



# **LATROBE CITY COUNCIL**

**AGENDA FOR THE  
ORDINARY COUNCIL**

**TO BE HELD IN NAMBUR WARIGA MEETING ROOM  
CORPORATE HEADQUARTERS, MORWELL  
AT 6.00 PM ON  
27 JULY 2015**

**CM467**



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

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

*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 6 July 2015 and Special Council Meeting held on 16 July 2015 be confirmed.**

**6. PUBLIC QUESTION TIME**

*Members of the public who have registered before 12.00 Noon on the day of the Council meeting are invited to speak to an item on the agenda or to ask a question of the Council.*

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

Council Meeting Date	Item	Resolution	Status Update	Responsible Office
<b>Office of the Chief Executive</b>				
05 December 2011	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.	<p>Briefing occurred on 27 April 2015 prior to a report coming to Council.</p> <p>Currently investigating the further options for restrictions on the sale of Hubert Osborne Park as raised by Cr Kam at the previous Councillor Briefing.</p> <p>A further briefing is scheduled to occur July/August 2015.</p>	Office of the Chief Executive

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Council Meeting Date	Item	Resolution	Status Update	Responsible Office
19 December 2011	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.	<p>Preparation underway to commence negotiations for a new lease. A further report to be presented to Council.</p> <p>Discussion has progressed with the leasing of the land to the Traralgon Greyhound Racing Club.</p> <p>A rental valuation is being obtained from independent valuer.</p> <p>During March Council officers met with representatives from the Traralgon Greyhound Racing Club and the Latrobe Valley Racing Club to discuss new lease arrangements.</p> <p>A rental valuation has been obtained from independent valuer.</p> <p>Preparing draft lease special conditions to be considered at a future briefing.</p> <p>A report will be presented to Council in July / August 2015.</p>	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 Office</b>
13 October 2014	Draft Community Engagement Strategy And Action Plan 2015-2019 - Community Consultation	<ol style="list-style-type: none"> <li>1. That Council approves the draft Community Engagement Strategy and Action Plan 2015-2019 be released for community consultation for four weeks from Monday, 20 October 2014 to Friday, 14 November 2014.</li> <li>2. That following the community consultation process a further report on the Community Engagement Strategy and Action Plan 2015-2019 be presented to Council for consideration.</li> </ol>	<p>The draft Strategy is being finalised following the community engagement period.</p> <p>A Briefing will be provided to Council in July/August 2015.</p>	Office of the Chief Executive

**ORDINARY COUNCIL MEETING AGENDA  
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Council Meeting Date	Item	Resolution	Status Update	Responsible Office
24 November 2014	Review Of Council Meeting Cycle	<p>That Council:</p> <ol style="list-style-type: none"> <li>1. Maintain a three-weekly Council Meeting cycle.</li> <li>2. Begin Ordinary Council Meetings at 6:00pm.</li> <li>3. Distribute the final Ordinary Council Meeting Agenda to the public, six (6) days prior, to the Ordinary Council Meeting.</li> <li>4. Review the meeting cycle after an eight-month period and a further report be presented to Council in July 2015 with a review of the changes.</li> </ol>	Report to be prepared to Council in July 2015.	Office of the Chief Executive

**ORDINARY COUNCIL MEETING AGENDA  
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Council Meeting Date	Item	Resolution	Status Update	Responsible Office
<b>Planning &amp; Economic Sustainability</b>				
19 September 2011	Traralgon Activity Centre Plan Key Directions Report (cont'd on next page)	<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> </ol>	<p>The CEO wrote to the State Government regarding transport issues on 10 October 2011 and didn't receive a response. Council staff are pursuing a response.</p> <p>The revised Traralgon Activity Centre Plan (TACP) Communication Strategy was adopted by Council on 6 February 2012 and the Traralgon Car Parking Precinct Plan Working Party was endorsed by Council on 20 February 2012.</p> <p>The Traralgon Parking Strategy was completed in October 2013. Rather than proceed with a car parking precinct plan, Council resolved to proceed with car parking overlay Planning Scheme Amendment on 9 February 2015.</p>	Planning and Economic Sustainability

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<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>	<b>Responsible Office</b>
19 September 2011	Traralgon Activity Centre Plan Key Directions Report (continued)	<p>3. That Council proceeds with the Parking Precinct Plan and investigate integrated public parking solutions.</p> <p>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.</p>	A review of TACP project was undertaken by officers following the outcome of the Latrobe Valley Bus Review and adoption of Traralgon Growth Areas Review. The TACP discussion paper was presented at a Councillor Briefing Session on 11 May 2015. The delivery of the TACP project is to be considered as part of the 16/17 budget and business planning process.	Planning and Economic Sustainability

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Council Meeting Date	Item	Resolution	Status Update	Responsible Office
19 September 2011	Traralgon Activity Centre Plan Key Directions Report (continued)	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).		
06 May 2013	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.	Item on hold pending adoption of a Terms of Reference for Advisory Committees. A further report will be presented to Council once the Terms of Reference is adopted.	Planning & Economic Sustainability



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<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>	<b>Responsible Office</b>
<b>Community Infrastructure &amp; Recreation</b>				
06 November 2013	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>	<p>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.</p> <p>An on-site meeting with Cr Middlemiss occurred in December 2014 to investigate further site options.</p> <p>Further evaluation will be undertaken of sites identified during on-site meeting.</p> <p>Further report to be presented to Council in 2015.</p>	Community, Infrastructure & Recreation

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<b>Council Meeting Date</b>	<b>Item</b>	<b>Resolution</b>	<b>Status Update</b>	<b>Responsible Office</b>
<b>Community Liveability</b>				
18 February 2013	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 2015.	Community Liveability

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Council Meeting Date	Item	Resolution	Status Update	Responsible Office
09 February 2015	Family Day Care Feasibility	<p>That Council maintain the Family Day Care program at the current level.</p> <p>That the Family Day Care Coordination team is adjusted as required and directly in relation to any reduction of Educators and/or Service Users.</p> <p>That a further review of the program occur within the first six months of the 2015/16 financial year, with a further report being presented to Council for endorsement at the Ordinary Council Meeting on 07 December 2015.</p> <p>That a report be developed demonstrating cost and funding options to grow other early education and care services as a transition plan from FDC into the future.</p>	Further report to be provided to Council in December 2015.	Community Liveability
<b>Corporate Services</b>				

# NOTICES OF MOTION

**8. NOTICES OF MOTION**

**8.1 2015/14 - MOE COURTHOUSE AND PUBLIC HOUSING  
MAINTENANCE**

**Cr Sharon Gibson**

I, Cr Gibson, hereby give notice of my intention to move the following motion at the Council Meeting to be held on Monday, 27 July 2015:

**That Council requests the Mayor to write to the Premier of Victoria:**

- 1. Requesting his intervention on the communities concerns raised in relation to the deterioration of the Moe Courthouse and surrounds under the auspice of the Department of Justice;**
- 2. To confirm what the immediate and long-term plans are for the Moe Courthouse; and**
- 3. To pass legislation that requires Public Housing Tenants to maintain their property to the standards required under our Local Law for the Latrobe City community.**

**Attachments  
Nil**

**8.2 2015/15 - REQUEST FOR INVESTIGATION INTO TRARALGON  
NETBALL COURT RESURFACING**

**Cr Sharon Gibson**

I, Cr Gibson, hereby give notice of my intention to move the following motion at the Council Meeting to be held on Monday, 27 July 2015:

**That Council engage an Independent investigator to investigate the Traralgon Netball Court resurfacing tender process including;**

- 1. The materials used**
- 2. The written Tender brief**
- 3. The overseeing process utilised and reporting details**
- 4. The report with all of these details be brought back to Open Council within the next 2 months.**

**Attachments  
Nil**

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

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

**9.1 COUNCIL AUTHORISATION TO PREPARE A PLANNING SCHEME AMENDMENT FOR GLENDONALD ROAD CHURCHILL**

General Manager

Planning & Economic  
Sustainability

For Decision

**PURPOSE**

The purpose of this report is for Council to consider a request to be made to the Minister for Planning to authorise the preparation and exhibition of a proposed amendment to the Latrobe Planning Scheme in accordance with Section 8A (3) of the *Planning and Environment Act 1987* (the Act).

Council considered this matter at the Ordinary Council Meeting held on 6 July 2015. As no decision was made at this meeting, therefore the report has been resubmitted to this Council meeting for consideration.

**EXECUTIVE SUMMARY**

This report seeks Council consideration to authorise a proponent led request to be made to the Minister for Planning to prepare and exhibit a proposed amendment to the Latrobe Planning Scheme. The Amendment proposes to rezone land at Glendonald Road, Churchill from Rural Living Zone Schedule 4 to Low Density Residential Zone; and introduce the Development Plan Overlay Schedule 8 to the land. DPO8 sets out the requirements for a development plan which must be prepared before the land can be developed.

The land is located on the south side of Glendonald Road Churchill, and sits on the southern fringe of the Churchill Township (see Attachment 1 – Subject Land Map). The land has established rural living housing development on the east and west of the site, conventional density residential housing to the north and farming land to the south.

The proponents supporting documentation sets out the existing conditions of the land, an overview of the State and Local Planning Policy Framework including current zoning and overlays, and justification for the proposed planning controls. The amendment will be formally known as Latrobe C90. The proposed Amendment provides the opportunity to improve housing choice and diversity within Churchill by providing market-ready Low Density Residential Zone land. Reticulated sewerage is not proposed to service the lots which will require a minimum lot size of 0.4 hectare to allow for onsite septic tanks.

Seeking authorisation to exhibit the proposed planning scheme amendment is consistent with facilitating development of the land for future residential purposes.



### **RECOMMENDATION**

**That Council requests authorisation from the Minister for Planning to prepare and exhibit the proposed amendment to the Latrobe Planning Scheme, which seeks to:**

- 1. Rezone the land (CA 39 Section A – Volume 11518 Folio 444 and CA 39C Section A– Volume 11518 Folio 445) from Rural Living Zone (RLZ4) to Low Density Residential Zone (LDRZ); and**
- 2. Introduce the Development Plan Overlay Schedule 8 (DPO8) to the land.**

### **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 – Built Environment (City Planning)*

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

Latrobe City is a vibrant and diverse community. Council is ensuring that the changing needs and aspirations of our diverse community are met by providing facilities, services and opportunities that promote an inclusive and connected community.

#### *Latrobe City Council Plan 2013 - 2017*

##### *Theme and Objectives*

##### *Theme 5: Planning for the future*

*To provide a well-planned, connected and liveable community.  
To provide clear and concise policies and directions in all aspects of planning.*

##### *Strategic Direction – Planning for the future*

Provide efficient and effective planning services and decision making to encourage development and new investment opportunities.

Plan and coordinate the provision of key services and essential infrastructure to support new growth and developments.

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### *Legislation –*

The provisions of the Latrobe Planning Scheme and the following legislation apply to this amendment:

- *Local Government Act 1989.*
- *Planning and Environment Act 1987*
- *Transport Integration Act 2010*

The proposed amendment is consistent with the Latrobe Planning Scheme and the applicable legislation.

### **BACKGROUND**

An amendment application was received on 7 August 2014, by consultants Hansen Partnership Pty Ltd acting on behalf of landowners Junction Road Partnership. After receipt of the application, it was determined that further work was required by the applicant prior to resubmission on 19 January 2015.

The subject land is located at Glendonald Road, Churchill. The land is located immediately to the south of the Churchill Town Boundary and 1.6km from the Hazelwood Village Shopping Centre, a mix of residential and rural living allotments adjoins the subject land.

The northern boundary of the subject land directly fronts Glendonald Road. Twenty conventional residential allotments (General Residential Zone), ranging from 570m<sup>2</sup> to 700m<sup>2</sup> is located immediately opposite this frontage.

To the east and west of the subject land, the allotments are zoned Rural Living 3 (RLZ3) and range from 0.15 to 4.8 hectares with 24 of these allotments interfacing with the subject land. Greater lot density exists in the north-east, where the lot sizes are more representative of Low Density Residential (LDRZ) subdivision outcomes.

Land adjoining to the south of the subject site is zoned Rural Living (RLZ3), where a current Planning Permit has been issued for Stage 1 of the subdivision of the land (13 allotments), with Stage 2 to follow in the short to medium term. Titles have yet to be issued for these 13 lots.

The proposal affects the following allotments:

- Title Plan 770344F - formerly Crown Allotment 39 Section A Parish of Hazelwood Vol 11056 Fol 808,809, 810.
- Title Plan 792113C – formerly Crown Allotment 39C Section A Parish of Hazelwood Vol 11056 Folio 805, 806, 807.

The proposal requests permission to rezone the subject land from RLZ4 to LDRZ; and to introduce the DPO8 to the land. The DPO8 will be amended as part of this amendment to provide flexibility where reticulated sewerage is available. Reticulated sewerage must now be shown on any development plan submitted to Council. This will allow the DPO8 to be applied to land where both reticulation is and is not available.

Currently there is no LDRZ land in Churchill available for development. The application for rezoning presents Council with the opportunity to increase the variety of future residential land available in Churchill, in particular, the void of 'market ready' LDRZ land. Additionally, this rezoning provides an opportunity to offset the future intensification of Low Density Residential land in Traralgon and meet the ongoing demand for this type of land. If the rezoning were to be approved, the subject site has the capacity for a total lot yield of 92 allotments if reticulated sewerage was not made available and a possible 185 lots if reticulated sewerage was to be made available for connection. This is a requirement under the Low Density Residential Zone Clause 32.0-3 Subdivision. This clause states that for lots that are unable to be connected to reticulated sewerage, lots must be a minimum size of 0.4Ha and for lots that can be connected to reticulated sewerage can have a minimum lot size of 0.2Ha.

The proposed amendment was considered at the 6 July 2015 Ordinary Council meeting to seek authorisation. The motion was not supported and lapsed as a result and therefore the proposed amendment will be considered at this meeting.

#### Planning Scheme Amendments/Permits

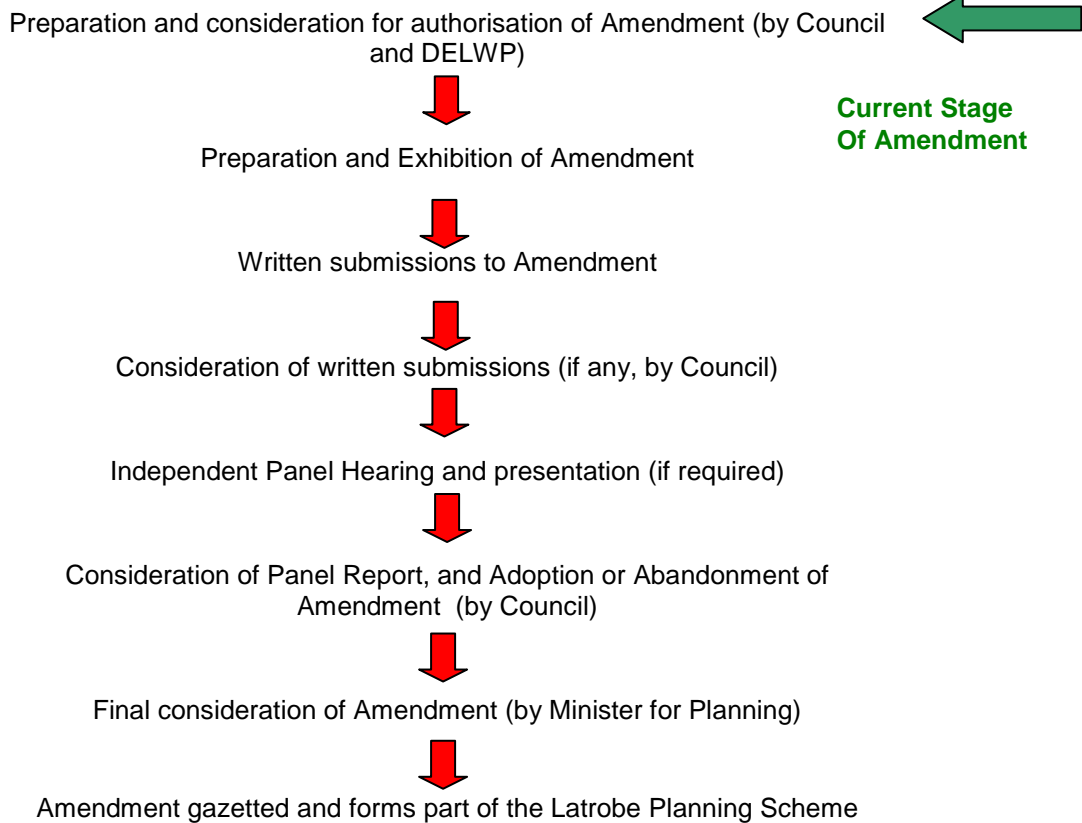
A previous Planning Permit (2008/315) was issued on 5 January 2010 for 25 Junction Road, Churchill which included the subject site. The Planning Permit approved a 37 lot subdivision, with 11 allotments accommodated on the portion of the land that is the subject of the current application. These lots were approved under the scope of the existing Rural Living Zone (RLZ4), where the Planning Permit included a number of conditions relating to site access and servicing and infrastructure. Despite a Planning Permit being issued, amended plans were not prepared and endorsed as required by the permit that enabled subdivision. No development has proceeded.

#### Statutory Requirements

The planning scheme amendment process is shown in the figure below and provides an indication of the current stage. This report seeks Authorisation to prepare this Planning Scheme amendment and to proceed to the next phase of the process which is exhibition of the amendment documents.

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### Planning Scheme Amendment Process



In accordance with Section 9 of the Act, the Minister for Planning may authorise a municipal council to prepare an amendment to State and local standard provisions of a planning scheme in force in its municipal district.

Municipal councils, as the Planning Authority, have a number of duties and powers. These duties and powers are listed at Section 12 of the Act. Under Section 12 a planning authority must have regard to (*inter alia*):

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

This Amendment proposal has had regard to Section 12 of the Act and is consistent with the requirements of Section 12.

In addition, each amendment must address the Department of Environment, Land, Water and Planning (DELWP) publication *Strategic Assessment Guidelines for Planning Scheme Amendments*. A response

to these guidelines is included in the Explanatory Report which will be exhibited with this proposed amendment.

The proposal is consistent with the State Planning Policy Framework and the Municipal Strategic Statement (MSS). A response to this is included in the Explanatory Report which will be exhibited with this proposed amendment.

