellbeing Plan 2013-2017* and the *Natural Environment Sustainability Strategy 2014-2019*. However, some elements of the proposal are inconsistent with the *Traralgon Station Precinct Master Plan (TSPM) 2011* and is therefore inconsistent with *Latrobe 2026* at Theme 5 which has a strategic direction to "provide clear and concise policies and direction in all aspects of planning".

These are further discussed below:

#### **Latrobe City Municipal Public Health and Wellbeing Plan 2013 – 2017**

The plan realises a number of the strategic directions of the *Latrobe City Municipal Public Health and Wellbeing Plan 2013 - 2017*, including:

- Being Active
- Eating Well
- Staying Connected
- Skills for Healthy Communities

The spaces intend to enable people to be more active through planned activities such as gardening, yoga and basketball. Community gardens will encourage participants to learn about how to plant, grow and harvest their own fruit and vegetables. Activities in the space also bring people together and encourage the exchange of skills and knowledge.

#### **Natural Environment Sustainability Strategy 2014-2019**

The planned improvements to the site also intend to make the VRI Creative Community Space as sustainable as possible. Planned features include water tanks, solar panels, edible gardens and waste reduction initiatives such as composting. The plans align well to the themes of the *Natural Environment Sustainability Strategy 2014-2019*, including:

- Building capacity to respond to change
- Improving resource efficiency

**ORDINARY COUNCIL MEETING AGENDA  
22 SEPTEMBER 2014 (CM447)***Traralgon Station Precinct Master Plan (TSPM) 2011*

The proposal is located within the Traralgon Station Precinct. The Master Plan addresses the development vision for the Traralgon Station and surrounds for the next 15 to 20 years and makes a series of recommendations for three stages of future development.

Officers have determined that there are elements of the VRI Creative Community Space Plan that are both supported and not supported by the strategic development outcomes of the Master Plan.

The Master Plan supports the following elements of the VRI Creative Community Space Plan:

- The VRI Hall is proposed to be utilised as a multi-purpose community facility, this element is supported by the Master Plan which recommends that the hall be developed into a multi-purpose community facility and forms part of Stage 2 of the staging plan for the Master Plan.

The Master Plan does not support the following elements of the VRI Creative Community Space Plan:

- The area immediately west of the VRI Hall is proposed to be utilised as part of the community garden area. This element is not supported by the Master Plan which recommends the area be developed for car parking (38 spaces) to accommodate the parking needs associated with the proposed uses of the building and forms part of Stage 2 of the staging plan for the Master Plan.
- Further to the west of the VRI Hall the former tennis courts are proposed to be utilised as the additional area for the community garden. This element is not supported by the Master Plan which recommends this area be utilised as a potential future redevelopment site with basement car parking for occupants, commuters and V/Line staff and forms part of stage 3 of the staging plan for the Master Plan.

The TSPM identified the southern side of the Station Precinct as having the greatest development potential and is envisaged as having the role of higher density residential and/or commercial development, community and heritage facilities and commuter parking areas.

Car parking was identified as a key issue for the station precinct with a need to balance commuter parking requirements with the highest and best use of land in close proximity to transport nodes. The TSPM identified parking as a weakness of the precinct and recommended extra car parking spaces be provided for commuters.

In addition, the TSPM states that Council must ensure that any development on this site provides car parking in a basement to maximise use of the land. Basement car parking should also seek to provide some

**ORDINARY COUNCIL MEETING AGENDA  
22 SEPTEMBER 2014 (CM447)**

flexibility with the provision of extra commuter and/ or V/Line staff car parks being explored as part of any redevelopment.

Considering the above, Council officers have concerns that some elements of the proposal by the TNLH for the VRI Creative Community Space have not fully considered the TSPM and this could jeopardise the overall implementation of the Master Plan.

V/Line were active members of the Project Assurance Group for the TSPM project and as such Council Officers recently contacted V/Line to discuss the TNLH proposal. V/Line have advised that they share similar concerns in regards to the future implementation of the TSPM. These are outlined below:

- Current planning and proposed upgrades by V/Line.

V/Line is conscious that Traralgon's patronage has been increasing exponentially over the last few years and is predicted to continue to increase; resulting in significantly increased staffing levels.

Following a review of the current conditions by V/Line and in consultation with their stakeholders they have found that the current facilities at the Traralgon Railway Station are not satisfactory. As a result, V/Line are looking to upgrade some of the station facilities for their staff and patrons and are currently preparing plans which are to be consistent with the TSPM and form part of Stages 1 and 2 of the staging plan for the Master Plan (see attachment 2 – V/Line Traralgon draft concept plan).

V/Line has some concerns that if the TNLH community garden is placed within the area designated by the TSPM as a "potential future redevelopment site" that they could lose key future car parking opportunities (as identified within the V/Line Traralgon draft concept plan). V/Line is keen to see any redevelopment of the site to include the applicable amount of commuter and V/Line staff car parking as per the TSPM.

- Lease arrangements of the VRI Hall site and surrounding tennis court area and the potential future sale of the land.

The Traralgon Neighbourhood Learning House has secured the VRI Hall site and surrounding tennis court area via a 12 year sublease (7 year plus a 5 year option) from the VRI who are leasing the land from VicTrack. Council Officers contacted VicTrack to discuss the lease arrangements for the site and the potential impact this may have on the future implementation of the TSPM. VicTrack have advised that although the TSPM is an adopted document it remains absent from the Latrobe Planning Scheme and therefore VicTrack have unfortunately not fully considered the TSPM when engaging in lease arrangements with the TNLH.

**ORDINARY COUNCIL MEETING AGENDA  
22 SEPTEMBER 2014 (CM447)**

VicTrack have requested that Council formally write to them requesting that they ensure the consideration of the adopted TSPM when considering any lease renegotiations with the TNLH and advise Council accordingly.

It should be noted that VicTrack, in consultation with Public Transport Victoria and V/Line could sell off the land at any time, regardless of the lease arrangements, if the land was no longer deemed to be required for rail use. V/Line has advised in writing that as it currently stands they would only agree to the sale of land if it was to be utilised as per the TSPM. For V/Line the adopted TSPM reflects the fact that car parking is one of the key priorities for the area close to the station – whilst at the same time not discounting other opportunities.

If and when the land sells, this could potentially impact the TNLH by requiring the community garden to be relocated. The relocation of the garden would generate significant disruption to the TNLH and the community who have invested time and money into the project.

Recent discussions between Council Officers and members of the TNLH and the RMIT Office of Urban Transformation Research (OUTR) ReActivate Latrobe Valley have indicated that despite them not being able to formally secure the site, outside of a leased arrangement, they are still keen to progress with the proposal.

Council Officers are still of the opinion that the status of the land should be a consideration when assessing any proposal for funding for the site as council has no control over the sale and ownership of the land and ratepayer funds may be utilised for assets that need to be removed in the future.

Council Officers would also welcome the addition of a planning permit condition, on any planning permit issued for the site that reiterates the temporary nature of any use or development undertaken on the site.

#### Additional Request – Planning Permit Waiver

On behalf of the TNLH, representatives from RMIT have previously met with Council's Planning department to discuss permit requirements for the site. Planning officers have reviewed draft plans and have had discussions with members of the TNLH and members of RMIT Office of Urban Transformation Research (OUTR) ReActivate Latrobe Valley.

Council Officers have concluded that the VRI Hall has some existing use rights to operate as a community facility, however a planning permit will be required for a change of use to facilitate an education facility, building and works, for the two proposed sheds (see attachment 3 – TNLH Draft Concept Plans) and a waiver of car parking. Council is anticipating the formal lodgement of a planning permit application in the coming weeks.



## ORDINARY COUNCIL MEETING AGENDA 22 SEPTEMBER 2014 (CM447)

The planning permit process may include advertising and notification to affected parties.

The TNLH has requested that Council waive any planning permits required for the site. It is unclear if the organisation is seeking a waiver of the permit or a waiver of the permit fees, however under Section 14 (c) of the *Planning and Environment Act 1987* the duties of a responsible authority (Council) must comply with the Act and the planning scheme, therefore Council cannot exempt or waive the TNLH from the planning permit process under the *Planning and Environment Act 1987*.

Under Section 203(2)(d) of the *Planning and Environment Act* Council does have the authority to consider the reduction or waiver of fees in some instances. The *Planning and Environment (Fees) Regulations 2011* at Regulation 16 allows a responsible authority to wholly or in part waive or rebate the payment of a prescribed fee where "an application is for land used exclusively for charitable purposes". The TNLH is a registered charity and therefore Regulation 16 would apply in this instance.

It is reasonable to expect that conditions of any funding agreement should require all permits to be finalised prior to the release of funding. It should also be noted that the TNLH has not factored the application for planning permits within their business plan (see attachment 4 – VRI Hall Business Plan).

### **RISK IMPLICATIONS**

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

The proposal by the TNLH is identified as a risk to the future implementation of the TSPM and the future car parking requirements for V/Line.

In addition, the lease of the land to the TNLH does not omit it from being sold at any stage for redevelopment purposes as per the TSPM. This would require the TNLH community garden to be relocated which would generate significant disruption to the TNLH and the community who would have invested time and money into the project.

If the TNLH community garden was to be considered as a long term venture for the site, Council may need to consider making amendments to the adopted TSPM in consultation with key stakeholders to incorporate the community garden. This would require additional resources and budget allocation for the 2014/2015 financial year along with the reprioritisation of existing strategic projects.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

The TNLH is seeking a funding contribution of \$50,000 from Council. This has not been included in the 2014/15 budget.

**ORDINARY COUNCIL MEETING AGENDA  
22 SEPTEMBER 2014 (CM447)**

Officers have undertaken an investigation of potential Council funding streams that could be used to support this request.

The Latrobe City Council Capital Works Program allows for the development or maintenance of Council owned or maintained infrastructure. The VRI hall is not owned or maintained by Council and as a result, is not suitable to be considered through the Capital Works program.

The Latrobe City Council Community Grants Program is available once a year for a short period of time (usually during July and August). The annual program is designed to support not-for-profit, community focused groups in Latrobe City for projects that will assist in the ongoing development or maintenance of recreational facilities and meet the social and cultural needs of the citizens of Latrobe City.

The Community Grants Program allows for a maximum financial contribution of \$5,000 under the 'Minor Capital Works' category. This fund allows for projects that will improve community facilities, e.g. renovations, repairs, or major items of equipment with a value of \$500 or more. An application for the VRI project could meet these criteria, but as the funding is capped at \$5000 per initiative, the application would not meet the \$50,000 request from the TNLH.