The proposal is consistent with the State Planning Policy Framework at Clause 11 – Settlement, Clause 15 – Built Environment and Heritage, and Clause 16 – Housing.

The proposal is also consistent with the MSS specifically Clause 21.04-Built Environment Sustainability, Clause 21.05 – Main Towns, and Clause 21.08-Liveability. A response to this is included in the Explanatory Report which will be exhibited with this proposed amendment.

### **INTERNAL/EXTERNAL CONSULTATION**

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

This will include advertising in the government gazette, local newspapers and community meetings if required as well as written notification to landowners and occupiers that may be materially affected by the amendment following authorisation of the amendment.

All statutory and servicing authorities likely to be materially affected will also be notified of the proposed amendment.

Preliminary internal referrals to Health and Engineering have occurred for this proposed Amendment. A detailed land capability assessment and traffic assessment will be done at the Development Plan stage where further consultation will occur.

### **KEY POINTS/ISSUES**

#### **Land Supply and Demand**

The *Residential and Rural Residential Land Supply Assessment (February 2009)* assessed and provided forecasts of the supply and demand for future residential and rural residential land. The report completed an assessment of the forecast dwelling demand by zone in Churchill and was undertaken assuming that LDRZ land is made available for development. The assessment provided for LDRZ to account for 5% of dwelling demand in Churchill. However, there is currently no market ready LDRZ land in Churchill. This proposal will assist in meeting the predicted of forecast demand.

#### **Resource Protection**

Land to the west of the subject site (beyond Monash Way) is currently covered by the Environmental Significance Overlay, Schedule 1 (ESO1). This overlay has been applied to protect the buffer areas from potential future coal extraction. The effect of this buffer is to limit Churchill's town

growth to the west and direct growth close to the Town Centre in the East and South, thus making the rezoning of the subject land appropriate.

### **Community Views**

When the previous planning permit was processed for subdivision of the land into 37 lots, the community expressed concerns regarding increased traffic on Glendonald Road. It is expected that this will be raised by the local residents during exhibition of this Amendment. A traffic impact assessment has been completed as part of the application, and will be available for consideration during exhibition.

### **Infrastructure**

Currently, Gippsland Water have indicated that they will not support connection to any lots if this land was rezoned to LDRZ or higher density, as this land has not been identified for LDRZ in future Council Structure Plans and there is no capacity in the current sewer system to allow any future connections. Attachment 2 shows current connections to reticulated sewerage in proximity to the subject site. The land is currently unable to be served by sewerage, unless the developer contributes full cost to connect the land to reticulated sewerage. Early indications are that the cost of providing infrastructure for reticulated sewerage may impose a substantial burden on the developer. The developer has not pursued detailed costings of extending reticulated sewerage to the site at this point in time as additional hydraulic modelling will be required to be undertaken at the cost of the developer.

There is no reason to expect that the land will not be able to provide for the installation of on-site waste disposal systems as identified by the LCA provided and a more detailed LCA will be prepared for assessment at the Development Plan stage once lot configuration has been determined. The proponent's report has indicated at a later date, if the circumstances change from Gippsland Water's current position, they could entertain the idea of servicing the lots with reticulated sewerage, however a preliminary LCA has been provided due to the advice received from Gippsland Water that capacity is currently not available.

Without any formal Council policy regarding intensifying LDRZ areas without reticulated sewerage, it is important Councillors are aware that Council will have future obligations regarding the ongoing future compliance of septic systems. As a result of not proposing to provide reticulated sewerage each lot is required to be the minimum lot size of 0.4ha. The current lot yield is 37 lots under the RLZ. If the rezoning is approved without requiring reticulated sewerage (i.e. septic tanks), the lot yield is 92 lots. With connection to reticulated sewerage the potential lot yield could increase to 185 lots in the LDRZ.

### **RISK IMPLICATIONS**

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

It is expected that neighbouring landowners will raise traffic concerns, however the process of preparing the Development Plan (post this

**ORDINARY COUNCIL MEETING AGENDA  
27 JULY 2015 (CM467)**

Amendment) is an appropriate mechanism to address these concerns in greater detail. Traffic reports will be provided to the community during the public exhibition stage.

**FINANCIAL AND RESOURCES IMPLICATIONS**

The prescribed fees for planning scheme amendments are detailed in the *Planning and Environment (Fees) Regulations 2012*. The costs associated with a planning scheme amendment include: considering a request to amend a planning scheme, consideration of submissions, providing assistance to a panel and adoption and approval of an amendment.

As the amendment is being undertaken at the request of the landowner, statutory fees associated with this proposed amendment will be met by the proponent, Hansen Partnership Pty Ltd.

**OPTIONS**

The options available to Council are as follows:

1. That Council pursues the proposed amendment and supports the request to be made to the Minister for Planning to authorise the preparation and exhibition of the amendment to the Latrobe Planning Scheme.  
Or
2. That Council does not support the request to be made to the Minister for Planning, to authorise the preparation and exhibition of the amendment to the Latrobe Planning Scheme and therefore abandons the amendment.

**CONCLUSION**

The proposed Amendment provides the opportunity to improve housing choice and diversity within Churchill by providing market-ready Low Density Residential Zone land.

Seeking authorisation to exhibit the proposed planning scheme amendment is consistent with facilitating development of the land for future residential purposes. Proceeding to the public exhibition process will enable the community to be engaged and make comment on the proposal.

**SUPPORTING DOCUMENTS**

Nil

**Attachments**

1. Subject Land Map
2. Location of Reticulated Sewerage in Relation to the Subject Site



## **9.1**

### **Council Authorisation to Prepare a Planning Scheme Amendment for Glendonald Road Churchill**

<b>1</b>	<b>Subject Land Map .....</b>	<b>29</b>
<b>2</b>	<b>Location of Reticulated Sewerage in Relation to the Subject Site .....</b>	<b>31</b>



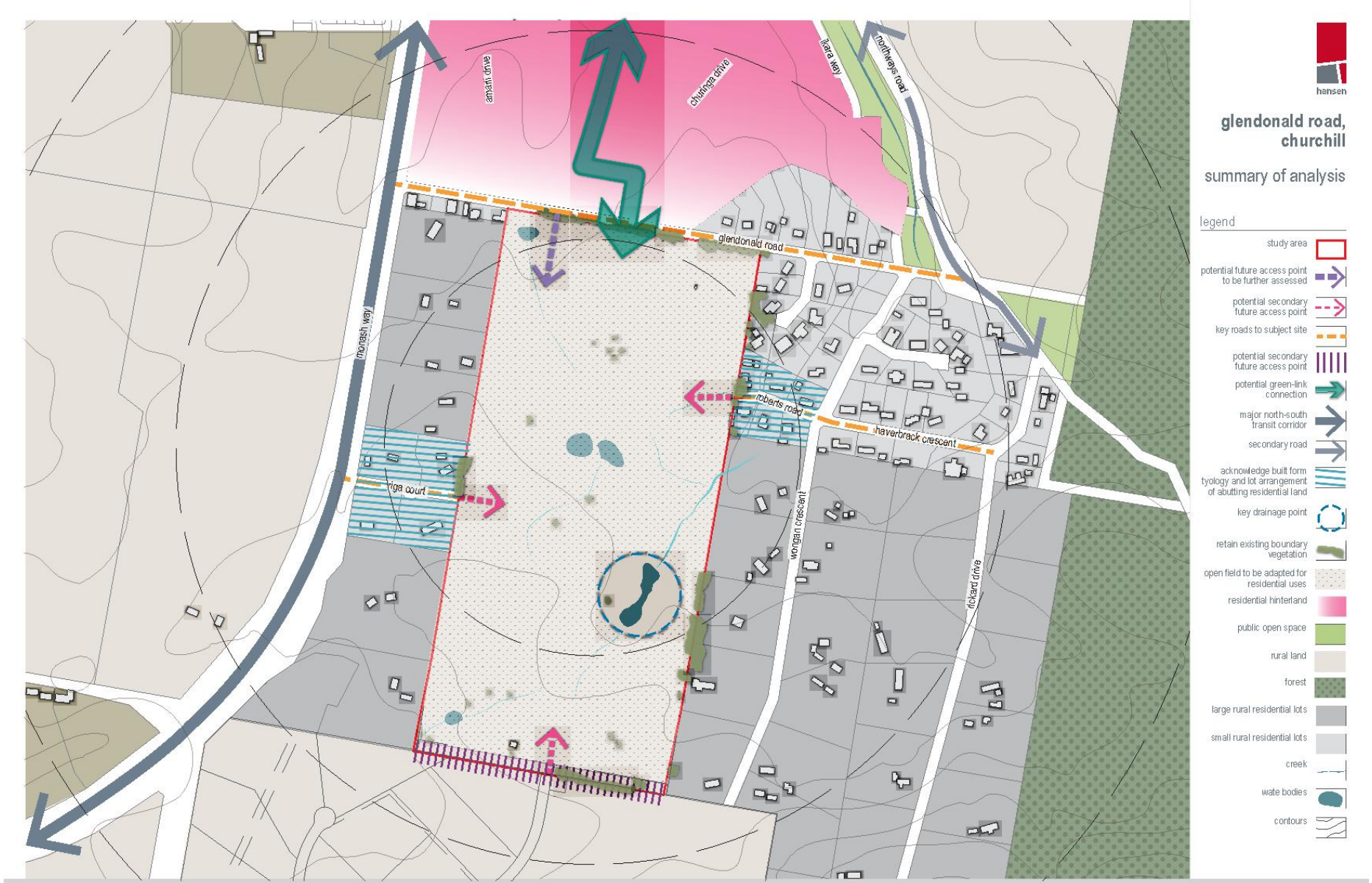


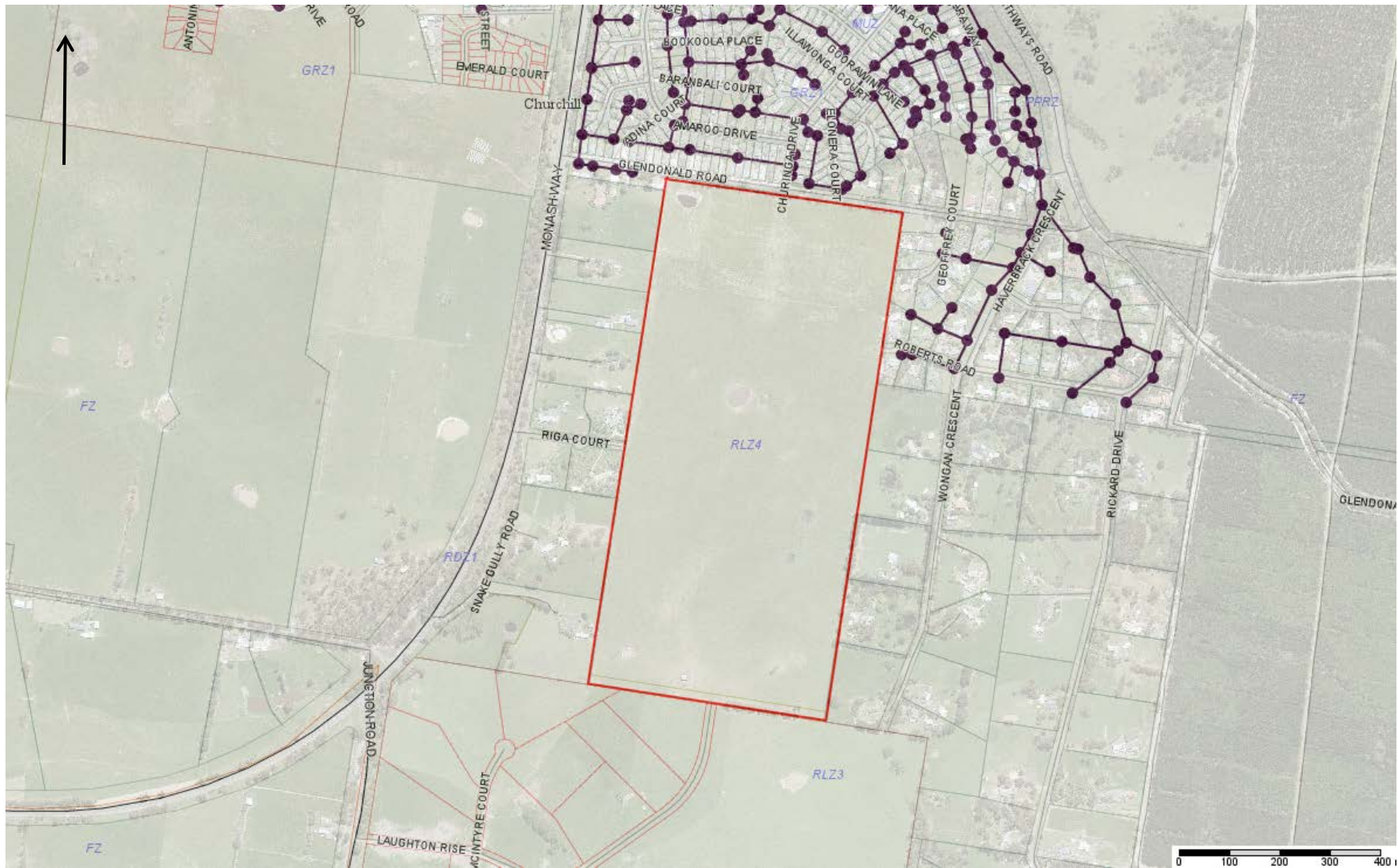
figure 19 summary of analysis




Project Ref: 14.101  
 Dwg No.: UDD-001  
 Scale: 1:6000@A3  
 Date: 07.10.2014  
 Revision: A


hansen partnership ptyltd  
 melbourne | vietnam  
 level 4 136 robinson st  
 melbourne vic 3000  
 t 61 3 9654 8844 f 61 3 9654 8088  
 e info@hansen-online.com.au  
 w hansen-online.com.au

Reticulated Sewerage connections in relation to the Subject Site on to the Subject Site



Legend

 Sewer Pipes

 Sewer Nodes

# CORRESPONDENCE

**10. CORRESPONDENCE**

Nil reports



# PRESENTATION OF PETITIONS

**11. PRESENTATION OF PETITIONS**

Nil reports

# OFFICE OF THE CHIEF EXECUTIVE





## ORDINARY COUNCIL MEETING AGENDA 27 JULY 2015 (CM467)

29 June 2015	Public Presentations	<p><b>Councillors:</b> Cr Sindt, Cr Gibbons, Cr Harriman, Cr Kam, Cr Rossiter, Cr Gibson</p> <p><b>Officers:</b> Gary Van Driel, Phil Stone, Peter Mangan, Amy Phillips, Kylie Stockdale, Adam Broadbent, Steve Piasente, Sarah Cumming, Danielle Simpson, Deanne Smith</p>	Nil
30 June 2015	Australia Day Advisory Committee	<p><b>Councillors:</b> Cr Sindt</p> <p><b>Officers:</b> Jason Membrey, Wendy Hrynyszyn</p>	Nil
01 July 2015	Municipal Public Health and Wellbeing Plan Project Reference Group	<p><b>Councillors:</b> Cr Kam</p> <p><b>Officers:</b> Alistair Edgar, Pieta Bucello, Stuart Simmie, Katrina Pizzi</p>	Nil
01 July 2015	Yallourn North Community Housing Committee of Management	<p><b>Councillors:</b> Cr Middlemiss</p> <p><b>Officers:</b> Lance King, Henry Morrison</p>	Nil

### RECOMMENDATION

**That Council receives and notes this report of the Assembly of Councillors held from 06 July 2015.**

### DECLARATION OF INTEREST

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

**ORDINARY COUNCIL MEETING AGENDA  
27 JULY 2015 (CM467)**

**Attachments**

1. Assembly of Councillors - War Memorial Committee 10 February 2015
2. Assembly of Councillors - Tourism Advisory Board 03 June 2015
3. Assembly of Councillors - War Memorial Committee 23 June 2015
4. Assembly of Councillors - Public Presentations 29 June 2015
5. Assembly of Councillors - Australia Day Advisory Committee 30 June 2015
6. Assembly of Councillors - Municipal Public Health and Wellbeing Plan PRG 01  
July 2015
7. Assembly of Councillors - Yallourn North Community Housing CoM 01 July 2015

# **12.1**

## **Assembly of Councillors**

<b>1</b>	<b>Assembly of Councillors - War Memorial Committee 10 February 2015 .....</b>	<b>41</b>
<b>2</b>	<b>Assembly of Councillors - Tourism Advisory Board 03 June 2015 .....</b>	<b>43</b>
<b>3</b>	<b>Assembly of Councillors - War Memorial Committee 23 June 2015 .....</b>	<b>45</b>
<b>4</b>	<b>Assembly of Councillors - Public Presentations 29 June 2015.....</b>	<b>47</b>
<b>5</b>	<b>Assembly of Councillors - Australia Day Advisory Committee 30 June 2015.....</b>	<b>49</b>
<b>6</b>	<b>Assembly of Councillors - Municipal Public Health and Wellbeing Plan PRG 01 July 2015 .....</b>	<b>53</b>
<b>7</b>	<b>Assembly of Councillors - Yallourn North Community Housing CoM 01 July 2015.....</b>	<b>55</b>



## Assembly of Councillors Record

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

<b>Assembly details:</b>	War Memorial Advisory Committee Meeting
<b>Date:</b>	Tuesday, 10 February 2015
<b>Time:</b>	1.00 pm – 2.00 pm
<b>Assembly Location:</b>	Latrobe City Council Corporate Headquarters

### IN ATTENDANCE

<b>Councillors:</b>	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input checked="" type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
<b>Officer/s:</b>	Steven Piasente, Luke McGrath and Henry Morrison		
<b>Matter/s and main topic/s discussed:</b> <i>Provide dot points only, not the minutes of the meeting</i>	Preservation of war memorials located within Latrobe City with representatives of the various RSL sub branches.		
<b>Confidential/ Not confidential</b>	Are the matters considered confidential under the Local Government Act? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

### CONFLICT OF INTEREST DISCLOSURES: (refer to page 2)

<b>Councillors:</b>	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
<b>Officer/s:</b>	Nil		
<b>Times that Officers / Councillors left/returned to the room:</b>	Not applicable		

Completed by: Henry Morrison Coordinator Property & Statutory Services 2 July 2015



**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}.

<b>Assembly details:</b>	Tourism Advisory Board
<b>Date:</b>	<b>3 June 2015</b>
<b>Time:</b>	<b>5.35pm</b>
<b>Assembly Location:</b>	Nambur Wariga meeting room LATROBE CITY COUNCIL CORPORATE HEADQUARTERS COMMERCIAL ROAD, MORWELL

### IN ATTENDANCE

<b>Councillors:</b>	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Sandy Kam
	<input checked="" type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
<b>Officer/s:</b>	<b>William Macpherson, Geoff Hill, Linda Brock, Stuart Cunningham,</b>		
<b>Matter/s and main topic/s discussed:</b> <i>Provide dot points only, not the minutes of the meeting</i>	<b>Annual TAB report to Council TAB membership expiry timelines</b>		
<b>Confidential/ Not confidential</b>	Are the matters considered confidential under the Local Government Act? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

### CONFLICT OF INTEREST DISCLOSURES: (refer to page 2)

<b>Councillors:</b>	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
<b>Officer/s:</b>	<b>Nil</b>		
<b>Times that Officers / Councillors left/returned to the room:</b>	<b>Nil</b>		





Completed by: Linda Brock

**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:

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## Assembly of Councillors Record

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<b>Assembly details:</b>	War Memorial Advisory Committee Meeting
<b>Date:</b>	Tuesday, 23 June 2015
<b>Time:</b>	11.00 am – 12 Noon
<b>Assembly Location:</b>	Latrobe City Council Corporate Headquarters

### IN ATTENDANCE

<b>Councillors:</b>	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input checked="" type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
<b>Officer/s:</b>	Damian Blackford and Henry Morrison		
<b>Matter/s and main topic/s discussed:</b> <i>Provide dot points only, not the minutes of the meeting</i>	Preservation of war memorials located within Latrobe City with representatives of the various RSL sub branches.		
<b>Confidential/ Not confidential</b>	Are the matters considered confidential under the Local Government Act? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

### CONFLICT OF INTEREST DISCLOSURES: (refer to page 2)

<b>Councillors:</b>	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
<b>Officer/s:</b>	Nil		
<b>Times that Officers / Councillors left/returned to the room:</b>	Not applicable		

Completed by: Henry Morrison Coordinator Property & Statutory Services 2 July 2015





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

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**Section 80B**

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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}.

<b>Assembly details:</b>	Public Presentations
<b>Date:</b>	<b>29 June 2015</b>
<b>Time:</b>	<b>5.15pm – 5.55pm</b>
<b>Assembly Location:</b>	Nambur Wariga Meeting Room, Council Headquarters, Morwell

### IN ATTENDANCE

<b>Councillors:</b>	<input checked="" type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input checked="" type="checkbox"/> Cr Peter Gibbons
	<input checked="" type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input checked="" type="checkbox"/> Cr Sandy Kam from 5.20pm
	<input type="checkbox"/> Cr Darrell White	<input checked="" type="checkbox"/> Cr Michael Rossiter	<input checked="" type="checkbox"/> Cr Sharon Gibson
<b>Officer/s:</b>	Gary Van Driel, Phil Stone, Peter Mangan, Amy Phillips, Kylie Stockdale, Adam Broadbent, Steve Piasente, Sarah Cumming (from 5.20pm), Danielle Simpson (from 5.35pm), Deanne Smith (from 5.35pm)		
<b>Matter/s and main topic/s discussed:</b> <i>Provide dot points only, not the minutes of the meeting</i>	<ul style="list-style-type: none"> <li>• Elaboration concerning an invention</li> <li>• Mount Hope Road</li> <li>• Proposed Planning Scheme Amendment Glendonald Road Churchill</li> </ul>		
<b>Confidential/ Not confidential</b>	Are the matters considered confidential under the Local Government Act? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

### CONFLICT OF INTEREST DISCLOSURES: (refer to page 2)

<b>Councillors:</b>	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
<b>Officer/s:</b>	Sarah Cumming		
<b>Times that Officers / Councillors left/returned to the room:</b>	Sarah Cumming left the room, the time being 5:35PM.		

Completed by: Amy Phillips, Coordinator Governance, 29 June 2015



**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}.

<b>Assembly details:</b>	Australia Day Advisory Committee
<b>Date:</b>	30 June 2015
<b>Time:</b>	5.00 pm to 6.20 pm
<b>Assembly Location:</b>	Nambur Wariga, Council Headquarters, Morwell

### IN ATTENDANCE

<b>Councillors:</b>	<input checked="" type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
<b>Officer/s:</b>	Jason Membrey & Wendy Hrynyszyn		
<b>Matter/s and main topic/s discussed:</b> <i>Provide dot points only, not the minutes of the meeting</i>	Australia Day Program <ul style="list-style-type: none"> <li>• Australia Day Schedule &amp; Media Schedule</li> <li>• Review of nominations &amp; Information sheet</li> <li>• 2016 Proposed Breakfasts Budget</li> <li>• Incorporation of Sporting Hall of Fame into the Australia Day Program</li> <li>• Ambassador program</li> <li>• Process to advise to winners re publication of their details</li> </ul> Re-Election of Australia Day Advisory Committee Members. Promotion of Australia Day Activities General Business <ul style="list-style-type: none"> <li>• PA Systems at local Breakfasts</li> <li>• Ground Maintenance</li> <li>• Australia Day Flags</li> <li>• Civic Function Entertainment</li> <li>• Australia Day Certificates</li> <li>• Wheelchair Access to Kernot Hall</li> <li>• Final Australia Day Advertisement</li> </ul>		
<b>Confidential/ Not confidential</b>	Are the matters considered confidential under the Local Government Act? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

### CONFLICT OF INTEREST DISCLOSURES: (refer to page 2)

<b>Councillors:</b>	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Sandy Kam



	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
<b>Officer/s:</b>	N/A		
<b>Times that Officers / Councillors left/returned to the room:</b>	N/A		

**Completed by:** Wendy Hrynyszyn, Senior Events Officer Latrobe City Council  
1/6/2015

**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}.

<b>Assembly details:</b>	Latrobe City Municipal Public Health and Wellbeing Plan (MPHWP) Project Reference Group
<b>Date:</b>	1 July 2015
<b>Time:</b>	10.30 – 12.00
<b>Assembly Location:</b>	McFarlane Burnett Room, Traralgon Service Centre

### IN ATTENDANCE

<b>Councillors:</b>	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input checked="" type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
<b>Officer/s:</b>	Alistair Edgar (Manager Healthy Communities), Pieta Bucello (Coordinator Healthy Communities), Stuart Simmie (Coordinator Community Resilience), Katrina Pizzi (Community Resilience Officer)		
<b>Matter/s and main topic/s discussed:</b> <i>Provide dot points only, not the minutes of the meeting</i>	Latrobe City MPHWP – Overview and Update MPHWP Review and Evaluation Plan Future Work to Progress the Draft MPHWP		
<b>Confidential/ Not confidential</b>	Are the matters considered confidential under the Local Government Act? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

### CONFLICT OF INTEREST DISCLOSURES: (refer to page 2)

<b>Councillors:</b>	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
<b>Officer/s:</b>			
<b>Times that Officers / Councillors left/returned to the room:</b>			





Completed by: Pieta Bucello (Coordinator Healthy Communities)  
**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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**Brief Explanation:**

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

- Councillor Briefings;
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"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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## Assembly of Councillors Record

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<b>Assembly details:</b>	Yallourn North Community Housing Committee of Management
<b>Date:</b>	Wednesday, 1 July 2015
<b>Time:</b>	4.00 pm – 5.00 pm
<b>Assembly Location:</b>	Yallourn North Fire Station

### IN ATTENDANCE

<b>Councillors:</b>	<input type="checkbox"/> Cr Christine Sindt	<input checked="" type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Sandy Kam
	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
<b>Officer/s:</b>	Lance King and Henry Morrison		
<b>Matter/s and main topic/s discussed:</b> <i>Provide dot points only, not the minutes of the meeting</i>	Management and maintenance of the five Elderly Persons units constructed on Council property at 1 Anderson Avenue Yallourn North.		
<b>Confidential/ Not confidential</b>	Are the matters considered confidential under the Local Government Act? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

### CONFLICT OF INTEREST DISCLOSURES: (refer to page 2)

<b>Councillors:</b>	<input type="checkbox"/> Cr Christine Sindt	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Peter Gibbons
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	<input type="checkbox"/> Cr Darrell White	<input type="checkbox"/> Cr Michael Rossiter	<input type="checkbox"/> Cr Sharon Gibson
<b>Officer/s:</b>	Nil		
<b>Times that Officers / Councillors left/returned to the room:</b>	Not applicable		

Completed by: Henry Morrison Coordinator Property & Statutory Services 2 July 2015



**Assembly of Councillors Record Explanation / Guide Notes**  
Required pursuant to the Local Government Act 1989 as amended.

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**12.2 REVIEW OF THE ESTABLISHMENT OF COUNCIL COMMITTEE  
POLICY**

**Executive Manager**

**Office of the Chief Executive**

**For Decision**

**PURPOSE**

The purpose of this report is to provide to Council for adoption, the Establishment of Council Committee Policy.

**EXECUTIVE SUMMARY**

A review of Council Committees and their structures has been in progress, and in order to continue the review, a decision of Council is required on the strategic direction and structure.

The Establishment of Council Committee Policy (policy) has been reviewed, and a number of proposed changes are recommended.

Council's insurer, as well as other stakeholders, have been engaged to ensure that the proposed policy meet legislative and insurance provisions.

**RECOMMENDATION**

**That Council adopts the revised Establishment of Council Committee Policy.**

**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*

*Latrobe City Council Plan 2013 - 2017*

*Theme and Objectives*

*Theme 3: Efficient, effective and accountable governance*

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

**BACKGROUND**

To assist Council in the delivery of a range of complex tasks, Committees are constituted to undertake specific delegated functions (Special

## ORDINARY COUNCIL MEETING AGENDA 27 JULY 2015 (CM467)

Committees) or to provide expert advice on specific topics or projects (Advisory Committees). These Committees provide insight and information that Council may not otherwise receive either internally or externally. The role of a Committee is to inform and enhance, not replace the role or responsibilities of Council and individual Councillors.

Latrobe City Council currently has 59 Committees which Councillors and/or Council Officers and community members are appointed to. These are:

- Section 86 Special Committee (3)
- Operational (Works) Committee (7)
- Advisory Committee (39)
- User Group (10)

These Committees are governed under the Establishment of Council Committee Policy 12 POL-1, which defines the types of Committees that we currently have.

### Legislative requirements

Councils traditionally operate in accordance with the committee structures available in the *Local Government Act 1989* (Act). There are four types of Committees that a Council may appoint under the Act. These are:

- An Advisory Committee (defined under Section 3(1))
- A Special Committee (created under Section 86 of the Act)
- An Audit Committee (created under Section 139 of the Act)
- A Section 223 Committee (created under Section 223 of the Act)

In addition, Council is responsible for the creation of the *Municipal Emergency Management Planning Committee* which is created under Section 21 of the *Emergency Management Act 1986*. Specific guidelines are provided from the Minister to provide governance direction of this committee.

Assembly of Councillor provisions apply to Advisory Committees where one Councillor is in attendance.

### Project History

At the 16 February 2009 Council Meeting, Council resolved:

1. A. *That Council revokes its delegations under section 86 of the Local Government Act 1989 (Vic) to the following Committees:*
  - (i) *Mathison Park Advisory Committee;*
  - (ii) *Ollerton Avenue Bushland Reserve Committee of Management;*
  - (iii) *Sale of Goods from Council Properties Committee;*
  - (iv) *Demolition of Works Committee;*
  - (v) *Latrobe Regional Motorsport Complex Committee;*
  - (vi) *Moe Yallourn Rail Trail Committee;*

## ORDINARY COUNCIL MEETING AGENDA 27 JULY 2015 (CM467)

(vii) *Crinigan Bushland Reserve Committee of Management; and*

B. *That a report be presented to Council following review of the Committees' terms of reference.*

2. *That Council congratulates and thanks the members of all its section 86 special Committees for their hard work and dedication to community service.*

This removed a number of Special Committees; however formalised alternative structures were not adopted for all of these Committees straight away. Advice included in the report at the time suggested that the above Committees were not required to be Special Committees of Council as they did not make decisions of the Council, but operational decisions.

This inadvertently created confusion amongst this group of Committees as to their governance rights/obligations as well as some finance and insurance issues.

At the 3 December 2012 Council meeting Council resolved the following motion to adopt the *Establishment of Council Committee Policy [12 POL-1]* (Policy):

1. *That Council adopts the Establishment of Council Committee Policy [12 POL-1].*
2. *That the revised 2009-2012 Council Policy Manual [12 POL-4] be produced and made available to the public.*

The Policy set the guidelines for the establishment of a Committee by Council to ensure that there was a consistent approach to Committees within Council.

It established the current structure that Council has in place, with the current Special, Operational (Works), Advisory Committees and User Groups. Insurance implications were also considered in this policy, and a task of this policy was to create Operational (Works) Committees as incorporated organisations under the *Associations Incorporation Reform Act 2012* to ensure that volunteers assisting Council under an Operational (Works) committee were covered by our insurance policy.

However, this task has yet to be undertaken and therefore the confusion and risk regarding insurance coverage remains.

A review of the current Policy with our insurers has highlighted risks of non-coverage of some of the committees from an insurance perspective.

### **KEY POINTS/ISSUES**

It is recognised that involving community members in Council decision making through a Committee is an important engagement tool.

As part of this Committee Review project, a review of the *Establishment of Council Committee Policy 12 POL-1* has been undertaken.



## ORDINARY COUNCIL MEETING AGENDA 27 JULY 2015 (CM467)

### *Outline of Proposed Changes*

<b>Section</b>	<b>Changes proposed</b>
Policy Goals	The inclusion of the ability for Council to monitor the performance and relevance of Committees
Council Plan alignment	Changes to reflect the current Council Plan
Definitions	Inclusion and changes for the definitions on: <ul style="list-style-type: none"> <li>• Act</li> <li>• Advisory Committee</li> <li>• Council</li> <li>• Council officer</li> <li>• Councillor(s)</li> <li>• External Committee</li> <li>• Section 86 Committee</li> <li>• Special Committee</li> <li>• Statutory Committee</li> <li>• Volunteer</li> </ul>
Guiding Principles	Inclusion of the alignment with Council priorities
Types of Committees appointed	Redraft of the section to outline the types of Committees that may be appointed to: <ul style="list-style-type: none"> <li>• Section 86 or Special Committees</li> <li>• Advisory Committees</li> <li>• Statutory Committees</li> </ul>
Insurance	Removal of duplication of information that is located in the appendix
Council Committee Representation	Removal of duplicated text in relation to External Committees – now a separate category
External Committee Representation	Clarification on external committee representation and Councils authority on them

## ORDINARY COUNCIL MEETING AGENDA 27 JULY 2015 (CM467)

Section	Changes proposed
Committee Hierarchy	Deleted. This has been included in definitions and further illustrated in the types of Committees
Related Documents and Associated Documents	Included legislative references, additional related policies and associated documents
Appendix One	Detailed committee matrix to clarify differences in Committees, including review cycles and reporting requirements

### **RISK IMPLICATIONS**

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

The revised policy addresses risks associated with committee members not being covered by insurance provisions.

### **FINANCIAL AND RESOURCES IMPLICATIONS**

The proposed policy presents no additional financial and resource implications. All costs associated will be covered by the existing operational budget.

However, it is appropriate to note that there are more onerous conditions on volunteers in a section 86 committee than those on advisory committees. Therefore, during the review of each of the current committees, any recommendation to move a committee to a section 86 committee will be considered separately and with engagement of the current committee members. Guidance material will also be provided.

### **INTERNAL/EXTERNAL CONSULTATION**

Benchmarking on committee structures has occurred within the local government sector. Engagement has occurred within the organisation and with our insurers in relation to the proposed changes to the policy.

### **OPTIONS**

Council has the following options to consider:

1. Adopt the reviewed policy as presented;
2. Adopt the reviewed policy with changes; or
3. Do not adopt the reviewed policy, and request officers to seek further input.

### **CONCLUSION**

A significant improvement can be made to assist in engaging with the community by Council through the management of Council Committees. The reviewed policy provides the structure and strategic direction for

**ORDINARY COUNCIL MEETING AGENDA  
27 JULY 2015 (CM467)**

officers to implement the next stages of the Committee review project, and if adopted, allows for the commencement of the review of each individual Committee to occur.

**SUPPORTING DOCUMENTS**

- Marked up version of the reviewed *Establishment of Council Committee Policy*.
- *Council Delegates and Committees Instrument*

**Attachments**

1. Revised Establishment of Council Committee Policy



## **12.2**

### **Review of the Establishment of Council Committee Policy**

- 1 Revised Establishment of Council Committee Policy ..... 65**



## Establishment of Council Committee Policy

*DRAFT*

<b>Version Number</b>	DRAFT Version 1.3 15-POL-1
<b>Approval Authority</b>	Council
<b>Date of Last Review</b>	July 2015
<b>Next Review due</b>	July 2017
<b>Superseded Documents</b>	Establishment of Council Committee Policy 12-POL-1
<b>Responsible Area</b>	Office of the Chief Executive, Governance
<b>Legislative References</b>	Crown Land (Reserves) Act 1978 Emergency Management Act 1986 Planning and Environment Act 1987 Local Government Act 1989 Local Government (General) Regulations 2004 Latrobe City Council Meeting Procedure Local Law 1
<b>Related Policies</b>	Councillor Code of Conduct Employee Code of Conduct Project Governance Policy Volunteer Policy
<b>Other Associated Documents</b>	<ul style="list-style-type: none"> <li>• Council Committees Register</li> <li>• Council Delegates and Committees Instrument</li> <li>• Special Committees Operation Manual</li> <li>• Committee of Management Instrument of Delegation Template</li> <li>• Advisory Committee Guide</li> <li>• Advisory Committee Terms of Reference Template</li> <li>• ACELG: The Role and Future of Citizen Committees in Australian Local Government 2013</li> </ul>

Title: Establishment of Council Committee Policy  
Date of Approval: Draft

Revision No. 3  
Next Review Date: July 2017

Owner: Coordinator Governance  
Department: Office of the Chief Executive  
Page 2 of 19

***When printed, document becomes UNCONTROLLED***

**Establishment of Council Committee Policy****15-POL-1****Policy Goals**

To provide forums for the community to engage with Council, present views and support Latrobe City Council on issues relevant to Council activities.