It should be noted that applications have now closed for the Community Grants Program 2014/15 financial year, so although they meet the criteria the TNLH would now need to make an application in the 2015/16 financial year.

The Mayoral Sponsorship fund is available for sponsorship requests that do not fit into the Community Grants program, Sporting Sponsorship Fund or Athlete Assistance Fund. It is designed to support a number of community initiatives throughout the year. The Mayoral Sponsorship fund has an allocation of \$25,000 for the 2014/15 financial year.

The Mayoral Sponsorship Committee identifies that all applications must meet the following criteria:

- a. *Applicant must reside within Latrobe City*
- b. *Activity or initiative is to benefit the Latrobe City community or an individual residing within Latrobe City*
- c. *Activity or initiative must not fit within guidelines for other funding streams of Council or state/federal government (i.e. Community Grants Program or State Government Education funding programs)*

As the funding is capped at \$25,000 per initiative, the application would not meet the \$50,000 request from the TNLH and does not meet the requirements of criteria c above.

The SP AusNet Community Development Fund (in partnership with local governments) opens in late September 2014 and offers grants of up to \$3,000. The funding program is only open to local non-profit organisations. The TNLH request would fit within the guidelines for the funding however it

## ORDINARY COUNCIL MEETING AGENDA 22 SEPTEMBER 2014 (CM447)

would be limited to the \$3,000. Council would still encourage the TNLH to make an application.

Additionally if the TNLH community garden was to be considered as a long term venture for the site, Council may need to consider making amendments to the adopted TSPM in consultation with key stakeholders to incorporate the community garden. This would require additional resources and budget allocation for the 2014/2015 financial year along with the reprioritisation of existing strategic projects.

### **INTERNAL/EXTERNAL CONSULTATION**

Council has not undertaken any formal consultation regarding the proposal at this stage of the process; however Council Officers have met with members of both the TNLH and the RMIT Office of Urban Transformation Research (OUTR) ReActivate Latrobe Valley at a recent steering committee meeting on 23 July 2014.

Council Officers have also been in contact with VicTrack and V/Line, who were active members of the Project Assurance Group for the TSPM project, to discuss the proposal.

The TNLH and representatives from RMIT have previously met with Council's Planning department to discuss permit requirements for the site. Planning officers have reviewed draft plans and have had discussions with members of the TNLH and members of RMIT Office of Urban Transformation Research (OUTR) ReActivate Latrobe Valley. The TNLH is currently preparing planning permit application documentation for lodgement with Council in the coming weeks.

The TNLH have conducted their own community consultation, workshops and fundraising activities in relation to the proposal, however the details surrounding this consultation have not been provided to Council at this time and are not detailed within their business plan. Council Officers are aware of several online links and social media sites along with several articles published in the Latrobe Valley Express.

### **OPTIONS**

The options available to Council are as follows:

1. That Council do not support the \$50,000 funding request from the Traralgon Neighbourhood Learning House due the 2014/15 budget allocation commitments.
2. That Council support the funding request from TNLH by conditionally allocating the requested \$50,000 from the 2014/15 Budget (however the 2014/15 budget has been approved and no allocation has been identified). This funding would be subject to one of the following requirements being resolved prior to funding being granted:
  - Consider amending the TSPM including consultation with stakeholders (particularly VicTrack); or

## ORDINARY COUNCIL MEETING AGENDA 22 SEPTEMBER 2014 (CM447)

- Council write to VicTrack requesting that they ensure the consideration of the TSPM when considering any lease renegotiations with the TNLH and advise Council accordingly.
3. That Council recommend the TNLH apply for \$5,000 from the *Community Grants Program (minor capital works) 2015/16* for any permanent works undertaken to the VRI Hall Building and allocates the remaining \$45,000 from the 2014/15 Budget (however the 2014/15 budget has been approved and no allocation has been identified). This funding would be subject to one of the following requirements being resolved prior to funding being granted:
    - Consider amending the TSPM including consultation with stakeholders (particularly VicTrack); or
    - Council write to VicTrack requesting that they ensure the consideration of the TSPM when considering any lease renegotiations with the TNLH and advise Council accordingly.
  4. That Council recommend the TNLH apply for \$5,000 from the *Community Grants Program (minor capital works)* for any permanent works undertaken to the VRI Hall Building, subject to one of the following requirements being resolved prior to funding being granted:
    - Consider amending the TSPM including consultation with stakeholders (particularly VicTrack); or
    - Council write to VicTrack requesting that they ensure the consideration of the TSPM when considering any lease renegotiations with the TNLH and advise Council accordingly.
  5. That Council not support the funding request from the TNLH but approve any planning permit application required for the site (subject to a formal planning assessment).
  6. That Council not support the funding request from the TNLH and refuse any planning permit application required for the site to ensure the future implementation of the adopted TSPM.

In addition to choosing from Options 1-6 above, the following Options should also be considered as part of any recommendation:

7. That Council ensures that any planning permits issued for the site contain a condition that reiterates the temporary nature of any use or development undertaken on the site.
8. That Council write to the TNLH recommending that they formally make an application to the *SP AusNet Community Development Fund* for a grant of \$3,000 for any permanent works undertaken to the VRI Hall Building.

## ORDINARY COUNCIL MEETING AGENDA 22 SEPTEMBER 2014 (CM447)

9. That any funding request supported by Council only be released subject to the granting of all planning permits required for the proposal.
10. That Council support the waiver of planning permit application fees as per Regulation 16 of the *Planning and Environment (Fees) Regulations 2011*.
11. That Council recommences the Planning Scheme Amendment to implement the adopted TSPM into the Latrobe Planning Scheme by placing it into the 2015/16 Business Plan and allocating a budget.

### **CONCLUSION**

Traralgon Neighbourhood Learning House is seeking a \$50,000 funding contribution from Council in support of the VRI Creative Community Space project. This funding would contribute towards a submission to RDV for a 'Putting Locals First' grant and help enable the project to be realised.

The \$50,000 funding contribution has not been included in the 2014/15 budget. The only suitable existing funding stream within Council is the Community Grants Program, which would provide a maximum of \$5,000 in funding. Additionally the TNLH could apply for the SP AusNet Community Development Fund which would provide a maximum of \$3,000.

Much of the proposal is supported by the strategic direction of Council; however, some elements are in conflict with the adopted *Traralgon Station Precinct Master Plan (TSPM) 2011*. These conflicting elements should be addressed before Council considers supporting any funding application.

The funding proposal also needs to be considered acknowledging that the land proposed to be utilised by the TNLH is only leased land. VicTrack, in consultation with Public Transport Victoria and V/Line could sell the land at any time, regardless of the lease arrangements, if the land was no longer deemed to be required for rail use. The potential future sale of this land could impact the TNLH by requiring the community garden to be relocated at some future point in time. The relocation of the garden would generate significant disruption to the TNLH and the community who would have invested time and money into the project.

### **SUPPORTING DOCUMENTS**

*Traralgon Station Precinct Master Plan (TSPM) 2011*

#### **Attachments**

1. Attachment 1 - Traralgon Neighbourhood Learning House - Fund Request
2. Attachment 2 - V/Line Traralgon draft concept plan
3. Attachment 3 - TNLH Draft Concept Plans
4. Attachment 4 - VRI Hall Business Plan
5. Attachment 5 - Strategic Direction

## 13.1

### Funding Request from the Traralgon Neighbourhood Learning House

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Reg. No. A8790

**TRARALGON NEIGHBOURHOOD LEARNING HOUSE INC.**

11-13 Breed Street (PO Box 449)

TRARALGON VIC 3844

ABN 75 802 913 904

Telephone: (03) 5174 6199

Fax: (03) 5174 0974

e-Mail: [th@wideband.net.au](mailto:th@wideband.net.au)

5 June 2014

Traralgon Neighbourhood Learning House

11- 13 Breed Street

Traralgon, Vic 3844

25<sup>th</sup> May, 2014

<b>LATROBE CITY COUNCIL</b>	
<b>INFORMATION MANAGEMENT</b>	
RECEIVED	
10 JUN 2014	
R/O:	Doc No:
Comments/Copies Circulated to:	
<input type="checkbox"/> Copy registered in DataWorks	<input type="checkbox"/> Invoice forwarded to accounts

Dear Counsellors

We greatly appreciate the attendance of Mayor Sharon Gibson and Counsellors Peter Gibbons and Sandy Kam at the recent launch of our VRI Creative Community Space plan. The video clip of our plan is available at the following link -  
<https://www.youtube.com/watch?v=ZPx-OVPGVCg>

Traralgon Neighbourhood Learning House in partnership with RMIT OUTF Reactivate Latrobe Valley are undertaking a project to expand the learning and community engagement facilities into the VRI Hall and old tennis court site in Queens Parade. This community space will have a community garden and facilities for a variety of community learning and leisure activities.

We believe this initiative will support a number of Latrobe City's aims such as providing a model for sustainable living and healthy lifestyle options. We hope to re-engage the community in pre-accredited training opportunities through hands on learning activities. The project aligns with the Latrobe City plan for this location.

We are applying to Regional Development Victoria (RDV) for a grant through the 'Putting Local's First Program' to support the donations and offers of assistance we have received from the community. We are seeking a financial contribution from Latrobe City to support this application and directly contribute to the learning infrastructure required for the space.

We are seeking a \$50,000 contribution toward our RDV proposal. With our contributions this will enable the project to get a \$190,000 grant towards the VRI project. It is our intention to put this proposal to RDV in the next week.

We also seek a waiver on the planning permits for the site.

We request support from Latrobe City Council for the RDV proposal by confirmation of a formal resolution and its associated correspondence.