This policy aims to encourage best practice and provide direction and consistency in relation to:

- The establishment of a Committee by Council;
- The appointment, roles and responsibilities of committees;
- The circumstances and purposes associated with the establishment and operation of committees;
- The enabling mechanisms which are necessary and/or appropriate for the establishment and operation of committees in various circumstances;
- The provision for Council to monitor the performance and relevance of all committees against the Council Plan, their documented instrument of delegation or terms of reference, and the objectives of each committee to ensure that committees do not operate in perpetuity beyond achieving their purpose.

The policy recognises the important role that committees play in providing advice and/or services to Council and establishes:

1. The various forms of committee/s supported by Council.
2. The guiding principles for the appointment and review of Committees.
3. The relationship between Council and the different forms of Committees.

Councillors, Committee members and Officers are to comply with this policy to meet legislative requirements.

**Relationship to Council Plan & Latrobe 2026**

This policy relates to the following Strategic Objectives outlined in Latrobe 2026: The Vision for Latrobe Valley:-

**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.*

**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.*

## Establishment of Council Committee Policy

15-POL-1

<b>Recreation</b>	<i>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.</i>
<b>Culture</b>	<i>In 2026, Latrobe Valley celebrates the diversity of heritage and cultures that shape our community, with activities and facilities that support the cultural vitality of the region.</i>
<b>Economy</b>	<i>In 2026, Latrobe Valley has a strong and diverse economy built on innovative and sustainable enterprise. The vibrant business centre of Gippsland contributes to the regional and broader economies, whilst providing opportunities and property for a local community.</i>
<b>Community</b>	<i>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.</i>

This policy relates to the following Strategic Objectives as outlined in the Council Plan 2013-2017:

<b>Appropriate, Affordable &amp; Sustainable Facilities, Services &amp; Recreation</b>	<i>To promote and support a healthy, active and connected community</i>
	<i>To provide facilities and services that are accessible and meet the needs of our diverse community</i>
<b>Efficient, Effective &amp; Accountable Governance</b>	<i>To achieve the highest standards of financial probity and meet all statutory obligations</i>
	<i>To provide open, transparent and accountable governance</i>
<b>Advocacy for &amp; Consultation With Our Community</b>	<i>Work in partnerships with all levels of governments to ensure Latrobe City is well supported, resourced and recognised as one of Victoria's four major regional cities</i>
	<i>To advocate for and support cooperative relationships between business, industry and the community</i>
	<i>To ensure effective two-way communication and consultation processes with the community</i>

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## Definitions

<b>Act</b>	In the context of this policy, means the <i>Local Government Act 1989</i>
<b>Advisory Committee</b>	<p>A Council committee established under section 3(1) that provides advice to Council, or a Section 86 (Special) Committee, or a Council officer who has been delegated a power, duty or function of the Council under section 98 of the Act.</p> <p>Advisory Committees do not have any legal standing.</p> <p>They are not responsible for expenditure or formal decision making and cannot direct Council officers.</p>
<b>Community Facility</b>	Real property accommodating community infrastructure, such as public halls, recreation facilities and the like, which have broad community use and are used for multi-purpose cultural, community and/or recreational purposes.
<b>Council</b>	Means Latrobe City Council, being a body corporate constituted as a municipal Council under the Act.
<b>Council Controlled Property</b>	<p>Real property in which the Council has a major and controlling interest whether through:</p> <ul style="list-style-type: none"> <li>(a) A lease or licence;</li> <li>(b) As committee of management under the <i>Crown Land (Reserves) Act 1978</i>;</li> <li>(c) Some other grant, demise, gift, benefit or bequest; or</li> <li>(d) Specific legislation or law enacted by the Parliament.</li> </ul>
<b>Council officer</b>	Means the Chief Executive Officer and staff of Council appointed by the Chief Executive Officer.

## Establishment of Council Committee Policy

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<b>Council Owned Property</b>	Real property to which the Council has title whether: <ul style="list-style-type: none"> <li>(a) In fee simple estate;</li> <li>(b) By possession;</li> <li>(c) A restrictive Crown grant;</li> <li>(d) A restrictive, in fee simple Crown grant; or</li> <li>(e) An in fee simple Crown grant.</li> </ul>
<b>Councillor(s)</b>	Means the individuals holding the office of a member of Latrobe City Council
<b>External Committee</b>	Community and industry based committees that operate with their own Terms of Reference or mandate where the Council has been invited to participate in partnership or as a community advocate.
<b>Friends Group</b>	A group of volunteer workers who are established and operate under the supervision of Council to assist in the general maintenance of a facility or reserve in accordance with an adopted management plan.
<b>Management</b>	The maintenance, hire, control, operation, conservation, promotion and/or development of property.
<b>Section 86 Committee</b>	See Special Committee.

**Establishment of Council Committee Policy****15-POL-1**

<b>Special Committee</b>	<p>A special committee is any committee to which the Council delegates a duty, function or power.</p> <p>Special Committees are established under section 86 of the Act.</p> <p>The Council formally delegates specific decision-making powers and responsibilities to a Section 86 (also known as a Special Committee or Committee of Management) through an Instrument of Delegation.</p> <p>This Instrument spells out the committee's role and enables it to exercise the functions and powers of Council specified, within certain constraints.</p> <p>Special committees may also be established under other relevant legislation. For example, a planning committee under section 188 of the <i>Planning and Environment Act 1987</i> is a special committee.</p> <p>This is because the <i>Local Government Act 1989</i> says that any committee that is delegated a Council power, duty or function, under any Act is a special committee.</p>
<b>Statutory Committee</b>	<p>A Committee that is required for Council to have in place under the Act or any other specified Act, most usually advisory in nature.</p>
<b>Volunteer</b>	<p>In the context of this policy, is a person who undertakes activities:</p> <ul style="list-style-type: none"> <li>• Without monetary reward or the expectation of paid employment with Council in the future;</li> <li>• Of their own free will;</li> <li>• Of benefit to Council and the community or to gain work experience; and</li> <li>• That complements but does not replace the core work duties of Council.</li> </ul>

**Guiding Principles**

Council may appoint a number of Committees in order to discharge its duties and inform itself of the needs of its community in line with Council priorities (such as those outlined in the Council Plan).

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Council recognises that representative committees provide an important service to both the Council and the community. The creation of committees by Council:

- Encourages community participation and strengthens the sense of community within the City;
- Allows and encourages networking and resource sharing between people working towards a common goal;
- Enhances ongoing community consultation and strengthens channels of communication;
- Provides Council with an appropriate mechanism to formally engage and consult with stakeholders on activities that are planned for the life of a project or initiative and to develop and deliver truly sustainable and socially acceptable solutions;
- Allows Council to delegate certain functions, duties and powers to the community, enabling direct community involvement, accountability and ownership for projects and properties.

**Policy Implementation**

The primary purpose of this policy is to set the guiding principles for the establishment of a Committee by Latrobe City Council.

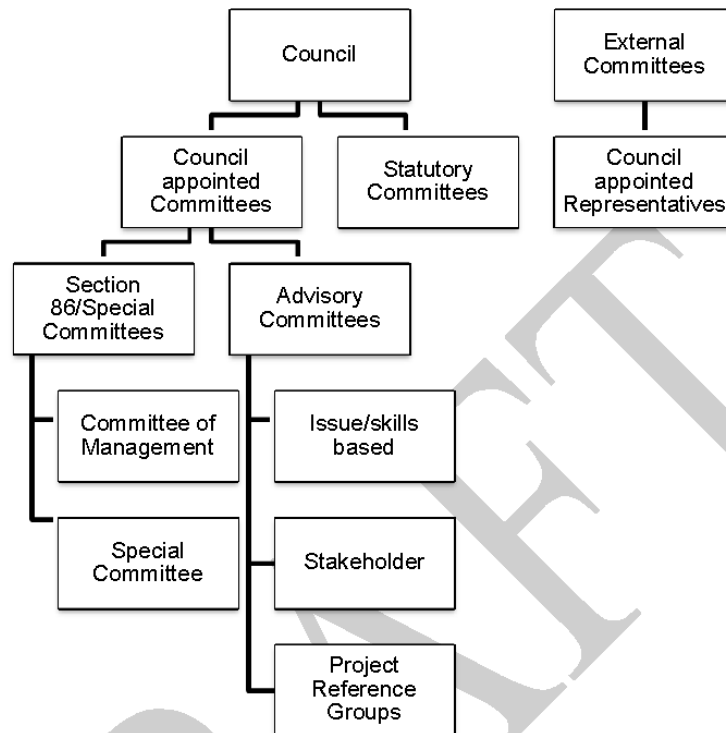
The Policy is to be implemented by practical application upon:

- (a) the formation of a new Committee of Council; or
- (b) the review of the governance arrangements of an existing Committee; and/or
- (c) the appointment of Councillor and/or Officer delegates and/or community representatives to a committee(s) by Council.

## Establishment of Council Committee Policy

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## Types of Committees



The following committees may be appointed:

1. Section 86 or Special Committees
  - Committees of Management
  - Special Committees
2. Advisory Committees
  - Issue/Skills based
  - Stakeholder
  - Project Reference Groups
3. Statutory Committees

### Section 86 or Special Committees

A Section 86 or a Special Committee, may be established through an instrument of delegation via Council resolution.

A Section 86 or Special committees of Council are bound to operate in accordance with Council's governance principles and in particular are obliged to follow any policies and frameworks that are applicable to Special Committees.

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*Committees of Management/Management Committee*

A Committee of Management may be established where it is appropriate for Council to delegate responsibilities of Council to manage facilities on behalf of Council.

A standard Instrument of Delegation creates a common ground for all committees. The instrument of delegation will provide a framework within which the committee will operate.

It is important to note that:

- lawful actions of the Committee of Management are in effect actions of the Council
- Council created Committees of Management/Management Committees do not need to be incorporated
- Council Committees of Management are protected by insurance applicable to Council whilst undertaking their duties on behalf of Council (Crown Land Committees of Management are not covered)
- Committee of Management members must be appointed by Council

*Special Committees*

Other Special committees (other than Committees of Management) may also be established under other Acts. For example, a planning committee established under section 188 of the *Planning and Environment Act 1987* is also a special committee. This is because the Local Government Act says that any committee that is delegated a Council power, duty or function, under any Act is a special committee.

Special Committees may also be established under Section 86 of the Act to assist Council in the delivery of its functions.

**Advisory Committees**

The function of an Advisory Committee is to provide advice to Council. Advisory Committees are established under a Terms of Reference, with clear goals and membership adopted by Council.

Advisory Committees have no delegated powers and are not a legal entity in their own right. Their decisions or recommendations do not have standing unless they are adopted in a Council meeting and Council is not bound to take on an Advisory committee's recommendation.

Advisory Committees may be established for skill-based, issue-based, stakeholder or reference project group needs of Council. Advisory Committees also allow Council the opportunity to access independent external advice that may be available in the community.

An Advisory Committee lifespan should be aligned with and be focussed on the Council Plan and other strategic documents, such as the Municipal Health and Wellbeing Plan.

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**Statutory Committees**

A statutory committee is a committee that Council is required to have in place under the Act or any other specified Act. These committees are mostly advisory in nature, and may be solely of an internal nature, or involve community or community experts.

Current examples include:

- Audit Committee (requirement under section 139 of the *Local Government Act 1989*)
- Municipal Emergency Management Planning Committee (requirement under section 21 of the *Emergency Management Act 1986*)

Any guidelines in relation to a specific statutory committee provided by the appropriate Minister or government body will be followed to ensure compliance with legislative requirements such as membership or terms of references.

**Insurance**

The members of any committee established by Council under the *Local Government Act 1989* or any other enabling legislation are covered under Council's insurance when acting within the scope of their Instrument of Delegation or Terms of Reference.

Furthermore, the members of an incorporated committee of management which Council did not establish but which is contracted (and empowered) by Council to manage a Council owned/controlled (not Crown Land) facility on its behalf under a *controlling* instrument (e.g. a Licence and/or Service Agreement) will still fall within Council's public liability policy, subject to the policy terms and conditions. The policy states:

*"All former and/or present Mayors, Presidents, Chairmen, Commissioners, Councillors, Board Members, Executives, Officers and Employees of the Participant, Authorised Officers and Members of any Committee established by the Participant under the Local Government Act or any other enabling legislation, and Welfare Organisations, Fire, Medical and Emergency Services and Voluntary Workers (including incorporated non-remunerated volunteer management committees carrying out delegated functions, powers and duties of the Participant/Council) all whilst acting in that capacity within the scope of their duties for and on behalf of the Participant."*

**Council Committee Representation**

The enabling Instrument of Delegation or Terms of Reference will establish the composition of a committee and determine Council's representation on that committee. It will also

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prescribe the level of community representation on the committee and the term of office for community-representative members (if any).

A Councillor or council officer may be appointed as Council's delegate on the committee and/or designated by Ward or Position Title.

Council can appoint Councillor and officer delegates to a Committee as a stand-alone item of business; or collectively from time to time on a committee by committee basis within the standard *Council Delegates and Committees* Instrument of Delegation.

**External Committee Representation**

An external committee is a community or industry based committee that operates within their own Terms of Reference or mandate, where the Council has been invited to participate in partnership or as a community advocate.

Council does not have any power to enforce operating expectations on external committees.

Councillors and or Council officers may be appointed to external committees annually, with Council officers being appointed at the discretion of the Chief Executive Officer, which may be endorsed by Council where required.

Council officers may be appointed to an external committee instead of a Councillor where:

- the expertise requested by the Committee involves specialised expertise; or
- it is a requirement of the external committee; or
- it is an operational committee where it is more beneficial (for Council) for an officer to represent Council.

Councillors appointed as members of external committees have no delegated authority to make decisions on behalf of the Council. The role of a Council representative in this function is to represent and reflect the Council's view on any matters under consideration.

Councillors or officers as members of external committees are required to comply with the confidential information provisions contained within the Act.

**Dissolution**

Council may determine and/or prescribe the lifespan for any Committee of Council at the outset on deciding to establish the committee.

In any event, Council reserves the right to formally dissolve, wind up and/or disband any Committee established by Council resolution at any time.

The winding up of any other established committee shall be at the discretion of the Chief Executive Officer.

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This policy has been reviewed after giving proper consideration to all the rights contained within the *Charter of Human Rights and Responsibilities Act 2006*; and any reasonable limitation to human rights can be demonstrably justified.

Signed : \_\_\_\_\_ Date : ... / ... / 2015  
*Chief Executive Officer*

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Appendix 1



Committees of Council  
COMMITTEE MATRIX

	Section 86 "Special" Committee	Advisory Committee	Friends Group	Contract	Licence	Lease
What it is used for	Primarily used for the management and activities at an active reserve or hall	Provides advice to Council/Officers for Strategic or Policy matters	Provides for the maintenance activities of volunteer members at a passive reserve or facility through a management plan	Provides for the management and activities at a Council owned/operated facility	Provides direction for management and use of a Council owned/managed facility	Provides exclusive access and management obligations at Council owned/managed facility
How Created	Instrument of delegation adopted by Council	Terms of Reference adopted by Council	Terms of Reference adopted by Council	Tendered out by Council (follow Procurement Policy and Procedures)	Agreement for use or maintenance of a multi-use facility	When only one tenant is in place, or for commercial properties

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	Section 86 "Special" Committee	Advisory Committee	Friends Group	Contract	Licence	Lease
Other Council guiding documents ( <i>if applicable</i> )	Committee of Management Manual	Advisory Committee Guide		As specified in the contract	As specified in the licence	As specified in the lease
What powers are given	Must operate within the powers and functions given by Council	No decision making powers	No decision making powers	Must operate within the terms of the contract	Must seek permission of land owner prior to works	Must seek permission of land owner prior to works
Length of term/review cycle	Usually an ongoing committee, with review/turnover of membership every 3-4 years in alignment with Council election periods	In line with project terms (for reference groups); Review of every committee every 3-4 years to review alignment with Council direction to ensure fits with Council Plan	For the duration of the management plan, or reviewed every twelve months (whichever is later)	In line with the contract period	In line with the licence period	In line with the lease period

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	Section 86 "Special" Committee	Advisory Committee	Friends Group	Contract	Licence	Lease
		goals				
Financial Responsibility	Manages finances, however does not have powers to set fees/rates	No financial responsibility	No financial responsibility however fundraisers may occur (Council holds any monies)	Must operate within the terms of the contract	Responsible for own financials	Responsible for own financials
Legal Responsibility	Must comply with the <i>Local Government Act 1989</i>	Must comply with Assembly of Councillors provisions in the <i>Local Government Act 1989</i>	Must comply with officer direction at any working bee	Must operate within the terms of the contract	Must operate within the terms of the licence	Must operate within the terms of the lease

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	Section 86 "Special" Committee	Advisory Committee	Friends Group	Contract	Licence	Lease
Reporting Responsibilities	Must submit minutes and annual financial statements within Council timeframes	Must report as per Terms of Reference (minimum annually)	Once activities as per Management Plan is completed, new management plan is to be adopted	Must operate within the terms of the contract	Must report within the terms of the licence	Must report within the terms of the lease
Membership	Membership appointed by Council	Membership appointed by Council	Membership can vary dependent on activities	Must operate within the terms of the contract	Members appointed according to organisation constitution	Membership may not be applicable or appointed in accordance with constitution
Strengths	Council has help to perform certain powers, duties and functions	Effective way of relevant consultation and advice from the specific subject matter audience/ community	Involves the community in project delivery and management of passive reserves	Cost effective management of Council facilities or services	Provides guidance for use and maintenance of Council facilities	Cost effective management of Council facilities or services

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	Section 86 "Special" Committee	Advisory Committee	Friends Group	Contract	Licence	Lease
Weaknesses	Onerous compliance requirements with the Local Government Act	Expectations not met when advice provided is not followed If meetings are not meaningful or focussed, committees founder	Risk concerns with managing volunteers working on Council land Requirement for staff to be present at working bees	Locks Council into a mode of management which is difficult to take back	Can be problematic to administer	Expectation and cost for group/club to maintain on behalf of Council. Lack of input from Council
Examples of Use	<ul style="list-style-type: none"> <li>- Airport Board</li> <li>- Sponsorship Committee</li> <li>- Committee of Management /Operational Committees of sporting reserves</li> <li>- Planning Committees</li> </ul>	Skills based: - Arts  Issue based: - Community inclusion  Stakeholder: - Youth Council - Sister Cities - Sporting Reserve users  Reference Group: - Community	<ul style="list-style-type: none"> <li>- Working bee groups on rail trails, gardens (that don't relate to sporting reserves)</li> </ul>	<ul style="list-style-type: none"> <li>- Incorporated bodies</li> <li>- Sporting user groups</li> </ul>	<ul style="list-style-type: none"> <li>- Crown Committees of Management</li> <li>- Sporting user groups</li> </ul>	<ul style="list-style-type: none"> <li>- Sporting user groups</li> </ul>

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	Section 86 "Special" Committee	Advisory Committee	Friends Group	Contract	Licence	Lease
		centre development reference groups				

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**12.3 REVIEW OF THE ADVISORY COMMITTEE TERMS OF  
REFERENCE TEMPLATE**

**Executive Manager**

**Office of the Chief Executive**

**For Decision**

**PURPOSE**

The purpose of this report is to provide to Council for adoption the reviewed Advisory Committee Terms of Reference template.