Regards



Joh Lyons

[joh@digitalshed.com.au](mailto:joh@digitalshed.com.au)

0419 568 772

Project Manager

VRI Hall Project          Latrobe Valley Community & Digital Shed

Projects of Traralgon Neighbourhood Learning House

[tnh@wideband.net.au](mailto:tnh@wideband.net.au)

5174 6199



**TRARALGON NEIGHBOURHOOD LEARNING HOUSE INC.**











# Business Plan

## VRI Hall

In conjunction with the  
Traralgon Neighbourhood House Inc



11-13 Breed Street  
Traralgon, VIC 3844  
[www.tnlh.org.au](http://www.tnlh.org.au)  
03 5174 6199

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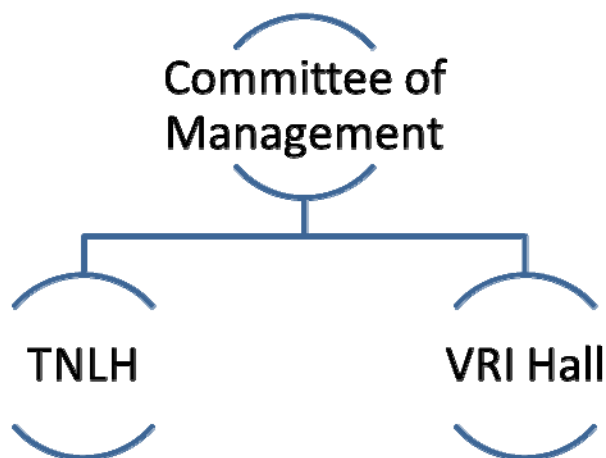
## Business Overview and Structure

The Traralgon Neighbourhood Learning House (TNLH) is a Charitable Institution.

ABN: 75 802 913 904.

TNLH has been serving the local community for over 35 years and has sustained financial viability through a dedicated and professional, Committee of Management.

It has also benefited from the passion and loyalty of long serving employees and volunteers.



Driven by community need, the TNLH has supported the project initiative to create a 'hands on learning space' which is now known as the VRI Hall.

Significant effort has been invested into the consultation and planning for the VRI Hall so that it:

1. Meets the needs of the community
2. Utilises the most appropriate site/location
3. Achieves maximum support from the community
4. Responsibly manages its expense budget and creates revenue sources for the future

The ultimate aim is that the VRI Hall will become financially sustainable in its own right.

## Aims & Vision

The TNLH runs over 60 classes with over 500 people participating every week. There is a demonstrated need for connecting people and community education.

Traralgon and surrounds is a growing regional centre, facing industry and economic challenges and needs to constantly find ways to; build skills within the community, connect people and inspire new opportunities.



The TNLH wanted to offer expanded 'hands on learning' activities yet lacked the space to do so.

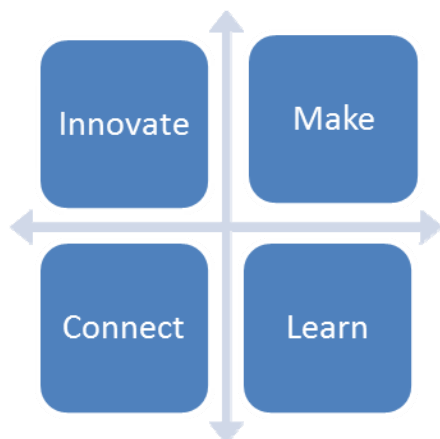
The premises in Breed Street, Traralgon, serve a specific need and are long term leased from the Latrobe City Council owned property.

The VRI Hall will offer the TNLH a crucial expansion space and therefore improve the types of classes they can offer the community.

The project is providing opportunities for local secondary schools to enjoy participation in the wider community project and make a contribution.

### Aims

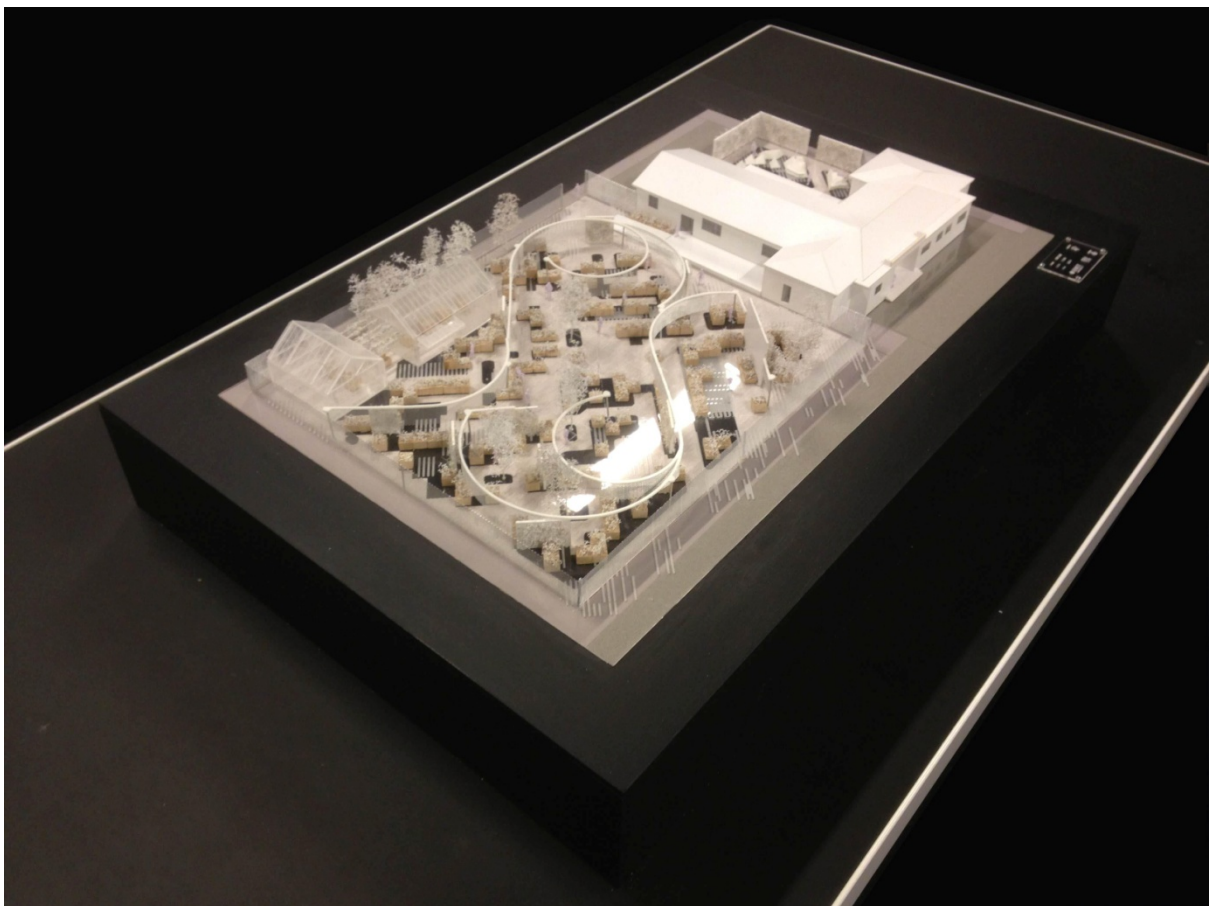
- To develop a space which allows for dreams to hatch and become a reality
- To undertake community based workshops
- To develop a space which is sustainable in its energy consumption and production, captures water, reduces waste
- To develop low maintenance solutions that have long term viability





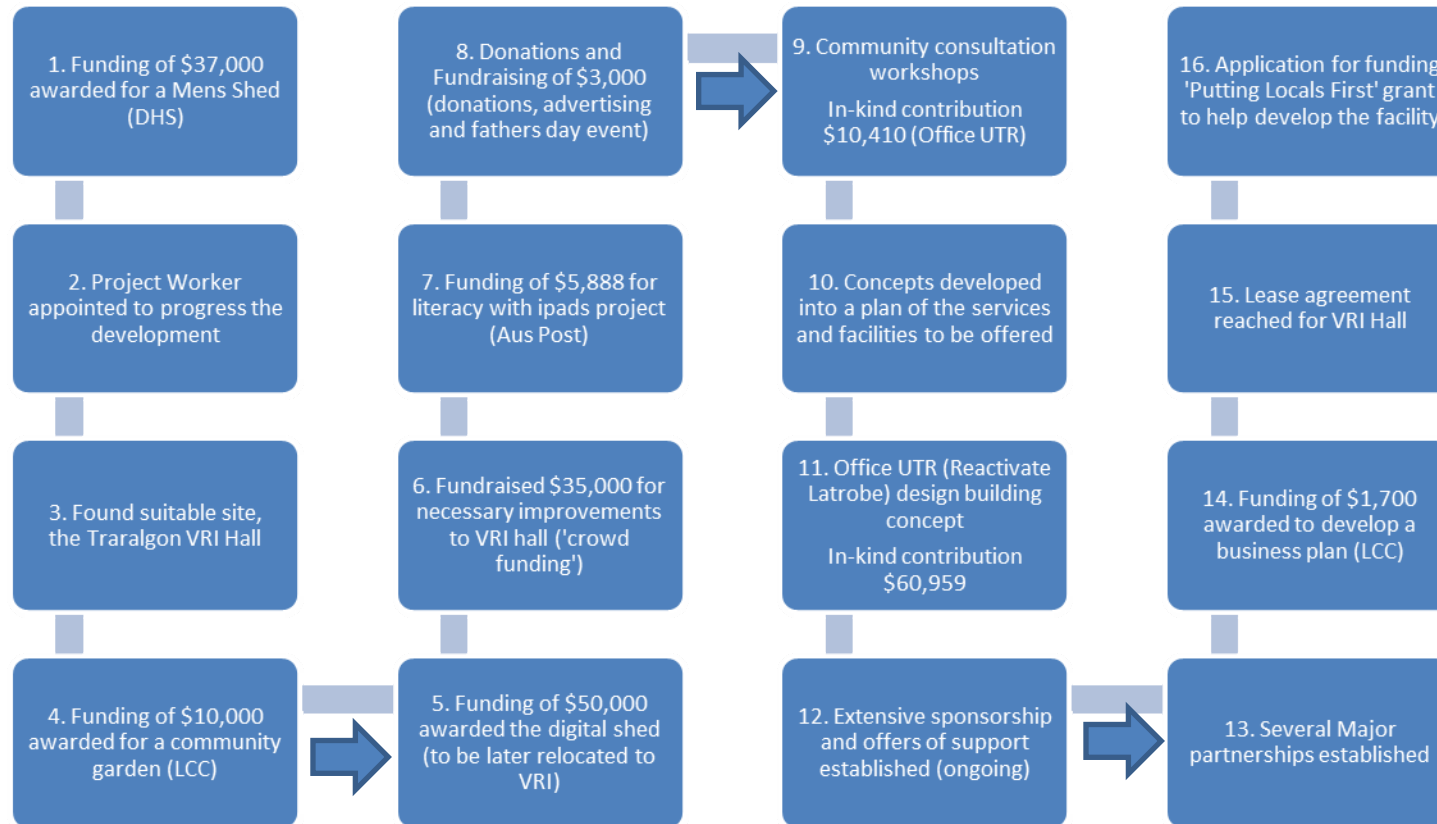
## **OUR VISION**

*“To provide a meeting, learning, making and sharing space,  
where ideas are hatched, nurtured and realised.”*



# Project Summary

Below is a summary of the key stages in the journey so far.



# Products and Services

## About the Site

- VRI Hall along with its abandoned tennis courts
- Plans to repair and develop
- Easy footbridge access from train station, plenty of parking onsite
- Current/future facilities:
  - A range of ancillary and common areas
  - Kitchens
  - Gardens
  - Stage areas for performances
  - Venue spaces

The VRI Hall is an exciting opportunity, not just in providing a space for classes to take place, but also **reclaiming redundant infrastructure** and transforming it into an effective learning environment.

The venue meets the particular, ad-hoc and flexible requirements for the Learning House classes; tinkering, recycling and making projects in an engaging, alive and imaginative setting.

The site is flagged in the Traralgon Inner South Precinct Master Plan as a recreational facility with publicly accessible open space adjoining both sides.

## What we will create



**Details of what will be included**

<b>Inclusive Social Connectivity &amp; Community Engagement</b>	<b>Digital Shed</b>	<ul style="list-style-type: none"> <li>• IT help</li> <li>• Websites &amp; social media for start-up businesses</li> <li>• Short films</li> <li>• LAN parties (multiple user game play)</li> <li>• Training in use of various technology</li> <li>• Develop APPS</li> <li>• Graphic design help</li> <li>• Engaging mature aged people with modern technologies in a supportive environment</li> <li>• Youth supporting the community in one to one support/transfer of knowledge</li> </ul>
	<b>Workshop Shed (Mens Shed)</b>	<ul style="list-style-type: none"> <li>• Upcycled/recycled furniture</li> <li>• Community tool bank</li> <li>• Other hands on making projects</li> </ul>
	<b>Furniture</b>	<ul style="list-style-type: none"> <li>• Develop a series of prototypical indoor and outdoor functional units (environmentally sensitive, sustainable, adaptable) as marketable items</li> <li>• Skills retention within the local community</li> </ul>
	<b>Community Garden &amp; Kitchen</b>	<ul style="list-style-type: none"> <li>• Grow vegetables and produce</li> <li>• Garden bed hire</li> <li>• Kitchen use – food preparation and preservation classes</li> <li>• Learning of skills to grow your own produce</li> <li>• Pizza oven (promoting multiculturalism concepts of breads from around the world)</li> </ul>
	<b>Health Promotion</b>	<ul style="list-style-type: none"> <li>• Bike education</li> <li>• Maintenance</li> <li>• Online bike tracks (bike tracks/google maps)</li> <li>• Yoga, Tai Chi, Self Defence &amp; Fitness Classes</li> <li>• Healthy Eating</li> </ul>

**Details of what will be included cont.**

<b>Inclusive Social Connectivity &amp; Community Engagement</b>	<b>Education</b>	<ul style="list-style-type: none"> <li>• Hands on learning / courses suited to large spaces</li> <li>• Leisure learning and lifelong learning – i.e. frame making, leather craft, cooking, gardening, sustainability, yoga, lino cutting, ceramics (and many more)</li> <li>• VCAL Course / brokerage for school programs</li> <li>• Life skills</li> </ul>
	<b>Venue Space</b>	<ul style="list-style-type: none"> <li>• Arts: Films, drama, dance, classes (hall space with stage)</li> <li>• Space hire: clubs, private functions, seminars/conferences</li> <li>• Public events: fairs, festivals, talk series, markets, concerts, swap meets</li> </ul>
	<b>Modelling Sustainability</b>	<ul style="list-style-type: none"> <li>• Solar energy</li> <li>• Water capture and storage</li> <li>• Compost waste</li> <li>• Use of freshly grown produce in the kitchen</li> </ul>
	<b>Other Ideas</b>	<ul style="list-style-type: none"> <li>• Promotion of healthy lifestyles</li> <li>• VRI Hall history / Traralgon history (digital storytelling)</li> <li>• Community café (paid meals)</li> <li>• Counselling</li> <li>• Massage and therapy</li> <li>• Business Incubator (ideas and innovation)</li> <li>• Cross cultural celebration and promotion of diversity</li> </ul>

# Brand and Marketing

## Current Position

The VRI Hall concept has become known within the community, mostly by word of mouth.

There is an online presence, although it is recognised and steps have been taken to develop a website and use social media to its full potential.

It is important that a balance of demographics from within the community are attracted to the VRI Hall and that the balance is maintained. The target groups to attract are:

- Retired
- Youth and students
- People with disability/unable to work or study
- Start-up businesses
- Socially isolated
- Creative people
- Disengaged
- People seeking alternatives
- Recently arrived immigrants
- People who have a skill to share

## Naming of the VRI Hall

The space being created needs a name which best reflects the purpose of the centre. The name needs to attract broad groups of people and minimise the potential of wording which causes people to make assumptions about the place.

The concept is being developed to invite community participation into the naming of the VRI Hall. This will help build anticipation, excitement, awareness and ownership of the space.

Preferences discussed so far include the disuse of words such as hall, community or house, but rather: centre, maker space, place or “\_\_\_\_\_@ VRI” (retaining the ‘VRI’ in the name)

## Advertising and Signage

Expressions of support have been received from print, radio, sign writers and web developers to help build the branding and awareness of the VRI Hall.

It is considered important to retain the history of the VRI Hall and give respect to it through its signage and presentation.

### **Partnerships**

The following major partnerships have been established:

- Rotary Club of Traralgon
- Traralgon College
- Lavalla Catholic College
- RMIT – OUTR as part of the Reactivate Latrobe project
- Latrobe City
- ACFE (Adult Community and Further Education)
- Federation University
- Cooinda Hill

The VRI Hall is also in discussions with GippsTAFE, Kurnai College, SFYS (School Focused Youth Services), Latrobe Community Health Services, Sustainability Gippsland, Relationships Australia, Anglicare and Mind.

The following are partnership aims for the future:

- Local
- Education
- Environmentally/sustainability friendly
- Community health programs
- Government (all three 3 tiers)
- Employment networks

### **Sponsorship**

The VRI Hall will proactively approach target businesses and major sponsors who they consider will benefit from association with the VRI Hall. They will also develop sponsorship packages for both financial and in-kind donations from the community.

### **Working Bee Launch Activity**

The interest and support expressed by the community to date has been significant.

One of the ways to ensure involvement from businesses as well as individuals and club/groups, is the concept of a launch involving community working bees – utilising the Better Block\* model.

(\*Better Block: where communities, organisations and neighbours gather to revitalise land in underused areas with structured teams and stages of work).

## Revenue

The objective of the VRI Hall is that it become financially sustainable based upon the revenue it can generate from the facility.

Careful planning has been put in place to incorporate revenue streams from the VRI Hall.

- Fee for service courses
- Courses – larger spaces (i.e. smaller space requirements mostly at TNLH)
- Space hire – private functions
- Events – public functions (fairs, festivals, talk series, markets, concerts)
- Long term/reoccurring space hire (clubs/groups etc.)
- Vegetable and produce sales
- Garden bed hire
- Community paid café style meals
- Community based VCAL (funding per head/student)
- Furniture sales
- Bike programs
- Equipment hire
- Sponsorship and advertising
- Donations, sponsorship, contributions and grants
- Consulting services

The TNLH has responsibly managed its finances for many years and the Committee of Management will oversee the budget and expenses of the VRI Hall. There is a high level of specialist skills within the group of long serving, professional committee members.



# Risk Management

The VRI Hall has considered the risks and challenges it faces and how it may proactively respond to these.

The identified challenges are:

1. Lease to be officiated
2. Grant approval for the “putting locals first” grant
3. Financial sustainability of the VRI Hall – meticulous management of budget, expenses and cash flow
4. Isolating and having limited geographical groups attending the hall – need to avoid stereotypes or in-balance of use/promotion – target list of groups to be attracted to the Hall
5. Working group support – fortnightly meetings, delegate and utilise skills available to share the workload
6. Relationship liaison for sponsors – ensure closing of offers, recognition, enthusiasm, continuation (i.e. after year 1), ongoing maintenance of those relationships – communicating success stories to the them
7. Security of assets/people – lighting, alarms, neighbour agreements, security patrols, no leaving valuables on site during the refurbishment
8. Insurance – ensuring complete and adequate through the TNLH policies – building, contents, public liability, workcover etc.
9. Building project management – checking licences, insurances, certification, Council inspections/permits

## Strategic Business Goals

#	Area	Actions
1.	Lease	<ul style="list-style-type: none"> <li>The Hall lease to be officiated. Note land tax exemption approved in advance.</li> </ul>
2.	Design	<ul style="list-style-type: none"> <li>Finalise the development plan/video outline, letters of support</li> <li>Design of indoor and outdoor prototypes</li> <li>Develop documents for building instructions</li> </ul>
3.	Grant	<ul style="list-style-type: none"> <li>Apply for “putting locals first grant” – intent to submit by mid April 2014</li> </ul>
4.	Interim (awaiting grant approval)	<ul style="list-style-type: none"> <li>Commence the public naming competition (approach organisation for sponsorship – entertainment/luxury/mass appeal – digital/technology)</li> <li>Spend approx. \$60K – spend in the garden (garden beds, mens shed corner area), internet connection (approaching sponsorship)</li> <li>Media/communication planning for launch (media announcements in conjunction with LCC)</li> <li>Draft a program/schedule for hall hiring (interim use)</li> <li>Build/schedule future events – co/benefit of promotion of their event in association with the launch</li> <li>Develop a target list of potential sponsors, approach and negotiate their support/recognition, close commitments</li> <li>Develop sponsorship package for those interested in making donations (level system – i.e. gold, silver, bronze and how to accept those that don’t fit in that category) – logo designed specifically for sponsors (remembering credit system to promote care for the space by the users)</li> <li>Develop guidelines for usage, T&amp;C etc.</li> <li>Explore the environmental sustainability for the building and what decisions/steps need to be taken to achieve any certification which may be able to be later promoted</li> <li>Explore RTO status and joint venture opportunities for RTO status to deliver accredited training (whether it be accredited by the VRI Hall or</li> </ul>

		a provider who comes into the hall) – Tafe...
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5.	Develop	Fully develop the VRI Hall and Site according to the design plan. <ul style="list-style-type: none"><li>• Signage</li><li>• Garden</li><li>• Shed</li><li>• Hall fit-out</li></ul>
6.	Reach the community	<ul style="list-style-type: none"><li>• Community building/working bee days</li><li>• Building the app for space bookings</li><li>• Building the online community – branding/reach</li><li>• VCAL &amp; School programs Development</li><li>• New concepts – digital storytelling, short film competition, counselling support (partnered/subsidy/start-up/Lifeline, fast turnaround, crisis support</li></ul>
7.	Financial sustainability	<ul style="list-style-type: none"><li>• Budget, expense and cash flow management systems and procedures</li><li>• Efficient bookings/scheduling of room hire/space hire</li><li>• Courses and seminar interest</li><li>• Measure, monitor and maintain revenue sources</li></ul>