**EXECUTIVE SUMMARY**

A review of Council Committees and their structures has been in progress, and in order to continue the review, a decision of Council is required on the strategic direction and structure, in particular, the template to be used for Councils Advisory Committees.

The Advisory Committee Terms of Reference template (template) has been reviewed, and a number of proposed changes are recommended.

The template has been developed with internal consultation from Councillors and Officers over a period of time to ensure the template reflects the clarity of the role and purpose of an advisory committee, providing an appropriate level of representation, participation and to ensure that the established committees remain relevant.

It is recommended that Council adopts this template in order for all Council Advisory Committees to utilise as a minimum standard as part of their upcoming review processes. These will then require endorsement by Council.

**RECOMMENDATION**

**That Council adopts the revised Advisory Committee Terms of Reference template for use.**

**DECLARATION OF INTEREST**

No officer declared a conflict of 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*

*Latrobe City Council Plan 2013 - 2017*

## ORDINARY COUNCIL MEETING AGENDA 27 JULY 2015 (CM467)

### Theme and Objectives

*Theme 3: Efficient, effective and accountable governance*

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

*Theme 5: Planning for the future*

### **BACKGROUND**

To assist Council in the delivery of a range of complex tasks, Committees are constituted to undertake specific delegated functions (Special Committees) or to provide expert advice on specific topics or projects (Advisory Committees). These Committees provide insight and information that Council may not otherwise receive either internally or externally. The role of a Committee is to inform and enhance, not replace the role or responsibilities of Council and individual Councillors.

Latrobe City Council currently has 59 Committees which Councillors and/or Council Officers and community members are appointed to. These are:

- Section 86 Special Committee (3)
- Operational (Works) Committee (7)
- Advisory Committee (39)
- User Group (10)

At the Council meeting held on 5 November 2014, Council resolved:  
*That consideration of the General Terms of Reference for Council Advisory Committees be deferred to a future Council Meeting to enable further consideration of policy and governance matters.*

Councillor briefings have occurred in order to provide further consideration of all of the policy and governance implications, with the template now being presented for decision.

### **KEY POINTS/ISSUES**

The review of the terms of reference template has occurred, with the following changes proposed from previous versions:

<b>Section</b>	<b>Changes proposed</b>
Terminology and layout	Language has been updated as well as the layout of sections and clauses moved to improve clarity.



## ORDINARY COUNCIL MEETING AGENDA 27 JULY 2015 (CM467)

Section	Changes proposed
Objectives	Detail has been added to the template under Objectives in order to provide clarity as to what the Advisory Committee provides advice on. Also included in this section, is the provision for the Advisory committee to provide advice into policies or strategies as part of Councils engagement options.
Membership	Simplification of membership, and the requirement that those who are appointed are expected to attend. Provisions remain to accept formal apologies.
Proceedings	Clarification on meeting procedures to utilise, referring the Council Advisory Committees to guidance notes provided. Standard templates such as agenda and minutes documents will be made available.  Advisory committees fall under the definition of Assembly of Councillors, and this is also referenced in the reviewed template.
Review of Committee and Duration of Committee	New section to provide for the review and closure of a committee and minimum requirements to form part of that review.
Authority and Compliance Requirements	New section to provide clarity of the restrictions that are placed on the Committee.

### **RISK IMPLICATIONS**

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

### **FINANCIAL AND RESOURCES IMPLICATIONS**

The proposed terms of reference template will provide for consistency and clarity for the structure required for advisory committees.

### **INTERNAL/EXTERNAL CONSULTATION**

Benchmarking on committee structures has occurred within the local government sector, which included examples of terms of references. Engagement has occurred within the organisation and with Councillors in regards to the review of the template.

**ORDINARY COUNCIL MEETING AGENDA  
27 JULY 2015 (CM467)****OPTIONS**

Council has the following options to consider:

1. Adopt the reviewed terms of reference as presented;
2. Adopt the reviewed terms of reference with additional changes; or
3. Do not adopt the reviewed terms of reference, and request officers to seek further advice.

**CONCLUSION**

A significant improvement can be made to assist in engaging with the community by Council through the management of Council Committees. The template provides the minimum standards required in the terms of references for an advisory committee and aligns with the proposed *Establishment of Council Committee Policy*.

**SUPPORTING DOCUMENTS**

- Marked up version of the reviewed *Advisory Committee Terms of Reference* template.
- *Managing Council Advisory Committees at Latrobe* Guide.

**Attachments**

1. Proposed Advisory Committee Terms of Reference Template

## **12.3**

### **Review of the Advisory Committee Terms of Reference Template**

<b>1</b>	<b>Proposed Advisory Committee Terms of Reference Template.....</b>	<b>89</b>
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# <F11 Fields: Insert Name> Advisory Committee

## *Terms of Reference*



<Insert: Month/Year>



## CONTENTS:

1. **Establishment of the Committee**
2. **Objectives**
3. **Membership**
  - Composition of the Committee
  - Length of appointment
  - Selection of members and filling of vacancies
  - Co-option of members
  - Attendance at meetings
  - Resignations
4. **Proceedings**
  - Chair
  - Meeting Schedule
  - Meeting procedures
  - Quorum
  - Voting
  - Minutes
  - Reports to Council
5. **Review of Committee and Duration of the Committee**
6. **Authority and Compliance Requirements**



**1. Establishment of the Committee**

- 1.1. The [Name] Committee (hereinafter referred to as “the Committee”), is a formally appointed Advisory Committee of Latrobe City Council for the purposes of the *Local Government Act 1989*.
- 1.2. The membership of this Committee and these Terms of Reference will be adopted by resolution of Latrobe City Council at an Ordinary Council Meeting.

**2. Objectives**

- 2.1. The Committee’s role is to report to the Council and provide appropriate advice, information and feedback on matters relevant to this Terms of Reference in order to facilitate decision making by the Council in relation to the discharge of its responsibilities.
- 2.2. The Committee is an advisory committee only and has no delegated decision making authority.
- 2.3. The Committee is established to:
  - 2.3.1. [insert objectives here]
- 2.4. The Committee will carry out the following in order to achieve the objectives set:
  - 2.4.1. [Name]
    - 2.4.1.1. [Detail]
  - 2.4.2. Policy and Strategy Development
    - 2.4.2.1. Provide advice as part of a policy, strategy (or other relevant document) review or development processes as required from time to time.
  - 2.4.3. Perform other activities related to this Terms of Reference as requested by the Council.

**3. Membership**

Composition of the Committee

- 3.1. The Committee shall comprise of [number] members, being:
  - 3.1.1. Up to two Councillors
  - 3.1.2. Up to <insert no> representatives from each of the following sectors:





3.1.2.1. [specific clubs or provider type]

3.1.3. Up to <insert no> of Community representatives appointed via expression of interest process.

3.1.4. Latrobe City Council Officer.

Length of appointment

3.2. Whilst a Committee shall be in place for as long as Latrobe City Council sees fit, the appointment of members shall be for a term as deemed appropriate by Council.

3.3. Prior to the expiration of each term, there will be a call for nominations for the next term. Current Committee members are able to re-nominate.

Selection of members and filling of vacancies

3.4. Latrobe City Council shall determine the original membership of a Committee based on expressions of interest received from members of the community and nominations received from organisations.

3.5. The Committee may fill any vacancies that occur within the determined year period of appointment, subject to the approval of the General Manager of the relevant division and endorsement of Council. Where a vacancy is filled in this way, the appointment shall be limited to the remainder of the period of the original appointment.

Co-option of members

3.6. With the approval of the Chair, the Committee may invite other individuals to participate in the proceedings of the Committee on a regular or an occasional basis and including in the proceedings of any sub-committees formed.

Attendance at meetings

3.7. All Committee members are expected to attend each meeting.

3.8. A member who misses two consecutive meetings without a formal apology may at the discretion of Latrobe City Council have their term of office revoked.

3.9. A member who is unable to attend the majority of meetings during the year may at the discretion of Latrobe City Council have their term of office revoked.

Resignations

3.10. All resignations from members of the Committee are to be submitted in writing to the General Manager of the relevant division, Latrobe City Council, PO Box 264, Morwell VIC 3840.





#### 4. Proceedings

##### Chair

- 4.1. The nominated Councillor shall Chair the meetings.
- 4.2. If the Councillor delegate is unavailable he/she shall delegate to the other nominated Councillor to chair the meeting.
- 4.3. If neither Councillor is available, the Chair may nominate a replacement from the current membership of the Committee to chair the meeting.

##### Meeting schedule

- 4.4. The Committee will determine its meeting schedule and times for each of the meetings. The duration of each Committee meeting should generally not exceed two hours.
- 4.5. Meetings of the Committee will be held monthly initially or as may be deemed necessary by Latrobe City Council or the Committee to fulfil the objectives of the Committee. Special meetings may be held on an as-needs basis.

##### Meeting procedures

- 4.6. Meetings will follow standard meeting procedures as established in any guidance material and outlined in these terms of reference for Advisory Committees provided (see appendix one for the agenda template).
- 4.7. All Committee meetings and records are considered confidential and may be designated as confidential in accordance with Section 77 of the Act.
- 4.8. All recommendations, proposals and advice must be directed through the Chair.

##### Quorum

- 4.9. A majority of the members constitutes a quorum.
- 4.10. If at any Committee meeting a quorum is not present within 30 minutes after the time appointed for the meeting, the meeting shall be deemed adjourned.

##### Voting

- 4.11. There will be no official voting process, although all members shall have equal voting rights. Majority and minority opinions will be reflected in Committee minutes.

##### Minutes of the Meeting

- 4.12. A Latrobe City Officer or authorised agent shall take the minutes of each Committee meeting.



- 4.13. The minutes shall be in a standard format including a record of those present, apologies for absence, adoption of previous minutes and a list of adopted actions and resolutions of the Committee (see appendix two for the minutes template).
- 4.14. Where this meeting is also considered an Assembly of Councillors under the *Local Government Act 1989*, an Assembly of Councillors record must also be submitted in accordance with those requirements.
- 4.15. The minutes shall be stored in the Latrobe City Council corporate filing system (currently LCMS electronic document and records management system).
- 4.16. The agenda shall be distributed at least 48 hours in advance of the meeting to all Committee members, including alternative representatives.
- 4.17. A copy of the minutes shall be distributed to all Committee members (including alternative representatives) within 10 working days of the meeting.

Reports to Council

- 4.18. With the approval of the Chair, a report to Council may be tabled on the Committee's progress towards the objectives included in this Terms of Reference.
- 4.19. Reports to Council should reflect a consensus of view. Where consensus cannot be reached, the report should clearly outline any differing points of view.
- 4.20. Reports to Council will be co-ordinated through the General Manager of the relevant division that the Committee falls under.

**5. Review of Committee and Duration of the Committee**

- 5.1. The committee will cease to exist by resolution of the Council, or once the objectives at item 2.3 have been demonstrated that they have been met, whichever occurs first.
- 5.2. A review of the Committee will take place at least once every three years at which time the Terms of Reference will also be reviewed.
- 5.3. A review will be conducted on a self-assessment basis (unless otherwise determined by Council) with appropriate input sought from the Council, the CEO, all Committee members, management and any other stakeholders, as determined by Council.
- 5.4. The review must consider:
  - 5.4.1. The Committee's achievements



5.4.2. Whether there is a demonstrated need for the Committee to continue,  
and

5.4.3. Any other relevant matter.

**6. Authority and Compliance Requirements**

- 6.1. The Committee is a consultative committee only and has no executive powers nor does it have any delegated decision making or financial authority.
- 6.2. The Committee must comply with the Assembly of Councillor provisions provided for in the *Local Government Act 1989*.
- 6.3. Failure to comply with the provisions outlined in this Terms of Reference may result in termination of the Member's appointment.



Appendix 1: Agenda Template



[Name] Advisory Committee			
Meeting Day, XX Month Year			
Time Commencing: 00:00am/pm Expected Finish Time: 00:00am/pm			
Location: (include specific meeting room and address)			
<small>NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.</small>			
AGENDA ITEMS			
No.	Item	Responsible Officer	Attachment
1.	Welcome & introduction	Chair	N/a
2.	Apologies	All	
3.	Conflicts of Interest	All	
	<i>Members of the Committee are to declare any Conflicts of interest in matters listed on the agenda</i>		
4.	Matters arising from previous meeting	All	
	<i>Review of action progress from previous meetings</i>		
5.	Items for Consideration		
	<i>Matters being presented for discussion in accordance with the terms of reference</i>		
	•		
	•		
	•		
	•		
6.	General Business		
	•	All	
	•		
	•		



Appendix 2: Minutes Template



**[Name] Advisory Committee Minutes**

Meeting Day, XX Month Year  
 Time Commenced: 00:00am/pm Finish Time: 00:00am/pm  
 Location: (include specific meeting room and address)

Meeting Chair: < Name >

NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.

No.	Item	Responsible Person	Timeframe
1.	<b>Present</b>		
2.	<b>Apologies</b>		
3.	<b>Conflicts of Interest Disclosures</b>		
	<p><i>Members of the Committee declare any Conflicts of interest in matters discussed at the meeting.</i></p> <p>The following members of the Committee declared a Conflict of Interest at the meeting and left the meeting whilst the matter was being discussed:</p> <p>&lt;Name&gt; ,Time left 00:00am/pm, Time returned 00:00am/pm</p> <p>&lt;Name&gt; ,Time left 00:00am/pm, Time returned 00:00am/pm</p> <p>&lt;Name&gt; ,Time left 00:00am/pm, Time returned 00:00am/pm</p>		







**[Name] Advisory Committee Minutes**

**Meeting Day, XX Month Year**  
**Time Commenced: 00:00am/pm Finish Time: 00:00am/pm**  
**Location: (include specific meeting room and address)**

**Meeting Chair: < Name >**

NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.

No.	Item	Responsible Person	Timeframe
<b>4.</b>	<b>Matters arising from previous meeting</b>		
	<i>List the item and action agreed and assign any follow up actions and expected timeframes</i>  1. Item Heading Action(s): • • 2. Item Heading Action(s): • •		
<b>5.</b>	<b>Items for Consideration</b>		
	<i>List the item and action agreed as per agenda and assign any follow up actions and expected timeframes</i>  1. Item Heading Action(s): •  2. Item Heading Action(s): •  3. Item Heading Action(s): •		





**[Name] Advisory Committee Minutes**

**Meeting Day, XX Month Year**  
**Time Commenced: 00:00am/pm Finish Time: 00:00am/pm**  
**Location: (include specific meeting room and address)**

**Meeting Chair: < Name >**

NOTE: In accordance with Section 80 of the Local Government Act 1989 for each meeting that a Councillor is in attendance an Assembly of Councillors record must be completed and tabled at the next practicable Council Meeting.

No.	Item	Responsible Person	Timeframe
<b>6.</b>	<b>General Business</b>		
	<i>List the item and action agreed and assign any follow up actions and expected timeframes</i> 1. Item Heading Action(s): •  2. Item Heading Action(s): •		

**Next Meeting:** <Provide details of the next meeting date, time and location>.





**12.4 LONG TERM LEASE RENEWAL AGREEMENTS - MOE RACING CLUB AND TRARALGON GREYHOUND CLUB**

**Executive Manager**

**Office of the Chief Executive**

**For Decision**

**PURPOSE**

The purpose of this report is to:

- consider requests from the Moe Racing Club and the Traralgon Greyhound Racing Club to enter into respective long term 21 year leases for part of the Joe Tabuteau Reserve, Moe and for part of Glenview Park, 66-110 McNairn Road, Traralgon, and
- consider a request to allow the Traralgon Greyhound Racing Club to enter into a long term sub-lease with Telstra Corporation Limited for the installation of a mobile net tower at Glenview Park.
- obtain Council authorisation to commence the statutory process for the three leases.

**EXECUTIVE SUMMARY**

The Moe Racing Club long term 21 year lease agreement will expire 31 July 2015. The Moe Racing Club is requesting a new 21 year lease renewal for the Moe Racecourse, Joe Tabuteau Reserve, Moe.

The Joe Tabuteau Reserve is a Crown Land Racecourse and Recreation Reserve.

Council as appointed Committee of Management (land manager) can enter into a long-term lease for a maximum of 21 years subject to the consent of the regional delegate for the Department of Environment Land, Water and Planning.

Crown Land leases must be prepared in accordance with the *“Leasing Policy for Crown Land in Victoria 2010”* document using the Department’s Crown Land Lease template.

The Traralgon Greyhound Racing Club is requesting Council revoke the existing long lease (expiry 30 June 2021) and grant a new long term 21 year lease for part of Glenview Park, Traralgon.

Glenview Park is Council owned freehold land that is jointly occupied by the Traralgon Greyhound Racing Club and the Latrobe Valley Racing Club under separate lease agreements.

In addition, the Traralgon Greyhound Racing Club wishes to enter into a sub-lease with Telstra Corporation Limited for a telecommunications facility “being the equipment housing, tower (if any) security fence, antennas, associated ancillary equipment and any other fixtures, fittings, structures, and cabling as altered, upgraded and/or added to in the Lessee’s discretion from time to time.”

## ORDINARY COUNCIL MEETING AGENDA 27 JULY 2015 (CM467)

The proposed sub-lease can run concurrently with the proposed head lease between Council and the Traralgon Greyhound Racing Club.

The statutory mechanism that empowers Council to enter into long term leases is pursuant to:

Moe Racecourse – *Crown Land (Reserves) Act 1978* - Section 17 D. and the *Local Government Act 1989* – Section 190.

Traralgon Greyhound Club – *Local Government Act 1989* – Section 190.

### RECOMMENDATION

That Council:

1. In accordance with sections 190 and 223 of the *Local Government Act 1989 (Act)*, authorise the commencement of the statutory procedures relating to Council's intention to consider entering into respective long term 21 year leases with the Moe Racing Club, for part of Joe Tabuteau Reserve, Moe and the Traralgon Greyhound Racing Club for part of Glenview Park, 66-110 McNairn Road, Traralgon (subject lands) by giving public notice and inviting written submissions on the proposal.
2. In accordance with sections 190 and 223 of the *Local Government Act 1989 (Act)*, authorise the commencement of the statutory procedures relating to Council's intention to consider allowing the Traralgon Greyhound Racing Club to enter into a long term 21 year leases with Telstra Corporation Limited for part of Glenview Park, 66-110 McNairn Road, Traralgon (subject lands) by giving public notice and inviting written submissions on the proposal.
3. Receive written submissions and hear submissions on the proposals to lease the subject lands from persons who have made a written request to be heard in person or by a party representing them as specified in their submission in accordance with the Act, at its Ordinary Meeting of Council on Monday, 14 September 2015.

### DECLARATION OF INTEREST

No officer declared a conflict of 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 - 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.*

*Latrobe City Council Plan 2013 - 2017*

*Theme and Objectives*

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

*Theme 3: Efficient, effective and accountable governance*

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

*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.*
- *Protect and celebrate the cultural heritage and historical character of Latrobe City.*

*Legislation*

*Local Government Act 1989*

Section 190 of the *Local Government Act 1989* provides Council with the power to lease land subject to the following restrictions;

- (1) A Council's power to lease any land to any person is limited to leases of a term of 50 years or less.
- (2) Subject to any other Act, if a Council leases any land to any person subject to any exceptions, reservations, covenants and conditions, it must comply with this section.
- (3) If the lease is to be-
  - (a) for 1 year or more and-
    - (i) the rent for any period of the lease is \$50,000 or more a year; or
    - (ii) the current market rental value of the land is \$50,000 or more a year; or
  - (b) for 10 years or more; or
  - (c) a building or improving lease-

the Council must at least 4 weeks before the lease is made publish a public notice of the proposed lease.

- (4) A person has a right to make a submission under section 223 on the proposed lease.

### **BACKGROUND**

#### **Moe Racing Club**

The Joe Tabuteau Reserve, Waterloo Road Moe is a Crown Land Reservation, set aside as a Racecourse and Recreation Reserve when an order was published in the Government Gazette on the 7 November 1884.

Council is the appointed Committee of Management (land manager) of the Crown Land which is occupied by various groups and organisations, with the major tenant is the Moe Racing Club.

Any lease of Crown Land must satisfy the of the Department of Environment, Land, Water and Planning (DELWP) "*Leasing Policy for Crown Land in Victoria 2010*" and use the Department Lease template.

The Moe Racing Club has leased the racecourse track, and associated land on which the racing/entertainment facility areas of the Joe Tabuteau Reserve for many years. The current lease was entered into by the former City of Moe and the Moe Racing Club, the commencement date being 17 July 1994. The term of lease is for 21 years and is due to expire on 31 July 2015. A Deed of Variation between Council and the Moe Racing Club was signed off by La Trobe Shire Council on the 3 May 1995. This Deed of Variation received Governor In Council approval on the 31 October 1995.

Over the many years of occupying part of the Joe Tabuteau Reserve, the Moe Racing Club (MRC) has developed extensive racing and entertainment facilities. With the current lease expiring shortly, the Moe Racing Club wish to again enter into a long term lease arrangement with Latrobe City Council.

#### **Traralgon Greyhound Racing Club**

Glenview Park, 66-110 McNairn Road, Traralgon, is freehold land in the name of Latrobe City Council, being Lot 2 on PS 401791E. This land is contained in Certificate of Title Volume 10292 Folio 923 and has an area of approximately 28 hectares, all zoned Public Park and Recreation (PPRZ) under the Latrobe Planning Scheme.

The Traralgon Greyhound Racing Club has occupied part of Glenview Park for over 40 years, currently under a lease agreement dated 11 September 2003. This lease had a commencement date of 1 July 2003 for an initial term of nine years and included two further terms of nine years each resulting in it ultimately expiring on 30 June 2021.

This Greyhound Club lease agreement was tied into a similar, concurrent lease between Council and the Latrobe Valley Racing Club whereby each club was responsible for specific areas of Glenview Park as well as having shared maintenance responsibility for defined areas of common use.

In February 2011, the Traralgon Greyhound Racing Club wrote to Council seeking an extension to its existing lease agreement together with the

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revision of the annual rental and boundaries of the lease area as part of a multi-million dollar redevelopment of their facilities at Glenview Park.

This redevelopment, which is now close to completion, involved the realignment of the internal greyhound racing track together with the construction of improved social and viewing facilities in the centre of Glenview Park. The estimated cost of the redevelopment stated on the Planning Permit was \$4.5 million.

As part of the proposed redevelopment, the Traralgon Greyhound Racing Club was approached by Telstra to incorporate a Telstra Mobile Tower facility. The proposed tower will be incorporated into the patrons carpark and will incorporate car park lighting. Refer attachment 3 for a copy of the tower site plan.

### **KEY POINTS/ISSUES**

#### **Moe Racing Club (refer attachment 1)**

As Joe Tabuteau Reserve is a Crown Land Reservation, Council as the appointed land manager is empowered to lease parts of this reserve, subject to the consent of Department of Environment, Land, Water and Planning (DELWP) regional delegate.

Any lease arrangement Council proposes will need to satisfy the Department's "Leasing Policy for Crown Land in Victoria 2010" objectives.

The objective principles of this leasing policy are summarised below:

#### **"Principle 1 – To provide benefits to the public through leasing**

*Crown land is controlled by the State for the benefit of the Victorian community.*

*Granting exclusive occupation of Crown land under a lease should not occur except where it can be justified in terms of benefits to the community.*

*Decisions to lease need to consider social, economic and environmental outcomes that may result from a lease proposal.*

#### **Principle 2 – To ensure consistency and transparency in leasing**

*The leasing process must be fair, open and impartial, whether the lease is allocated through a competitive selection process or through direct negotiations.*

*All lease proposals require the Approval in Principle of the Minister before a land manager agrees or commits to lease Crown land, as well as the Minister's approval to the terms and conditions of the lease.*

*Leases must contain terms and conditions that align with the permitted purpose and conform to government policy and statutory requirements.*

#### **Principle 3 – To manage leased Crown Land in an ecologically sustainable manner**

*All Victorians depend on the health of the State's natural assets: its water, biodiversity and land. The economic, social and cultural*

*benefits to the community from the leasing of Crown land depend on its long-term management. Proposals to lease Crown land need to demonstrate the application of sustainable management principles.”*

The renewal of the Moe Racing Club lease for a further 21 years appears to be consistent with the three principles above and it is expected that a long-term lease renewal will be supported by DELWP.

*Rental Calculation*

The “*Leasing Policy for Crown Land in Victoria 2010*” document identifies three possible rental calculation scenarios:

Commercial and private uses,  
Community use/commercial use, or  
Community use.

Following discussions with the DELWP representatives and reviewing the “*Leasing Policy for Crown Land in Victoria 2010*” document, both Council Officers and Department representatives are of the opinion that the Moe Racing Club would fall into the category of “*Commercial and private uses*” and full market rental should be payable.

An extract from “*Leasing Policy for Crown Land in Victoria 2010*” document that relates specifically to rental payable by tenants of Crown Land – refer extract from Clause 5.3.3.4 of *Leasing Policy for Crown Land in Victoria 2010*, below:

*“5.3.3.4 Rent and rent valuations*

*Lease rentals will be determined according to the following criteria.*

***Commercial and private uses***

*All commercial leases will be subject to a market valuation by the Valuer General Victoria or a registered valuer. This valuation will determine the market value of the land, taking into account all restrictions, regulations and conditions specified in the lease document. It is preferred that rental be reviewed at three-yearly intervals during the term of the lease. The requirement for market rental valuation extends to tenants who, under the terms of their lease, undertake a mixture of community and commercial uses.*

*In some limited circumstances, consideration may be given to alternative rental models which will be dealt with on a case by case basis. These include:*

- revenue sharing reflecting a proportion of the profit/turnover generated from the leased premises*
- case by case negotiation: the rental arrangement forms part of the bid for the lease as part of a competitive allocation process*
- pricing formula: site rentals are calculated on a predetermined formula.*

The activities of the Moe Racing Club are substantially commercial in nature, being paid admission/membership entry into scheduled Race Meetings, regular horse training and trials, extensive function and



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entertaining facilities, a Taberat Gaming venue, etc. Accordingly it is considered that the basis of rental calculation should be classified as "*Commercial and private use*".

The basis of the rental valuation is land only as the Moe Racing Club and Racing Industry has funded significant investment in buildings and infrastructure over many years to develop excellent racing facilities such as the turf racetrack, sand training track, stables, machinery sheds and other racing facilities, large entertainment/gaming complex etc.

### *Lease Terms & Conditions*

When entering into a Crown Land lease, Council is required to prepare the lease document in accordance with the *Crown Land (Reserves) Act 1978* - Section 17 D.

It should be noted that, as the lease with the Moe Racing Club is for the land only and does not include any of the improvements constructed thereon, Council will only be concerned with the future maintenance and appearance of the premises. The actual day to day activities of the Moe Racing Club, including race meetings and the operation of the function centre will not be addressed in the proposed lease agreement.

These activities will need to comply any relevant regulations or legislation that may be applicable.

### Traralgon Greyhound Racing Club (refer attachment 2)

Glenview Park is freehold land owned by Council.

The Greyhound Racing Club are requesting Council revoke the existing lease which has six years to remaining and enter into a fresh long-term 21 year lease.

There will be a similarity in a number of the conditions and terms in the Greyhound Racing Club lease compared with the Moe Racing Club Lease.

The Greyhound Racing Club is a land only lease under Section 190 of the *Local Government Act 1989* and will be prepared using the Councils standard lease template.

### *Rental Calculation*

It is considered that the Traralgon Greyhound Racing Club Lease would also fall into the category of "*Commercial and private uses*" and full market rental should be payable. The basis of the rental valuation is land only as the Traralgon Greyhound Racing Club and Racing Industry is investing significant funds. The redevelopment planning permit states \$4.5 million is spent on buildings and infrastructure to develop a modern greyhound track, racing and entertainment facilities

### *Sub-Lease Traralgon Greyhound Racing Club and Telstra Corporation Limited*

Telstra Corporation Limited negotiated with the Traralgon Greyhound Racing Club a proposed long-term lease of ten years with three further terms of five years. As this proposed term is greater than the proposed



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draft lease the racing club has been advised that the term of the sub-lease has to be reduced to a total of 21 years.

Prior to the Traralgon Greyhound Racing Club entering into a long-term sub-lease, the racing club requires Council's consent under the terms of the Head-Lease. In addition, Council will be required to undertake the statutory process and give public notice, invite and consider written submissions in accordance with the *Local Government Act 1989*. It is proposed that Council would run this process concurrently with the head-lease statutory process.

At the Ordinary Council Meeting held 25 May 2015 Council granted a Planning Permit Application 2014/234 for the use and development of a Telecommunications Facility and the installation of lighting on the proposed facility at 66-110 McNairn Road, Traralgon East (Lot 2 PS 401971, Lot 1 TP 140783).

**RISK IMPLICATIONS**

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

There is not considered to be any risks associated with this report for Council. There is potential risk for the respective tenants in the event that Council does not grant a lease or grants a short-term lease. The tenant loses security of tenure which has the potent to impact on the respective racing club's viability and commitment for expansion/improvements.

**FINANCIAL AND RESOURCES IMPLICATIONS**

It is proposed that respective racing clubs will be charged commercial market rental as determined by a licensed independent valuer.

The respective racing clubs will be responsible for payment of all outgoings, including: rates, charges and levies, water and sewerage rates, land tax if applicable, electricity, gas and fuel, telephone and insurance premiums.

Subject to Council consideration a market rental revaluations will occur every three or five years.

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

Informal consultation has been held with appropriate Council Recreation Liveability Teams and representatives of DELWP.

It is proposed to forward a copy of respective draft leases to both the Moe Racing Club and the Traralgon Greyhound Racing Club for comment.

If Council wishes to proceed with the potential leases the following engagement methods would be undertaken:

## ORDINARY COUNCIL MEETING AGENDA 27 JULY 2015 (CM467)

- Public notices published in two editions of Latrobe Valley Express.
- Place details on the Latrobe City Website.
- Notices placed at the Corporate Headquarters, Service Centres and Libraries.
- Notify in writing other Tenants that occupy the Racecourse properties.

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

In accordance with Section 223 of the *Local Government Act 1989*, Council is required to give 4 weeks public notice and invite written submissions. The earliest Council could consider any submissions received at the Ordinary Council Meeting to be held Monday, 14 September 2015.

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

## **OPTIONS**

Council has the following options:

1. Commence the statutory process and give public notice of Council's intention to consider the potential long-term land leases of the respective racecourses listed above, or
2. Not to enter into a lease, or
3. Reduce the term of the proposed lease term.

## **CONCLUSION**

The Moe Racing Club long term 21 year lease agreement will expire 31 July 2015. The Moe Racing Club is requesting a 21 year lease renewal for the Moe Racecourse, Joe Tabuteau Reserve, Moe.

The Traralgon Greyhound Racing Club is requesting Council revoke the existing long lease (expiry 30 June 2021) and grant a long term 21 year lease for part of Glenview Park, Traralgon.

The Traralgon Greyhound Racing Club is also requesting Council consent to a sub-lease between the racing club and the Telstra Corporation Limited.

For Council to enter into these requested long-term leases it is necessary to commence the statutory process of giving public notice and inviting written submissions. Any Submission received can then be considered at the Ordinary Council Meeting scheduled for the 14 September 2015.

## **SUPPORTING DOCUMENTS**

Nil

**ORDINARY COUNCIL MEETING AGENDA  
27 JULY 2015 (CM467)**

**Attachments**

1. Aerial image - Moe Racing Club part Joe Tabuteau Reserve Moe
2. Aerial image - Traralgon Greyhound Racing Club, part Glenview Park Traralgon
3. Telstra Tower Site Plan - Glenview Park Traralgon

## 12.4

### Long Term Lease Renewal Agreements - Moe Racing Club & Traralgon Greyhound Club

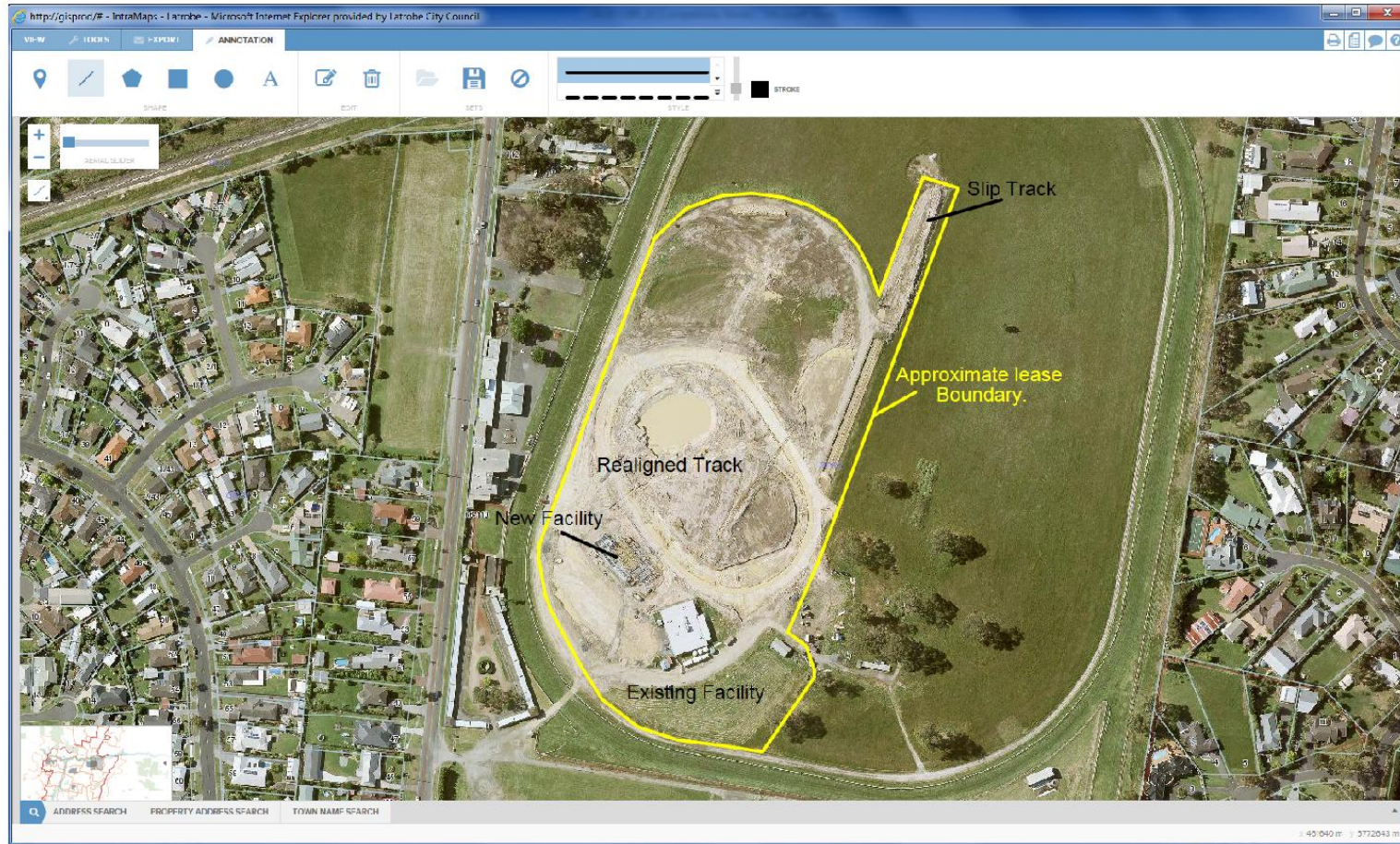
- 1 Aerial image - Moe Racing Club part Joe Tabuteau Reserve Moe..... 111
- 2 Aerial image - Traralgon Greyhound Racing Club, part Glenview Park Traralgon..... 113
- 3 Telstra Tower Site Plan - Glenview Park Traralgon ..... 115