## **COMPULSORY STRATEGIC ATTACHMENT**

### *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 complimentary to its surroundings, and which provides for a connected and inclusive community.*

#### *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 – Recreation*

*In 2026, Latrobe Valley encourages a healthy and vibrant lifestyle, with diversity in passive and active recreational opportunities and facilities that connect people with their community.*

#### *Strategic Objectives – Advocacy and Partnerships*

*In 2026, Latrobe Valley is supported by diversity of government, agency industry and community leaders, committed to working together to advocate for and deliver sustainable local outcomes.*

### *Latrobe City Council Plan 2013 - 2017*

#### *Theme and Objectives*

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

*Strategic Direction – Appropriate, affordable and sustainable facilities, services and recreation*

*To promote and support a healthy and active community.*

*To provide facilities and services that are accessible and meet the needs of our diverse community.*

*To enhance the visual attractiveness and liveability of Latrobe City.*

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

*Strategic Direction – Advocacy for and consultation with our community.*

*To advocate for and support cooperative relationships between business, industry and the community.*

*Theme 5: Planning for the future*

*Strategic Direction – Planning for the future.*

*To provide a well planned, connected and liveable community.*

# COMMUNITY INFRASTRUCTURE & RECREATION

**14. COMMUNITY INFRASTRUCTURE & RECREATION**

**14.1 REVIEW OF LOCAL LAW NO 3.**

**General Manager**

**Community Infrastructure &  
Recreation**

**For Decision**

**PURPOSE**

The purpose of this report is to present to Council the amended version of 'Local Law No. 3 Asset and Environment Protection during Building Works' for adoption.

**EXECUTIVE SUMMARY**

Council may make local laws for or with respect to any act, matter or thing in respect of which Council has a function or power the Local Government Act 1989 or any other Act.

The purpose of Local Law No 3 is to take precautions during building works to minimise damage to public infrastructure assets, avoid pollution and ensure public safety.

Local Law No 3 was not due for review until 2016, however to improve consistency with Local Law No 2 which is also being reviewed the review of Local Law No 3 has been brought forward.

Extensive stakeholder consultation has taken place throughout this review. Internal and external feedback has been positive with over 80% of selected key stakeholders responding either verbally or electronically.

It is recommended that Council adopts the amended Local law no 3 as presented.

This review is a 2012-16 Council Plan Action 'Review Local Law No 3'.

**RECOMMENDATION**

- 1. That Council adopts the amended Local Law No. 3 as presented;**
- 2. That Council makes copies of the amended Local Law No. 3 available for the public on Council's website and in Council's Service Centres and libraries.**

**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 3: Efficient, effective and accountable governance*

*Strategic Direction – To provide open, transparent and accountable governance.*

#### *Legislation*

*Local Government Act 1989*

Council must comply with Part 5 of the *Local Government Act 1989* (“the Act”), in regards to the procedure for making a local law.

A Council may make local laws for or with respect to any act, matter or thing in respect of which Council has a function or power under the *Local Government Act 1989* or any other Act.

The following legislation sets out the procedure for making a local law:

#### **s111. Power to make local laws**

Section 111 of the *Local Government Act 1989* provides councils with the authority to make local laws. These local laws are designed to assist councils to balance the needs of the individual against the needs of the broader community. They are limited to areas which local councils have jurisdiction (except those things dealt with under the planning scheme) and cannot be inconsistent with any other laws (either state or federal).

#### **s119. Procedure for making a local law**

Before a Council makes a local law it must comply with the procedure contained within section 119. This procedure includes giving a notice in the Government Gazette and a public notice stating the purpose and general purport of the proposed local law, that a copy of the proposed local law can be obtained from the Council office, and that any person affected by the proposed local law may make a submission relating to the proposed local law under section 223.

After a local law has been made the Council must give a notice in the Government Gazette and a public notice specifying the title of the local law; and the purpose and general purport of the local law; and that a copy



## ORDINARY COUNCIL MEETING AGENDA 22 SEPTEMBER 2014 (CM447)

of the local law may be inspected at the Council office. In addition, Council must send a copy to the Minister.

### **s223. Right to make a submission**

Section 223 of the Local Government Act 1989 details that the submissions received must be heard by Council and that a person making a submission can specify in their submission that they (or representative) wish to appear before Council to be heard in support of the submission. In addition, Council must notify in writing, each person who has made a separate submission, and in the case of a submission made on behalf of a number of persons, one of those persons, of the decision and the reasons for that decision.

### **BACKGROUND**

The purpose of Local Law No. 3 is:

1. To take precautions during building works to minimise damage to public infrastructure assets, avoid pollution and ensure public safety;
2. To define standards and determine whether preventative measures are required during building works;
3. To work collaboratively with the owner/applicant/builder for the duration of building works; and
4. To enforce compliance of permit conditions where applicable.

Local Law No. 3 is not due to sunset until 2016, subject to section 122 of the *Local Government Act 1989*. However, due to inconsistency of wording and terminology with that used within Local Law No. 2 and to ensure Local Law No. 3 reflects the requirements set out in the Local Law Guidelines Manual 2010, a review of the 2006 version of Local Law No. 3 has been undertaken this year.

The amended version of Local Law No. 3 was released to a group of key stakeholders (builders that have undertaken building works during the last 18 months) during June to seek feedback and comments on the proposed changes. Each stakeholder was provided a copy of the current version of Local Law No. 3 dated 2006 as well as the proposed draft of Local Law No. 3 dated 2014. In addition to this, an electronic survey was provided, asking them for feedback on specific changes within the document.

Over 80% of key stakeholders invited to survey provided feedback (either verbally or electronically), with all feedback received being positive in nature. There were no objections or suggestions for improvement to the proposed changes in the amended version.

After the external key stakeholder survey phase, an internal review amongst Coordinators was undertaken and the feedback received from this process was also positive, with no objections and some minor suggestions of improvement.

In accordance with s.223 of the *Local Government Act 1989*, the next step in the process was to release the amended version of Local Law No. 3 for a public submission period of 28 days from 22<sup>nd</sup> July to 28<sup>th</sup> August 2014

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22 SEPTEMBER 2014 (CM447)**

inclusive (including the Government Gazette). This process is now complete. Throughout the public submission period no responses, objections or suggestions for improvement to the proposed changes were received.

The lack of community comment received does not reflect upon the level of stakeholder involvement. There was a high level of involvement and consultation with key stakeholders (generally builders) throughout the review process. The effort to use plain English in the revised local law, has made the local law easier to understand, also issues were addressed before we got to public comment.

It would be expected that community members who have experienced problems with Local Law No. 3 would be more inclined to make comment, however, in this case, it would seem the general public has not been impacted adversely by the actions of builders on building sites within our municipality. This is a credit not only to the builders abiding by the requirements set out in Local Law No. 3, but also to the Latrobe City Council Asset Protection Officer and his collaborative approach in working 'with' the tradesman to ensure the best possible outcome for the environment, community and Council assets.

Local Law No. 3 focuses purely on activities being carried out on land during building works, it is logical it remains a standalone Local Law to ensure the standards set are adhered to during a specific period. This is opposed to Local Law No. 2 which applies across the municipality regardless of timing and nominated activities.

**KEY POINTS/ISSUES**

The current version of Local Law No. 3 (2006) has a number of issues that could be improved ranging from the layout of the document to wording used. Hence the review was initiated two years earlier than required.

The issues identified to date are as follows:

- Local Law No. 3 is written in a way which is not easy to follow in respect to how the core content information flows from beginning to end versus the order in which the process physically takes place in over the duration of building works. This leaves builders and stakeholders searching through the document to find the correct process to follow;
- From an external stakeholder point of view, the wording used throughout the document can be difficult to read, understand and interpret which can lead to confusion in some building work scenarios;
- The current version is quite lengthy and intricately detailed. Specific or named scenarios will not always apply, hence we must allow room for collaborative problem solving between Council and the permit holder; and
- The current version does not educate the reader, instead it has been known to cause confusion in the law. The improvements will now

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provide readers with not only a collaborative approach, but also educate them in the law and what is acceptable.

The Local Law No 3 review process has consisted of the following stages thus far:

1. Initiation of Local Law No. 3 Review project team with key personnel who are directly involved in the implementation of the Local Law and its objectives;
2. Continuous in-depth consultation with the coordinator of the Local Law No. 2 review project to ensure we are meeting required Local Law Guidelines and consistency (format, layout and wording) as is applied throughout Local Laws No. 2 and No. 3;
3. Consultation with internal stakeholders with respect to the revised draft to ensure secondary key players are aware of the proposed changes and overall process prior to seeking external comment;
4. Revised draft Local Law No. 3 (format, layout and content updated to reflect current and proposed future practices on building sites within the municipality);
5. Complete an internal legal review with the Manager Council Operations Legal Counsel to ensure the content and overall purpose of Local Law No. 3 is clear, concise and acceptable;
6. Invitation of key external stakeholders (builders) to take part in survey to review the current versus proposed versions of Local Law No. 3;
7. Feedback sought on the revised version of Local Law No. 3 internally across all departments of Latrobe City Council;
8. Presentation of the draft of Local Law No. 3 to Council and recommended release for public comment;
9. A scheduled public submission period of 28 days with the general public to ensure the option for input is offered and feedback sought and considered; and
10. Consideration of any public submissions and further update of Local Law No. 3 to acknowledge and/or incorporate the public's feedback.