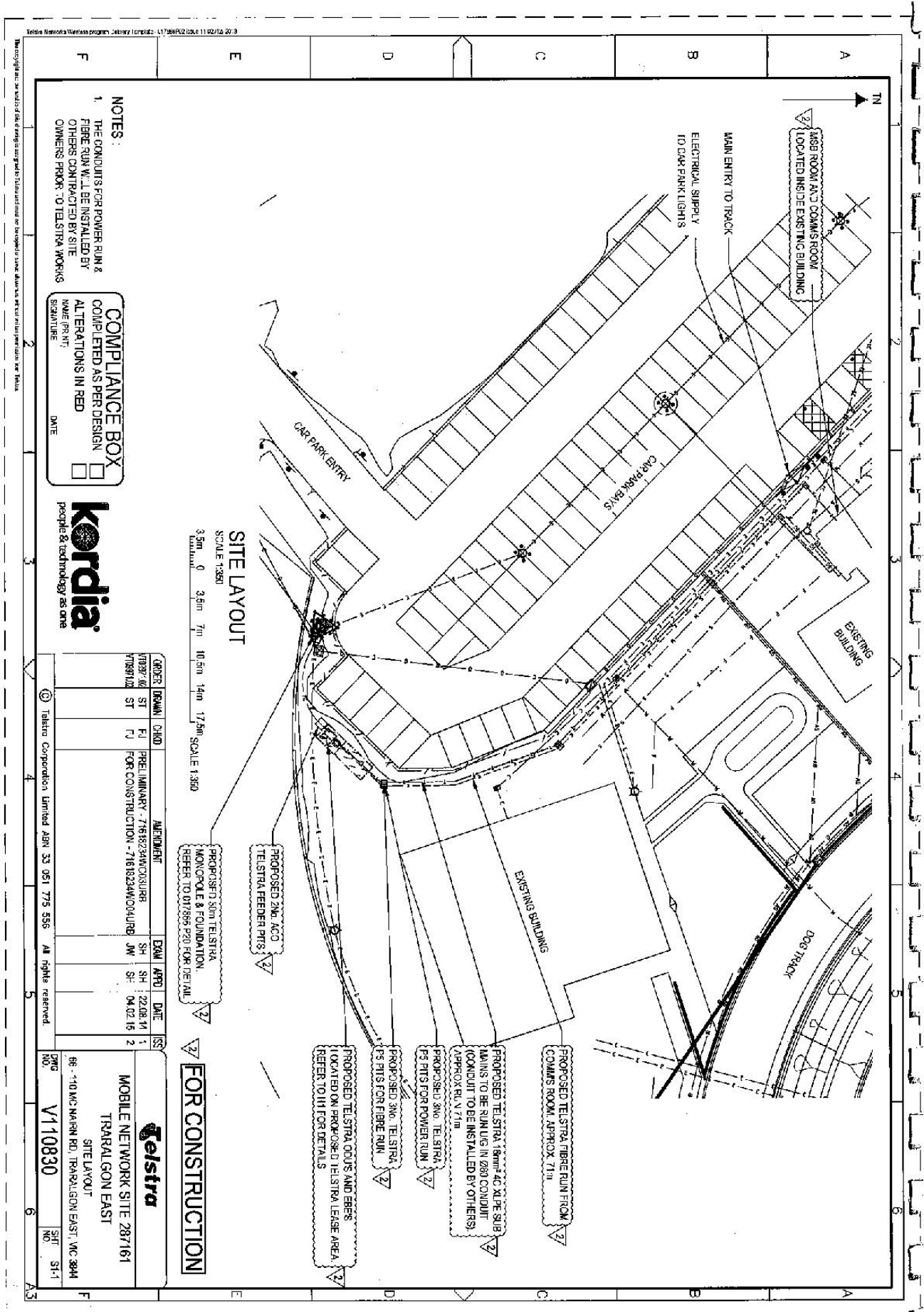






Traralgon Greyhound Racing Club – Aerial Image with Approximate Lease Boundary Overlay.





**NOTES:**  
 1. THE CONDUITS FOR POWER RUN & FIBRE RUN WILL BE INSTALLED BY OTHERS, CONTRACTED BY SITE OWNERS PRIOR TO TELSTRA WORKS

**COMPLIANCE BOX**  
 COMPLETED AS PER DESIGN  
 ALTERATIONS IN RED  
 NAME PER WT  
 SIGNATURE  
 DATE



**SITE LAYOUT**  
 SCALE 1:350  
 3.5m 0 3.5m 7m 10.5m 14m 17.5m  
 SCALE 1:350

ORDER / DRAWN / ST	CHKD	AMENDMENT	EXAM	APD	DATE	ISS
7/18/12	ST	PRELIMINARY - 7/18/12/24/04/04/08	SH	SH	22.08.11	1
	ST	FOR CONSTRUCTION - 7/18/12/24/04/04/08	JM	SH	04.02.15	2

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**Telstra**  
 MOBILE NETWORK SITE 287161  
 TRARALGON EAST  
 SITE LAYOUT  
 66 - 110 MC NAIHIN RD, TRARALGON EAST, VIC 3844  
 DWG NO. V110830  
 SFT 51-1

**FOR CONSTRUCTION**

PROPOSED 300 TELSTRA MONOPOLE & FOUNDATION. REFER TO 017566 P20 FOR DETAIL.

PROPOSED 300 TELSTRA 15 PITS FOR FIBRE RUN

PROPOSED 300 TELSTRA 15 PITS FOR FIBRE RUN

PROPOSED 300 TELSTRA 15 PITS FOR POWER RUN

PROPOSED 300 TELSTRA 15 PITS FOR POWER RUN

PROPOSED 300 TELSTRA 18mm² 4C XLPE SUB MAINS TO BE RUN IN 620 CONDUIT (CONDUIT TO BE INSTALLED BY OTHERS) APPROX 6.1M x 7.1M

PROPOSED TELSTRA FIBRE RUN ROOM COMMS ROOM APPROX 7.1M

MSB ROOM AND COMMS ROOM LOCATED INSIDE EXISTING BUILDING

MAIN ENTRY TO TRACK  
 ELECTRICAL SUPPLY TO CAR PARK LIGHTS

CAR PARK BAYS

EXISTING BUILDING

DOG TRACK

EXISTING BUILDING

CAR PARK ENTRY

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**ORDINARY COUNCIL MEETING AGENDA  
27 JULY 2015 (CM467)****12.5 PARTIAL ROAD DISCONTINUANCE AND SALE OF LAND 560  
PROSPER VALLEY ROAD BUDGEREE****Executive Manager****Office of the Chief Executive****For Decision****PURPOSE**

The purpose of this report is to consider a request to discontinue and transfer a section of unused road reserve abutting 560 Prosper Valley Road, Budgerie.

**EXECUTIVE SUMMARY**

560 Prosper Valley Road has recently been sold and it has come to the attention of the new owner that the dwelling and out buildings on the property are constructed on unused road reserves (i.e Council and Government road reserves).

To allow the new owner to obtain clear title to this land that the dwelling is built upon it is proposed that Council commence the statutory process to discontinue the section of Council road reserve and transfer the land to the owner of 560 Prosper Valley Road, Budgerie.

Council can discontinue a road reserve pursuant to Section 206 and Schedule 10 Clause 3 of the *Local Government Act 1989*.

**RECOMMENDATION****That Council:**

- 1. In accordance with sections 189 and 223 of the *Local Government Act 1989 (Act)*, authorise the commencement of the statutory procedures relating to Council's intention to discontinue and transfer a section of unused road reserve, abutting 560 Prosper Valley Road, Budgerie (subject land) by giving public notice and inviting written submissions on the proposal in the Latrobe Valley Express.**
- 2. Receive written submissions and hear submissions on the proposal to discontinue and transfer the subject land from persons who have made a written request to be heard in person or by a party representing them as specified in their submission in accordance with the Act, at its Ordinary Meeting of Council on Monday, 5 October 2015.**

**DECLARATION OF INTEREST**

No officer declared a conflict of 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

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 published in the 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.”

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 be heard are entitled to appear before a meeting of Council.

*Policy – Council has not adopted a policy relating to the discontinuance of roads.*

**BACKGROUND**

It has been brought to Council's attention that the private dwelling at 560 Prosper Valley Road Budgeree is built on unused road reserves (i.e Council and Government road reserves). A solicitor on behalf of the new owner has requested Council discontinue the section of Council's road reserve as shown on the attached plan.

The house is located on a Council road, created by a road deviation undertaken by the former Shire of Morwell in 1940, and it is noted that a small section of the house, the shed and water tanks are located on a Government road, refer attachment – "Record Of Having Re-Established A Parcel diagram. The structures built on the unused Government Road will be subject to an application to the Department of Environment, Land Water and Planning to acquire this part of the road reserve.

The transfer of section of Government road will be undertaken by the Department of Environment, Water, Land and Planning.

**KEY POINTS/ISSUES**

The reason for the road deviation undertaken in 1940 is unknown and due to the lack of a building permit or other documentation it is not possible to provide an explanation as to how a private dwelling was built on an unused Council road reserve.

The section of road reserve is not required for Council's road network and disposal of the land would not be detrimental to any other resident in the area.

To correct this anomaly it is proposed that Council undertakes a road discontinuance process and sells the land at valuation to the current owner of 560 Prosper Valley Road, Budgeree.

Section 206 and Schedule 10 Clause 3 of the *Local Government Act 1989* allows Council to exercise its powers over roads including the discontinuance and sale of a road as set out in Schedule 10 of the Act.

In exercising this power, Council must give public notice of its intention to consider the discontinuance of a road and invite public submissions. Once Council has considered any written submissions, Council can then decide whether to proceed with the potential discontinuance and transfer of the unused Council road reserve.

**RISK IMPLICATIONS**

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

There is not considered to be any risks associated with this report.

**FINANCIAL AND RESOURCES IMPLICATIONS**

Costs associated with this statutory process are officer's time and resources in the preparation of Council reports and the cost of public notices in the Latrobe Valley Express inviting submissions. Subject to Council finalising the statutory process, the cost of an independent valuation and a Discontinuance Order published in the Government Gazette will also be incurred.

The cost of the public notice, gazette notice and valuation are borne by the applicant.

In accordance with Council's Sale of Council Owned Property Policy, the land would be sold at valuation unless Council determines otherwise.

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

It is proposed to seek public comment via:

- Public notices published in the Latrobe Valley Express
- Letters to any adjoining property owners together with VicRoads
- Notice displayed at the Corporate Headquarters, and
- 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 received regarding this matter will be referred for consideration at a future meeting of Council.

**OPTIONS**

Council has the following options:

1. Commence the statutory process to discontinue part of the unused Council road reserve by giving public notice, or
2. Decline to commence the statutory process and determine whether to direct the removal of the dwelling from the Council controlled road reserve.

**CONCLUSION**

The section of unused Council road reserve that this dwelling is built on is not required as part of Council's road network. The discontinuance and sale of the unused Council road reserve would provide the owner with freehold title to the land and buildings purchased.

It is recommended that Council gives notice of its intention to consider the potential discontinuance of the unused road reserve and transfer of the

**ORDINARY COUNCIL MEETING AGENDA  
27 JULY 2015 (CM467)**

land to the adjoining property owner at 560 Prosper Valley Road  
Budgerree.

**SUPPORTING DOCUMENTS**

Nil

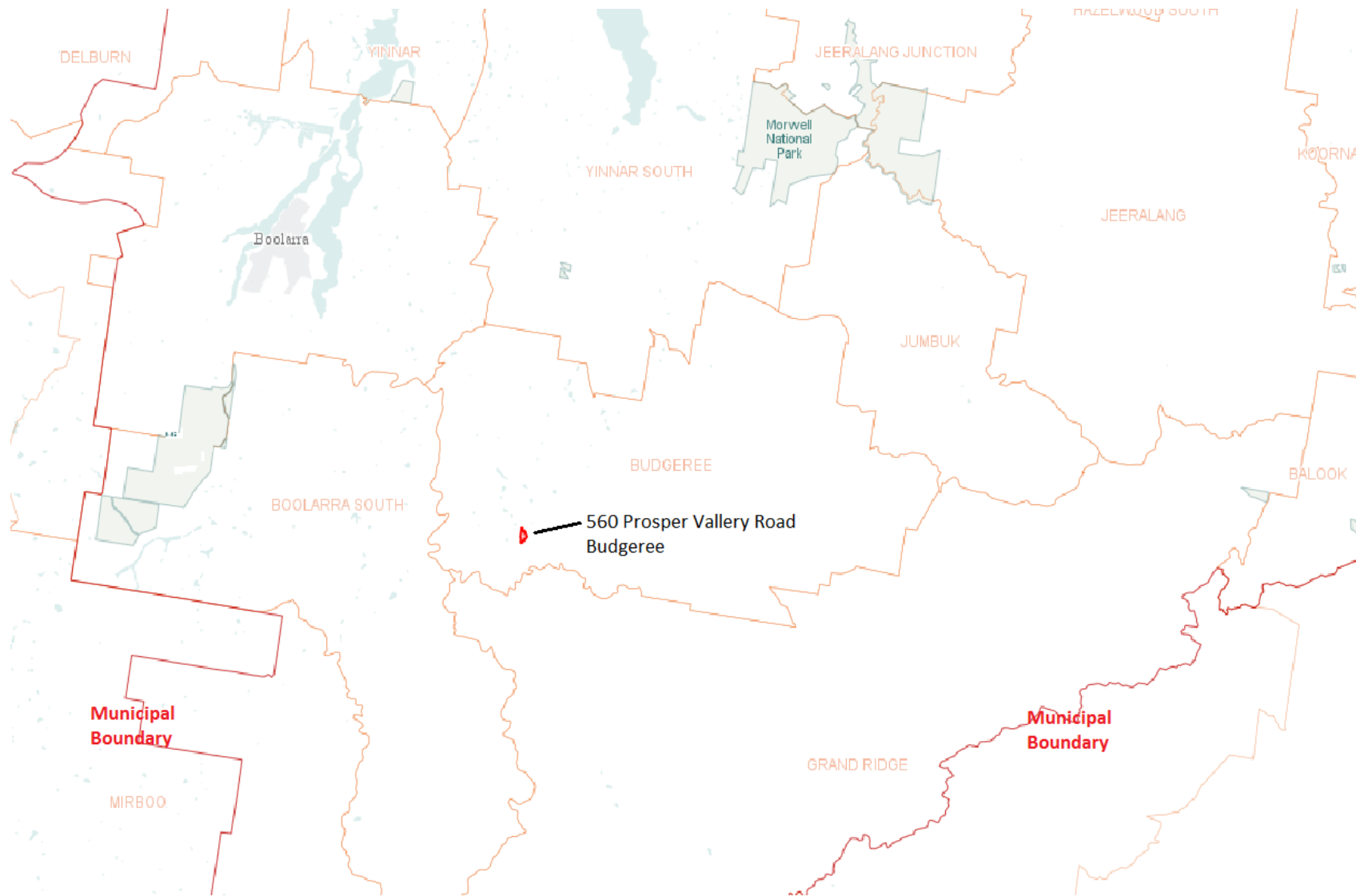
**Attachments**

1. Locality Map - 560 Prosper Valley Road Budgerree
2. Aerial Image - 560 Prosper Valley Road Budgerree
3. Plan - 560 Prosper Valley Road Budgerree

## **12.5**

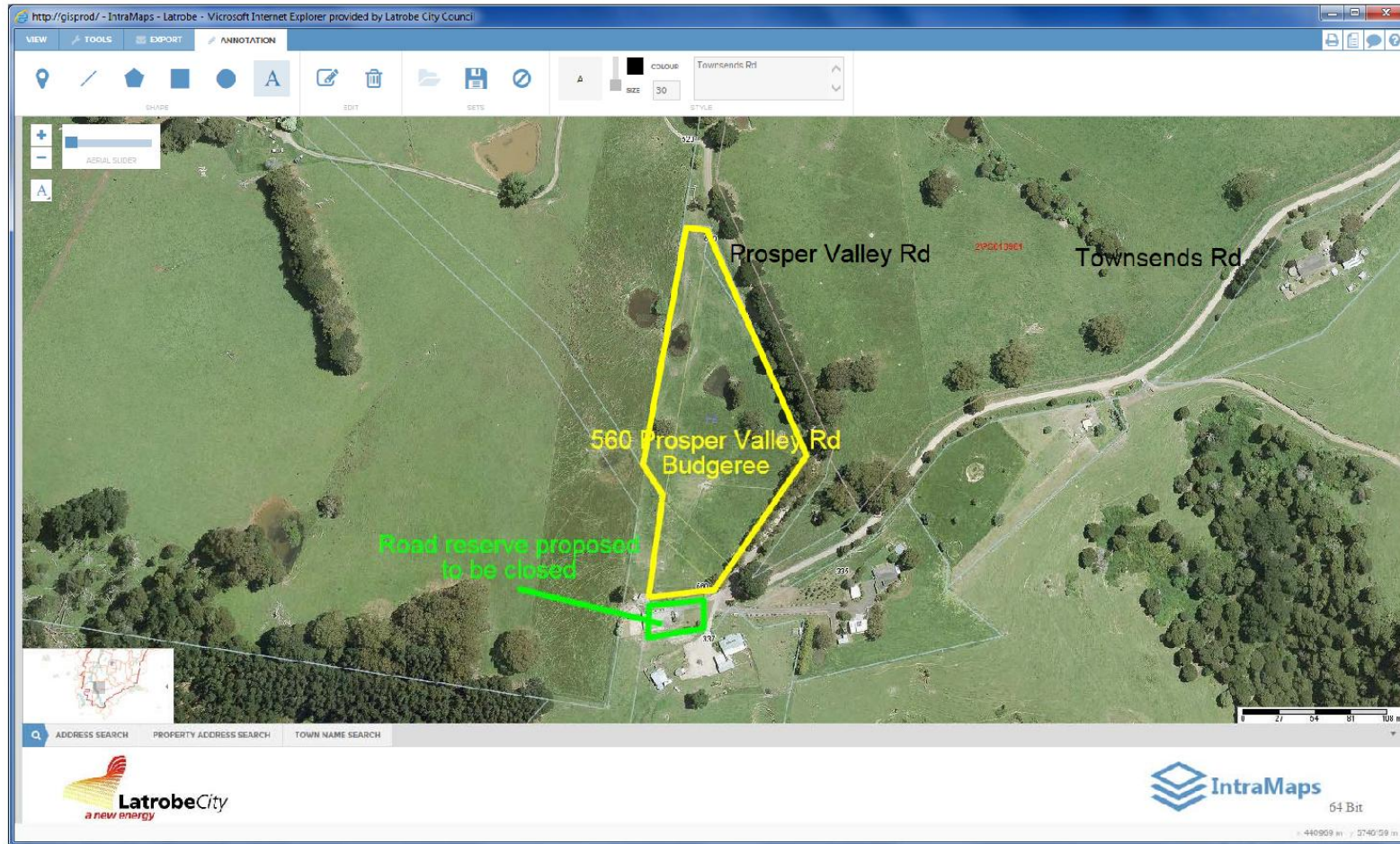
### **Partial road discontinuance and sale of land 560 Prosper Valley Road Budgerie**

- 1 Locality Map - 560 Prosper Valley Road Budgerie..... 122**
- 2 Aerial Image - 560 Prosper Valley Road Budgerie ..... 123**
- 3 Plan - 560 Prosper Valley Road Budgerie..... 125**





PROPOSED ROAD RESERVE DISCONTINUANCE – 560 PROSPER VALLEY ROAD BUDGEREE





**12.6 PROPOSED LEASE AGREEMENT - T.S LATROBE NAVAL  
CADETS, LAKE NARRACAN**

**Executive Manager**

**Office of the Chief Executive**

**For Decision**

**PURPOSE**

The purpose of this report is to again seek Council authorisation to give public notice and invite public submissions in relation to granting a long-term land lease to the Training Ship Latrobe (T.S Latrobe) Navy Cadets for the land they currently occupy on the southern shore of Lake Narracan.