Further to this the following actions have been scoped to progress the Local Law No. 3 review:

1. Present Local Law No. 3 to Council for adoption;
2. Convert the amended version from final draft to final;
3. Work with the marketing and communications team to notify all staff of the amended version;
4. Work with the marketing and communications team to promote the removal of previous revisions of Local Law No. 3 and the introduction of the amended 2014 version; and

Therefore completing the current review of Local Law No. 3.

**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.

**FINANCIAL AND RESOURCES IMPLICATIONS**

There are minimal financial implications in the review of Local Law No. 3. Costs of approximately \$400 will be incurred for the placing of a notice in the Government Gazette and public notices in the Latrobe Valley Express. These items were budgeted for in the 2013-2014 budget.

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

The amended version of Local Law No. 3 was initially released to key internal stakeholders (Statutory Planning, Building Services and Local Laws) with all feedback received being of a positive nature.

Latrobe City Council invited a group of key external stakeholders (namely builders and construction companies) to complete a survey and comment on the draft. All feedback from this process was positive, with no objections to the proposed Local Law No. 3. Following this, we issued the draft Local Law No. 3 to all Latrobe City Council Coordinators requesting their review (along with any relevant team members) and feedback received from this process was positive also.

The external feedback process was deemed complete at the closing of the Public Submission period on 28 August, 2014 with the final review by the Council at the Ordinary meeting 22 September, 2014.

*Details of Community Consultation / Results of Engagement:*

Positive feedback was received from both internal and external stakeholders. The internal stakeholders made constructive suggestions for improvement which were incorporated in the amended document. The external stakeholders gave positive feedback with respect to the amended document. The external stakeholders did not suggest any improvements.

**OPTIONS**

Council has the following options in respect to the review of Local Law No 3:

1. To adopt the amended Local Law No.3;
2. To defer the adoption of Local Law No.3; or
3. To note the Local Law No.3 and continue to operate under the current version that was adopted in June 2006, although this would negate the work that Council has undertaken to amend the Local Law.

**ORDINARY COUNCIL MEETING AGENDA  
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The review of Local Law No. 3 was undertaken to ensure a clear framework so that:

- Latrobe City Councils assets are protected;
- building industry members are aware of the law and its purpose;
- the health and wellbeing of the general public is considered and proactively managed at all times;
- our environment is protected; and that
- Local Law No. 3 reflects current practices and future requirements.

The amended Local Law No.3 was released for public comment in accordance with s.223 of the Local Government Act 1989 and Council's resolution on 21 July 2014.

These actions fulfil the 2012-2016 Council Plan Action 'Review Local Law No.3.

**SUPPORTING DOCUMENTS**

NIL

**Attachments**

1. Local Law No 3
2. Community Impact Statement

# **14.1**

## **Review of Local Law No 3.**

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<b>2</b>	<b>Community Impact Statement .....</b>	<b>233</b>

ATTACHMENT 1 – Local Law No. 3 2014 (Final Draft)

LATROBE CITY COUNCIL

# ASSET AND ENVIRONMENT PROTECTION DURING BUILDING WORKS

LOCAL LAW NO. 3

*Adopted – DD/MM/YYYY*

For enquiries please contact  
Asset Protection Officer  
Ph. 1300 367 700



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## **PART 1 FORMALITIES**

### **1. Objective**

As owner of public infrastructure assets and caretaker of the local environment, Council has a duty to ensure building works are monitored and regulated such that public infrastructure assets are kept in a fit state and local environmental values and public safety are not adversely impacted.

This Local Law gives Council additional powers to protect public safety, environmental values and valuable community infrastructure. This protection extends to both their physical integrity and their legitimate use so they can continue to provide the service for which they were designed. This Local Law allows Council to maintain a physical environment which aims to minimise hazards to health and safety of persons attending, adjacent to, opposite or passing building sites.

This Local Law has the following objectives:

1. To take precautions during building works to minimise damage to public infrastructure assets, avoid pollution and maintain public safety;
2. To define standards and determine whether preventative measures are required during building works;
3. To work collaboratively with the applicant/builder/contractor for the duration of building works;
4. To enforce compliance of permit conditions where applicable; and
5. To define the obligations of owners/builders/contractors and suppliers with respect to the repair of damaged public infrastructure assets.

### **2. Authorising Provisions**

This Local Law is made under section 111 of the *Local Government Act 1989*. In addition to the provisions contained in this Local Law, the following legislation (or their successors) has relevance to the issues and must be observed:

- *Building Act 1993*
- *Local Government Act 1989*
- *Planning and Environment Act 1987 and subordinate regulations*
- *Catchment and Land Protection Act 1994*
- *Subdivision Act 1988*
- *Infringements Act 2006*
- *Occupational Health and Safety Act 2004*
- *Environment Protection Act 1970 and subordinate regulations and policies*
- *Road Management Act 2004, and subordinate Regulations and Ministerial Codes of Practice or Guides*

Where inconsistencies exist between legislation and this Local Law, the legislation will prevail.

### **3. Operational Date of this Local Law**

This Local Law operates from the 14th day following receipt of a resolution from Council approving the making of this Local Law No 3.

### **4. Date this Local Law Ceases Operation**

Unless this Local Law is revoked sooner, its operation will cease on the tenth anniversary of its making.

### **5. Application of this Local Law**

This Local Law applies throughout Council's municipal district. Where another statutory body (such as Roads, Water or Park authorities or Government departments) has sole jurisdiction over or ownership of a public infrastructure assets, this Local Law will not apply except where relevant powers have been assigned or allocated to Council via a formal agreement.

### **6. Revocation of other Local Law**

From the first date of this Local Law, the application of the former Local Law No. 3 (2006) Protection of Council Assets and Local Amenity during Building Works will be revoked and will cease to apply.

### **7. Definitions**

Some of the terms used in this Local Law are defined. Defined terms included in this Local Law are:

**Applicant** means a person who applies for a permit under this Local Law.

**Authorised Officer** means an Authorised Officer appointed under section 224 of the *Local Government Act 1989*, and has delegated authority to implement this Local Law.

**Asset Protection Permit** means a written permit issued by Council under this Local Law for the protection of public infrastructure assets the environment and public safety during building works - referred to from hereon as 'permit'.

**Building Works Refuse** includes any waste or substance generated by or in connection with building works.

**Building Works** means work for or in connection with the preparation, construction, renovation, alteration, demolition, relocation or removal of a building, building site or related infrastructure (inclusive of works associated with, frontage fences, significant landscaping and swimming pools).

**Conditions** are requirements set by Council and must be met by the applicant for specific activities during building works.

**Council** means the Latrobe City Council.

**Damage** means an action that reduces value or effectiveness of Council's infrastructure and/or the environment.

**Fee** a sum paid or charged in relation to this Local Law.

**Municipal District** means the municipal district of Council.

**Owner** means the owner of land on which the building work is carried out.

**Penalty units** have the meaning attributed to them under section 110 of the *Sentencing Act 1991*.

**Public Infrastructure Assets** means Council owned or controlled land or structures.

**Pollution** means any form of noise, dust, fumes, liquid, sediment, waste, litter, chemical or other material or phenomena that arises from building work and which threatens local amenity or the environment, or which is prohibited by a local law or by any legislation.

**Rubbish Facility** means a receptacle capable of containing building works refuse, debris and other waste and restricting it from leaving the building site.

**Security Bond** is a refundable amount paid by the applicant and held by the Council until all conditions relating to building works are deemed satisfactorily completed.

**Temporary Fencing** is an interim structure erected on the land containing any building works and restricting access to ensure public safety.

**Temporary Vehicle Crossing** means a Council approved structure that extends from the boundary of land over any public infrastructure asset to a road, and is designed to minimise damage to public infrastructure assets caused by motor vehicles entering and leaving the land during building works.

**Toilet** a bathroom fixture consisting of a bowl, usually with a hinged seat and lid, and a device for flushing with water, used for defecation and urination.

**PART 2 ASSET PROTECTION PERMITS****8. Permits**

- 8.1. The Council or an Authorised Officer in its, his or her absolute discretion may issue a permit under this Local Law with or without conditions, including the payment of any fee that Council may require or may refuse to issue a permit.
- 8.2. The Council or an Authorised Officer may prescribe:
  - a) the manner and form in which applications for permits under this Local Law should be made;
  - b) the manner in which any permit under this Local Law is issued; and
  - c) the fee for any such permit application.
- 8.3. The Council or an Authorised Officer may waive payment of any fee for a permit.
- 8.4. The Council or an Authorised Officer may require the applicant for a permit to give notice of the application.

**9. Asset Protection Permits**

- 9.1. An owner or an owner's authorised representative must notify Council of the intention to commence building works by applying for a permit at least three (3) working days prior to the commencement of any building works inclusive of any deliveries to the building works site.
- 9.2. Upon notification of intended building works (whether oral or in writing), Council or an Authorised Officer will determine if a permit is required.
- 9.3. Where a permit is deemed as required by Council or an Authorised Officer, one or more of the following may be requested:
  - a) provision of additional building works and/or applicant information; and/or
  - b) payment of a permit fee; and/or
  - c) payment of a security bond.
- 9.4. Council will determine the appropriate permit fee based on the types of building works and the risk to public infrastructure assets from the building works.
- 9.5. Council will determine the appropriate security bond (if applicable) based on the types of building works and the risk to public infrastructure assets from the building works.

- 9.6. The date of issue of a permit will be three (3) business days after the receipt and clearance of all funds with respect to the payment of fees and/or security bonds.
- 9.7. An owner must not commence, allow or authorise anyone else to commence building works on the owners land unless:
  - a) a permit in relation to those works has been issued by Council and the issue date has come into effect; or
  - b) written notification by Council has been received advising a permit is not required for the works.
- 9.8. Where an owner or an owner's authorised representative fails to notify Council of intended commencement of building works, this may be considered an offence under this Local Law.
- 9.9. Where an owner or an owner's authorised representative is not a current permit holder and the works being carried out do not comply with standard permit conditions, this may be considered an offence under this Local Law.

**10. Asset Protection Permit Conditions**

- 10.1. An owner, contractor or supplier must not commence or allow or authorise anyone else to commence building works on the owners land unless the following permit conditions have been implemented to the satisfaction of Council:
  - a) where permanent fencing is not installed or deemed adequate, temporary fencing must be erected; and/or
  - b) where a vehicle crossing does not exist, a temporary vehicle crossing must be installed and used as the only point of vehicle access; and/or
  - c) where an available existing sewerer toilet does not exist at the building works site, a closed portable toilet must be provided for the use of the persons visiting and or engaged in the building works; and/or
  - d) locate on the building works site a rubbish facility for the purpose of containing all building works refuse until proper disposal.
- 10.2 All of the above conditions must be maintained to the satisfaction of Council for the duration of the building works.
- 10.3 Failure to comply with permit conditions may result in an infringement being issued.

- 10.4 Structures and/or facilities resulting from implementing the permit conditions must be removed within seven (7) days of the completion of the building works as deemed by Council.
- 10.5 At no time during the building works the owner, contractor or a supplier are to allow the discharge of building works refuse from the building site; and
- 10.6 The owner or the builder/contractor, if the owner can show that it is agreed that the builder/contractor has accepted responsibility to ensure compliance with the conditions of this Local Law, must repair, replace, reinstate or otherwise make good to the satisfaction of Council or an Authorised Officer any damaged public infrastructure assets and/or the environment.

#### **11. Asset Protection Permit Validity**

- 11.1 A permit:
  - a) becomes valid from the date of issue stated on the permit;
  - b) remains valid for a period of two (2) years or until building works are complete in relation to this Local Law to the satisfaction of Council or an Authorised Officer, whichever comes first.
- 11.2 Where building works are to extend beyond the permit validity period, a permit extension must be applied for (orally or in writing), which may incur additional permit fees.
- 11.3 If the permit holder continues the building works after the permit has expired such action will be considered an offence under this Local Law.

#### **12. Asset Protection Permit Fees and Charges**

- 12.1 A permit may be subject to payment of one or both of the following:
  - a) permit fee
  - b) security bond
- 12.2 Council will determine the level of fees and/or security bond payable.
- 12.3 Council will refund the security bond where a final inspection by Council or the Authorised Officer has been carried out and building works have not caused any damage to public infrastructure assets or pollution.
- 12.4 Where Council or an Authorised Officer deems damage to public infrastructure assets and/or damage to the environment has occurred, the security bond will be retained by Council until the damage is repaired, restored or reinstated to the satisfaction of Council or an Authorised Officer.

- 12.5 Where the damage is not repaired, restored, reinstated or otherwise remedied, the security bond will be applied towards the cost of repairing the damage caused.
- 12.6 Where the security bond does not cover the costs to repair, restore, reinstate or remedy, Council will issue an invoice to the owner / applicant to recover the full cost.

**13. Asset Protection Permit Cancellation or Amendments**

- 13.1. Where amendments to an existing Permit are required, Council will carry out these amendments in consultation with the permit holder.
- 13.2. Where a permit holder requests the cancellation of a permit (whether oral or in writing), Council will, where applicable:
- a) investigate and/or inspect the building works site;
  - b) cancel the permit;
  - c) refund any fees paid; and/or
  - d) refund any security bonds to the applicant.

**14. False Representation**

A person who makes a false representation or declaration (whether oral or in writing), or who intentionally omits relevant information in an application for a permit or exemption is guilty of an offence.

**15. Notice to comply - Power of Council to Direct**

- 15.1 Council may issue a "Notice to Comply" if Council or an Authorised Officer believes on reasonable grounds that a person has committed an offence under this Local Law or direct any property owner, occupier or other relevant person to remedy any situation which constitutes a breach under this Local Law.
- 15.2 A notice issued under this section must set out the following details:
- a) the offence that Council or an Authorised Officer believes has been committed;
  - b) the person/s required to take action; and
  - c) the action/s the person is required to undertake; and
  - d) the time within which the specified action/s must be taken.

**16. Reasonable Time to Comply**

The time fixed by a "Notice to Comply" served under this Local Law must be reasonable in the circumstances and will take into account if applicable:

- a) the amount of work involved;
- b) the degree of difficulty;
- c) the availability of necessary materials or other necessary items;
- d) climatic conditions;
- e) the degree of risk or potential risk; or
- f) any other relevant factor.

**17. Failure to adhere to a Notice to Comply**

17.1. Any person who fails to remedy a situation in accordance with a Notice to Comply served under this Local Law is guilty of an offence.

17.2 If a person fails to carry out any work which he or she is required to do by a Notice to Comply issued under this Local Law within the time stated in the notice, then Council in its discretion and wherever practicable may cause the work to be carried out and may recover the cost from that person.

**18. Power of Council to Act in Urgent Circumstances**

18.1. Where an urgent circumstance is determined, Council may take action to remove, remedy or rectify a situation without serving a Notice to Comply.

18.2. Council will determine an urgent circumstance where risk or threat exists to:

- a) public health and safety;
- b) the environment; or
- c) Council's infrastructure.

18.3. The action taken by Council under sub-clause (10.1) must not extend beyond what is necessary to cause the immediate abatement of or minimise the risk or danger involved and Council may recover the cost of emergency actions from the owner or responsible person/s as is appropriate.

**19. Infringement Notices**

19.1. Where any permit issued under this Local Law contains conditions, any person who contravenes or fails to comply with a condition of a permit is guilty of an offence and an infringement notice will be issued.



19.2 Where an Infringement Notice is issued under this Local Law the penalty payable in respect of the Infringement Notice will be:

- a) with respect to clause 9.7 - five (5) penalty units; or
- b) with respect to all other clauses - two (2) penalty units.

## **20. Powers of Authorised Officers**

If Council or an Authorised Officer considers that there has been a breach of this Local Law, including a breach of any conditions of a permit, Council or an Authorised Officer may take any or all of the actions provided in this Local Law and may:

- a) direct the person to cease the activity breaching the Local Law; or;
- b) warn the person who is breaching the Local Law, which may also be an official warning issued in accordance with the requirements of the *Infringements Act 2006*;  
*or*;
- c) serve a notice to comply to remedy the breach; or;
- d) issue an infringement notice in accordance with the requirements of the *Infringements Act 2006*.

**PART 3 OFFENCES****21. Offences**

- 21.1 Where any provision in this Local Law requires that something must be done, any person who fails to do that act may be guilty of an offence.
- 21.2 Where any provision in this Local Law requires that something may not be done, any person who does that act is guilty of an offence.
- 21.3 Where any provision in this Local Law requires that something may not be done between specified hours of the day or night during specified months of the year, on days falling within specified categories or in or at specified locations or specified parts of those locations, any person who does that act between the hours, during the months, on the days, or at the location or a specified part is guilty of an offence.
- 21.4 Where any provision in this Local Law requires that a person obtain a permit from Council before engaging in any particular activity, that person is guilty of an offence if that person engages in that activity without a current permit issued by the Council (unless the Council, at its discretion, has waived the requirement for a permit).
- 21.5 Where any permit issued under this Local Law contains conditions, any person who contravenes or fails to comply with a condition of a permit is guilty of an offence.
- 21.6 Where any offence arises under this Local Law in respect of which a specific penalty has not been indicated, the penalty for that offence is two (2) penalty units.
- 21.7 A person who is guilty of a second or subsequent offence against the same provision in this Local Law is liable to a penalty not exceeding:
- a) with respect to clause 9.7 - ten (10) penalty units; or
  - b) with respect to all other clauses - five (5) penalty units.

**PART 4 ADMINISTRATION OF THIS LOCAL LAW****22. Power to Serve Infringement Notices**

An infringement notice may be served on a person who the Council or an Authorised Officer has reason to believe has committed an offence against this Local Law. An offence referred to in this clause is an infringement offence within the meaning of the *Infringements Act 2006*.

**23. Exercise of Discretions**

- 23.1. In exercising any discretion contained in this Local Law Council or an Authorised Officer must have regard to:
- a) the objectives of this Local Law;
  - b) any applicable Council Policy; and
  - c) any other relevant matter.
- 23.2 The Council may from time to time prepare guidelines for use by the Council, Authorised Officers and other persons for the purposes of this Local Law.
- 23.3 Guidelines prepared by Council must not be inconsistent with the objectives of this Local Law.
- 23.4 Any guidelines developed cannot change or update a Local Law provision without the Local Law amended and the guideline incorporated by reference.

**24 Register of Determinations**

- 24.1 Any determination made or guidelines prepared by the Council for the objectives of this Local Law must be maintained by Council in a register kept for that purpose.
- 24.2 The register kept for the purposes of this clause must be made available for inspection at the office of the Council during normal office hours.

**25 Power to Obtain Necessary Information**

The Council may require additional information to enable an application for a permit to be properly considered and for the purposes of administering and enforcing the provisions of this Local Law.

**26 Appeals**

Any person who is aggrieved by any matter under this Local Law may make a written submission for consideration by the Council, but the making of any submission will not in any way remove that person's obligation to act in accordance with this Local Law and any directions or notices which are applicable under this Local Law.

— End —

**ATTACHMENT 2. Local Law No. 3 Community Impact Statement*****Latrobe City Council – Proposed Local Law No. 3 (2014) Community Impact Statement*****Community Impact Statement**

The Community Impact Statement has been created to accompany the Local Law and to help readers understand:

- Council's reasons for seeking to adopt the proposed Local Law,
- why a particular regulatory approach had been adopted and others rejected,
- who may be impacted by the law,
- the process of administration and enforcement of the law, and
- the consultation process under section 223 of the Local Government Act 1989.

**Summary of proposed Local Law changes**

Current	Proposed
<b>Title</b> Latrobe City Council Local Law No. 3 (2006) Protection of Council Assets And Local Amenity during Building Works	Latrobe City Council Local Law No. 3 (2014) Asset and Environment Protection during Building Works

**Summary of key changes**

To ensure the review of Local Law No. 3 is carried out effectively we considered the following:

- Guidelines for Local Laws Manual (DPCD), incorporating input from various other LGA's and regulatory bodies
- Good Practice Guide for Local Governments in Asset Protection (DPCD)
- Approach taken by Local Law No. 2 Review – Project Assurance Group
- Benchmarking of Local Laws prepared by other LGA's in regards to Asset Protection
- Subject matter expert opinions, including Local Laws and technical / planning

To ensure the review of Local Law No. 3 is appropriate for future requirements, we applied the following changes:

- Adherence to Guidelines for Local Laws Manual (2010) where relevant
- Updating the flow of the document and the order in which it read
- Retaining only words, definitions and standards relevant to actual events and due diligence
- Introduction of standards allowing all parties to work collaboratively to achieve the best outcome possible
- Increased focus on a holistic approach, incorporating all facets of building works and the risks involved in such
- Simplified terminology and grammar to ensure the reader can understand easily and to reduce the risk of incorrect interpretation (plain English)

**Proposed Amendments, additions, omissions**

<b>Current</b>	<b>Table of Contents</b>	<b>Proposed</b>
1. PART A – INTRODUCTION 2. PART B – THE CONTEXT OF THIS LOCAL LAW 3. PART C – RELATED LEGISLATION 4. PART D – ASSET PROTECTION 5. PART E – INSPECTIONS AND ENFORCEMENT 6. NOTIFICATION 7. SCHEDULES 1, 2 and 3		1. PART 1 – FORMALITIES 2. PART 2 – ASSET PROTECTION PERMITS 3. PART 3 – OFFENCES 4. PART 4 – ADMINISTRATION OF THIS LOCAL LAW

Current	Content Summary	Proposed
<p>PART A – INTRODUCTION                      PART B – THE CONTEXT OF THIS LOCAL LAW                      PART C – RELATED LEGISLATION</p>		<p>PART 1 – FORMALITIES                      All of the existing parts have been combined into one section at the beginning of the document which provides the reader with an introduction, including the purpose of the Local Law, why it exists and the governing and guiding legislations this Local Law relates to.</p>
<p>PART D – ASSET PROTECTION                      PART E – INSPECTIONS AND ENFORCEMENT</p>		<p>PART 2 – ASSET PROTECTION PERMITS                      These two parts have been combined into one section, also known internally as the ‘core’ of the document. This section outlines to the reader in an organised manner, what a permit is, its purpose, validity and any fees and charges related to it. It then states the standards applied to amendments, cancellation and false representation in regards to permits and building works, followed by non-compliance of permit conditions, Council’s power to act, infringements and the power of authorised officers.</p> <p>The key additions / changes to note in this section are:</p> <ul style="list-style-type: none"> <li>• Council will determine if a permit is required based on the proposed works and the level of risk identified, where documentation will be issued accordingly – works must not begin before documentation is received by the applicant;</li> <li>• Added content to educate the reader in the standard permit conditions and the ramifications of non-compliance;</li> <li>• Updated validity standards for permits – previously they were valid for two (2) years regardless of completion of works, now they are valid for two (2) years or upon completion of the building works, which ever comes first;</li> <li>• Provision for the determination of amounts relating to fees and/or security bonds has been incorporated to ensure the level of security bond retained relates to the level and likelihood of the risk(s) involved in the building works;</li> </ul>

	<ul style="list-style-type: none"> <li>• Revised the criteria applied to a reasonable time to comply based on a number of variables to suit the building works carried out;</li> <li>• Adding a clause which states Council may recover the cost of emergency actions where appropriate; and</li> <li>• Inclusion of enhanced and more frequent inspections being carried out and deemed satisfactory before security bonds are refunded.</li> </ul>
	<p><b>PART 3 – OFFENCES</b></p> <p>A new section has been added to follow suit with Local Law No. 2 and the Guidelines for Local Laws Manual recommendations which includes the standard text (as taken from Local Law No. 2) educating the reader in what an offence is, at what point a person is guilty of an offence in relation to this Local Law and the penalties which can be applied if deemed so by Council.</p>
	<p><b>PART 4 – ADMINISTRATION OF THIS LOCAL LAW</b></p> <p>Another new section has been added also to follow suit with Local Law No. 2 and the Guidelines for Local Laws Manual recommendations which explains to the powers of Council to serve infringement notices, including exercising discretions and the power to obtain necessary information, along with the appeals process.</p>

<p>SCHEDULE 1 – Notice to Comply                  SCHEDULE 2 – Notice of Urgent Works                  SCHEDULE 3 – Infringement Notice</p>	<p>All schedules have been removed to ensure consistency with Local Law No. 2 and to reduce the risk of presenting to Council each time a form is altered. Part 4 of the proposed Local Law includes standards relating directly to the register of determinations to cover this, i.e. Pathway records.</p>
<p><b>Current</b></p>	<p><b>Proposed</b></p>
<p style="text-align: center;"><b>Definitions</b></p> <p>Appointed agent                  Asset protection permit                  Authorised officer                  Builder                  Builders' refuse                  Building                  Building site                  Building work                  Carriageway                  Construction period                  Contractor                  Council                  Council-controlled land                  Municipal place                  Facility                  Land                  Municipal district                  Nature strip                  Owner                  Penalty units                  Pollution                  Public infrastructure assets                  Road, road infrastructure &amp; road-related infrastructure                  Road opening                  Security bond                  Stormwater system                  Supplier                  Vehicle crossing</p>	<p>Applicant                  Authorised officer                  Asset protection permit                  Building works refuse                  Building works                  Conditions                  Council                  Damage                  Fee                  Municipal district                  Owner                  Penalty units                  Public infrastructure assets                  Pollution                  Rubbish facility                  Security bond                  Temporary fencing                  Temporary vehicle crossing                  Toilet</p>



# COMMUNITY LIVEABILITY

**15. COMMUNITY LIVEABILITY**

Nil reports

# CORPORATE SERVICES

**16. CORPORATE SERVICES**

Nil reports

# MEETING CLOSED TO THE PUBLIC

**ORDINARY COUNCIL MEETING AGENDA  
22 SEPTEMBER 2014 (CM447)****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 ASSEMBLY OF COUNCILLORS**

**Agenda item 17.2 *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)**

**17.3 COUNCILLORS QUARTERLY EXPENSES REPORT - APRIL - JUNE 2014**

**Agenda item 17.3 *Councillors Quarterly Expenses Report - April - June 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)**

**17.4 LCC-184 PROVISION OF CORPORATE UNIFORMS**

**Agenda item 17.4 *LCC-184 PROVISION OF CORPORATE UNIFORMS* is designated as confidential as it relates to contractual matters (s89 2d)**

- 17.5 LCC-188 PROVISION OF AUTO ELECTRICAL SERVICES**  
Agenda item 17.5 *LCC-188 PROVISION OF AUTO ELECTRICAL SERVICES* is designated as confidential as it relates to contractual matters (s89 2d)
- 17.6 LCC-189 SUPPLY OF CONCRETE PIPES, END WALLS, PIT SURROUNDS AND LIDS**  
Agenda item 17.6 *LCC-189 SUPPLY OF CONCRETE PIPES, END WALLS, PIT SURROUNDS AND LIDS* is designated as confidential as it relates to contractual matters (s89 2d)
- 17.7 LCC-191 PROVISION OF HYDRAULIC SERVICES**  
Agenda item 17.7 *LCC-191 PROVISION OF HYDRAULIC SERVICES* is designated as confidential as it relates to contractual matters (s89 2d)
- 17.8 LCC-192 PROVISION OF POWERED EQUIPMENT – SUPPLY, SERVICE, REPAIRS AND CONSUMABLES**  
Agenda item 17.8 *LCC-192 PROVISION OF POWERED EQUIPMENT – SUPPLY, SERVICE, REPAIRS AND CONSUMABLES* is designated as confidential as it relates to contractual matters (s89 2d)
- 17.9 LCC-195 PROVISION OF WELDING AND METAL FABRICATION SERVICES**  
Agenda item 17.9 *LCC-195 PROVISION OF WELDING AND METAL FABRICATION SERVICES* is designated as confidential as it relates to contractual matters (s89 2d)
- 17.10 LCC-196 PROVISION OF UNDERGROUND SERVICE LOCATIONS**  
Agenda item 17.10 *LCC-196 PROVISION OF UNDERGROUND SERVICE LOCATIONS* is designated as confidential as it relates to contractual matters (s89 2d)
- 17.11 LCC-204 PROVISION OF A LANDFILL REHABILITATION PLAN AND AFTERCARE MANAGEMENT PLAN FOR MOE LANDFILL**  
Agenda item 17.11 *LCC-204 PROVISION OF A LANDFILL REHABILITATION PLAN AND AFTERCARE MANAGEMENT PLAN FOR MOE LANDFILL* is designated as confidential as it relates to contractual matters (s89 2d)
- 17.12 LCC-205 MAINTENANCE AND APPLICATION OF PAVEMENT MARKINGS AND PROVISION OF SURFACE RETEXTURING SERVICES**  
Agenda item 17.12 *LCC-205 MAINTENANCE AND APPLICATION OF PAVEMENT MARKINGS AND PROVISION OF SURFACE RETEXTURING SERVICES* is designated as confidential as it relates to contractual matters (s89 2d)

**ORDINARY COUNCIL MEETING AGENDA  
22 SEPTEMBER 2014 (CM447)**

- 17.13 LCC-209 PAVEMENT REHABILITATION OF AIRFIELD ROAD, TRARALGON - STAGE 1**  
Agenda item 17.13 *LCC-209 PAVEMENT REHABILITATION OF AIRFIELD ROAD, TRARALGON - STAGE 1* is designated as confidential as it relates to contractual matters (s89 2d)
- 17.14 LCC-210 SPECIALIST TURF SUPPLIES AND SERVICES**  
Agenda item 17.14 *LCC-210 SPECIALIST TURF SUPPLIES AND SERVICES* is designated as confidential as it relates to contractual matters (s89 2d)
- 17.15 LCC-211 SUPPLY OF FINE WASHED SAND**  
Agenda item 17.15 *LCC-211 SUPPLY OF FINE WASHED SAND* is designated as confidential as it relates to contractual matters (s89 2d)
- 17.16 LCC-213 ASPHALT OVERLAY OF THE MAIN RUNWAY AND VARIOUS PAVEMENTS AT LATROBE REGIONAL AIRPORT, MORWELL**  
Agenda item 17.16 *LCC-213 ASPHALT OVERLAY OF THE MAIN RUNWAY AND VARIOUS PAVEMENTS AT LATROBE REGIONAL AIRPORT, MORWELL* is designated as confidential as it relates to contractual matters (s89 2d)
- 17.17 GIPPSLAND CARBON TRANSITION COMMITTEE**  
Agenda item 17.17 *GIPPSLAND CARBON TRANSITION COMMITTEE* 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)
- 17.18 SUPPLY AND DELIVERY OF A PNEUMATIC TYRED ROLLER**  
Agenda item 17.18 *SUPPLY AND DELIVERY OF A PNEUMATIC TYRED ROLLER* is designated as confidential as it relates to contractual matters (s89 2d)
- 17.19 SPONSORSHIP PROPOSAL FOR LATROBE VALLEY RACING CLUB 2014-2015**  
Agenda item 17.19 *Sponsorship proposal for Latrobe Valley Racing Club 2014-2015* 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)