**EXECUTIVE SUMMARY**

Council has received a request from the T.S Latrobe Navy Cadets for a new long-term lease for the land they currently occupy on the southern shore of Lake Narracan. (Attachment One)

Council at the Ordinary Council Meeting held 11 June 2015 considered this request and resolved to give public notice and invite written submissions pursuant to Section 190 of the *Local Government Act 1989* concerning the potential long-term lease agreement.

A public notice was prepared but unfortunately was not published. To correct this oversight it is now necessary for Council to again resolve to publish a fresh notice advising of Council's intention, invite written public submissions and nominate a Council Meeting to consider any written submissions received.

**RECOMMENDATION**

**That Council:**

- 1. In accordance with sections 190 and 223 of the *Local Government Act 1989* (Act), authorise the commencement of the statutory procedures relating to Council's intention to consider entering into a long term 20 year lease with the Training Ship Latrobe (T.S Latrobe) Naval Cadets for land on the southern shore of Lake Narracan (subject land) by giving public notice and inviting written submissions on the proposal in the Latrobe Valley Express.**
- 2. Receive written submissions and hear submissions on the proposal to lease the subject land from persons who have made a written request to be heard in person or by a party representing them as specified in their submission in accordance with the Act, at its Ordinary Meeting of Council on Monday, 14 September 2015.**
- 3. Advises the Training Ship Latrobe (T.S Latrobe) Naval Cadets of its decision.**



**DECLARATION OF INTEREST**

No officer declared a conflict of 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******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.*

***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*

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

*Theme 5: Planning for the future*

**BACKGROUND**

The T.S Latrobe Navy Cadets have been in existence for over 50 years and have occupied land on the southern shore of Lake Narracan since 1963 when the State Electricity Commission of Victoria leased the site to the Trustees for the Australian Sea Cadet Corps, Yallourn Branch, for a term of 21 years.

The lease with the T.S Latrobe Navy Cadets has subsequently been renewed on multiple occasions and Council has a current lease for this land together with part of the foreshore, measuring approximately 16,000 square meters, for a term of five years commencing on 1 August 2012. (Attachment Two)

As the current facilities require upgrading the T.S Latrobe Navy Cadets wish to obtain tenure for a longer term of 15 - 20 years to enable them to source funding to conduct these upgrades.

## ORDINARY COUNCIL MEETING AGENDA 27 JULY 2015 (CM467)

This request for a long-term lease was considered at the Ordinary Council Meeting held Monday, 11 June 2015. Council resolved:

*“That Council:*

1. *Gives public notice of its intention to enter into a 20 year lease with the Training Ship Latrobe (T.S Latrobe) Naval Cadets for land on the southern shore of Lake Narracan in accordance with section 190 of the Local Government Act 1989 and invites public comment on the proposal.*
2. *Considers any submissions received regarding the proposal to enter into a 20 year lease with the Training Ship Latrobe (T.S Latrobe) Naval Cadets for land on the southern shore of Lake Narracan in accordance with section 223 of the Local Government Act 1989 at its meeting to be held on Monday, 27 July 2015.*
3. *Advises the Training Ship Latrobe (T.S Latrobe) Naval Cadets of its decision.”*

A public notice was prepared for the Corporate Headquarters and Moe Service Centre reception areas and a letter advising the T.S Latrobe Navy Cadets of the above Council resolution was sent. A draft public notice was prepared following the above Council decision, unfortunately this public notice was not published in the Latrobe Valley Express due to an administrative oversight.

### **KEY POINTS/ISSUES**

Section 190 of the *Local Government Act 1989* places restrictions of Councils power to lease land:

- (1) A Council’s power to lease any land to any person is limited to leases for a term of 50 years or less.
- (2) Subject to any other Act, if a Council leases any land to any person subject to any exceptions, reservations, covenants and conditions, it must comply with this section.
- (3) If the lease is to be-
  - (a) for 1 year or more and-
    - (i) the rent for any period of the lease is \$50,000 or more a year; or
    - (ii) the current market rental value of the land is \$50,000 or more a year; or
  - (b) for 10 years or more; or
  - (c) a building or improving lease-

the Council must at least 4 weeks before the lease is made publish a public notice of the proposed lease.
- (4) A person has a right to make a submission under section 223 on the proposed lease.

**ORDINARY COUNCIL MEETING AGENDA  
27 JULY 2015 (CM467)**

Prior to entering into any new lease agreement with the T.S Latrobe Naval Cadets for a longer term it was necessary for Council to give public notice of its intention to do so and invite public comment in accordance with Section 223 of the *Local Government Act 1989*.

As advised at the Ordinary Council Meeting held 11 June 2015, the T.S Latrobe Naval Cadets have occupied the site on the southern shore of Lake Narracan since 1963 under a series of lease agreements, initially with the State Electricity Commission of Victoria, then the former Shire of Narracan and now with Latrobe City Council.

It is proposed that the terms and conditions of the lease would be similar to those currently in place other than the lease term being extended from five to twenty years. The lease would still contain a special condition that allowed for it to be terminated at any time during the term by either party subject to three months prior written notice.

Any improvements on the land would be subject to prior approval by Council and any other relevant approvals.

It is noted that the Lake Narracan Precinct Structure Plan does not require the relocation of the T.S Latrobe Naval Cadets from their current site however there are future plans for the southern foreshore to be developed as a park.

To reflect this future development, any new lease will be for the compound area only and will contain a special condition to allow the T.S Latrobe Naval Cadets to continue to access Lake Narracan for their activities from the adjacent foreshore.

**RISK IMPLICATIONS**

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

There is not considered to be any risks associated with this report.

**FINANCIAL AND RESOURCES IMPLICATIONS**

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

Under the terms of their lease the T.S Latrobe Naval Cadets are responsible for the full maintenance of the premises and pay the adopted community/non-profit rental rate which is reviewed annually in accordance with the Consumer Price Index (CPI).

Whilst there would be minimal financial or resource implications for Council, securing the requested long-term tenure will enable the T.S Latrobe Naval Cadets to pursue opportunities to obtain the necessary funding to upgrade their facilities.

**ORDINARY COUNCIL MEETING AGENDA  
27 JULY 2015 (CM467)****INTERNAL/EXTERNAL CONSULTATION***Engagement Method Used:*

Public comment on the proposed long-term lease will be sought via the following methods:

- Public notices placed in the Latrobe Valley Express,
- Notice displayed at the Corporate Headquarters and Moe Service Centre, and
- Details placed on the Latrobe City Council website

*Details of Community Consultation / Results of Engagement:*

At the time of preparing this report Council did not receive any written submission for Council to consider in accordance with Section 223 of the *Local Government Act 1989*.

**OPTIONS**

Council may now resolve to either:

- Give public notice of its intention to consider entering into a 20 year lease agreement with the T.S Latrobe Naval Cadets for land on the southern shore of Lake Narracan and invite comment on the proposal.
- Offer a new lease agreement with a shorter term, 10 or 15 years, and seek public comment on the proposal by giving public notice and inviting comment.

**CONCLUSION**

The statutory process is to allow Council to enter into a long-term 20 year lease agreement with the T.S Latrobe Navy Cadets for the land they have occupied since 1963 on the southern shore of Lake Narracan.

By agreeing to enter into a long-term lease this will grant T.S Latrobe Navy Cadets security of tenure to enable them to source funding to conduct upgrades to their facility.

**SUPPORTING DOCUMENTS**

Nil

**Attachments**

1. Request Received from Training Ship Latrobe (T.S Latrobe) Naval Cadets
2. Aerial Image



## **12.6**

### **Proposed Lease Agreement - T.S Latrobe Naval Cadets, Lake Narracan**

- |          |   |            |
|----------|---|------------|
| <b>1</b> | <b>Request Received from Training Ship Latrobe (T.S<br/>Latrobe) Naval Cadets .....</b> | <b>133</b> |
| <b>2</b> | <b>Aerial Image .....</b>   | <b>135</b> |



T.S. Latrobe Navy Cadets  
U.S. Committee  
P.O Box 857  
Moe VIC 3825  
Ph. 0400 516 289  
Email:tslatrobeusc@gmail.com



17<sup>th</sup> Oct 2014

Latrobe Shire  
Commercial Rd  
Morwell VIC 3825

Re: Long Lease

Dear Councilors

I, Toni Zonneveld, am writing on behalf of Training Ship Latrobe (TS Latrobe) that is ideally located on South Shore Road, Lake Narracan, Newborough. We are the only Navy Cadet Unit in Gippsland, and proud to call Latrobe Valley our home. Two years ago, we also celebrated our 50<sup>th</sup> Birthday, and have had many cadets going on to the Australian Defence Forces, and some of them return to us as Instructors or Officers.

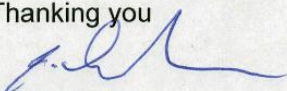
We currently can't use the sleeping quarters when we have Camps at our Base, so we are using tents. These are not viable during winter due to the weather, so those camps have to be cancelled.

Recently, I have written to some politicians about our predicament, who have talked to the Royal Australian Navy (RAN), who have sent down their Logistics Officer to see what he can do for us Cadets. They are willing to look into what they can do for us, but not on a short term lease.

So what we are asking is for a much longer lease, 15-20 years lease.

You are most welcome to Visit the base and see the cadets in action. We Parade every Friday night 6:30pm to 9:30 pm

Thanking you

  
John Coulson  
Commanding Officer

  
Toni Zonneveld  
Unit Support Treasurer  
Mob: 0409 931 372





**ORDINARY COUNCIL MEETING AGENDA  
27 JULY 2015 (CM467)****12.7 DOCUMENTS FOR SIGNING AND SEALING - LOT 2 KAY  
STREET TRARALGON****Executive Manager****Office of the Chief Executive****For Decision****PURPOSE**

For Council to authorise the Chief Executive Officer to sign and seal the Transfer of Land document for Certificate of Title Volume 10130 Folio 490 being Lot 2 on Plan of Subdivision 328421W relating to part of the Church Street / Franklin Street / Grey Street / Kay Street Traralgon off street carpark.

**EXECUTIVE SUMMARY**

To present Council with a Transfer of Land document for signing and sealing under Section 186 of the *Local Government Act 1989*.

The land to be transferred to Council is currently in the name of Traralgon Properties Pty Ltd (formerly JJB Projects Pty Ltd) which should have been transferred to Council in 1993 in accordance with condition 8A of Planning Permit No 93/669/PO under the Traralgon Planning Scheme. The transfer did not occur and the land was subsequently rated with the adjoining office complex located on the corner of Kay and Church Streets Traralgon.

The registered owner now wishes to transfer the carpark to Council in exchange for Council abandoning all current rates and charges in relation to assessment 712943 upon completion of the transfer of the Title.

As the land forms part of the Church Street / Franklin Street / Grey Street / Kay Street off street carpark, it has been agreed that this title will be transferred to Council for the consideration of \$1.00. Once this transfer has been finalised, the land will no longer be rateable.

**RECOMMENDATION**

**That Council authorises the Chief Executive Officer to sign and seal the Transfer of Land in respect to Lot 2 on Plan of Subdivision 328421W contained in Certificate of Title Volume 10130 Folio 490 from Traralgon Properties Pty Ltd (formerly JJB Projects Pty Ltd) as Transferor to Council as Transferee.**

**DECLARATION OF INTEREST**

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

## ORDINARY COUNCIL MEETING AGENDA 27 JULY 2015 (CM467)

### CONCLUSION

The land being transferred to Council is the last parcel of land for the Church Street / Franklin Street / Grey Street / Kay Street Traralgon off street carpark.

It is recommended that Council authorises the Chief Executive Officer to sign and seal the Transfer of Land document for Certificate of Title Volume 10130 Folio 490 being Lot 2 on Plan of Subdivision 328421W relating to part of the Church Street / Franklin Street / Grey Street / Kay Street Traralgon off street carpark.

### SUPPORTING DOCUMENTS

Transfer of Land	Transfer of Land (between Traralgon Properties Pty Ltd (formerly JJB Projects Pty Ltd) (Transferor) and Latrobe City Council (Transferee) in respect of land contained in Certificate of Title Volume 10130 Folio 490) being Lot 2 Kay Street Traralgon for the consideration of \$1.00.
------------------	--

#### **Attachments**

1. Aerial image - Lot 2 Kay Street Traralgon
2. Landata certificate of title volume 10130 folio 490 search
3. Transfer of Land between Traralgon Properties Pty Ltd (formerly JJB Projects Pty Ltd) and Latrobe City Council

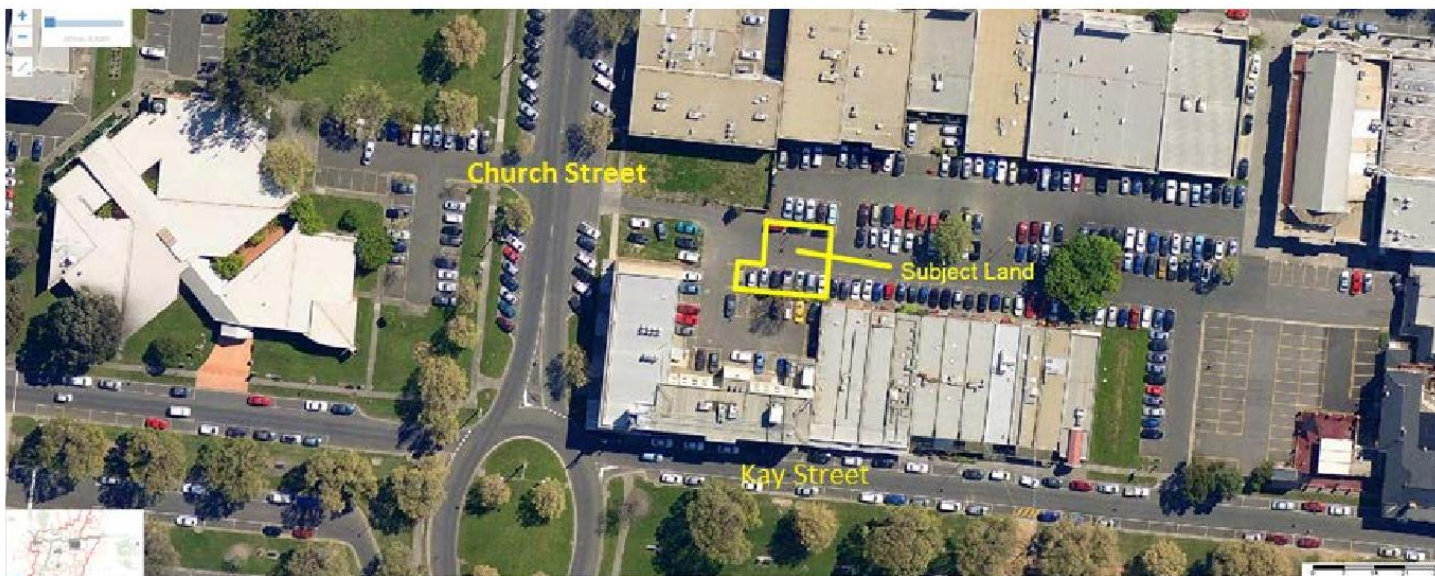
## **12.7**

### **Documents for signing and sealing - Lot 2 Kay Street Traralgon**

- 1 Aerial image - Lot 2 Kay Street Traralgon ..... 139**
- 2 Landata certificate of title volume 10130 folio 490 search..... 141**
- 3 Transfer of Land between Traralgon Properties Pty Ltd  
(formerly JJB Projects Pty Ltd) and Latrobe City Council..... 143**



Lot 2 Kay Street Traralgon – transfer of part carpark from Traralgon Properties Pty Ltd (formerly JJB Projects Pty Ltd) to Latrobe City Council (subject land coloured yellow)



**Register Search Statement - Volume 10130 Folio 490**

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10130 FOLIO 490

Security no : 124055944496T  
Produced 07/07/2015 09:31 am

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 328421W.  
PARENT TITLES :  
Volume 10020 Folio 769 to Volume 10020 Folio 771  
Created by instrument PS328421W 24/08/1993

REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor  
JJB PROJECTS PTY LTD of 7 SWAN ROAD MORWELL 3840  
PS328421W 24/08/1993

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE S033599A  
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS328421W FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

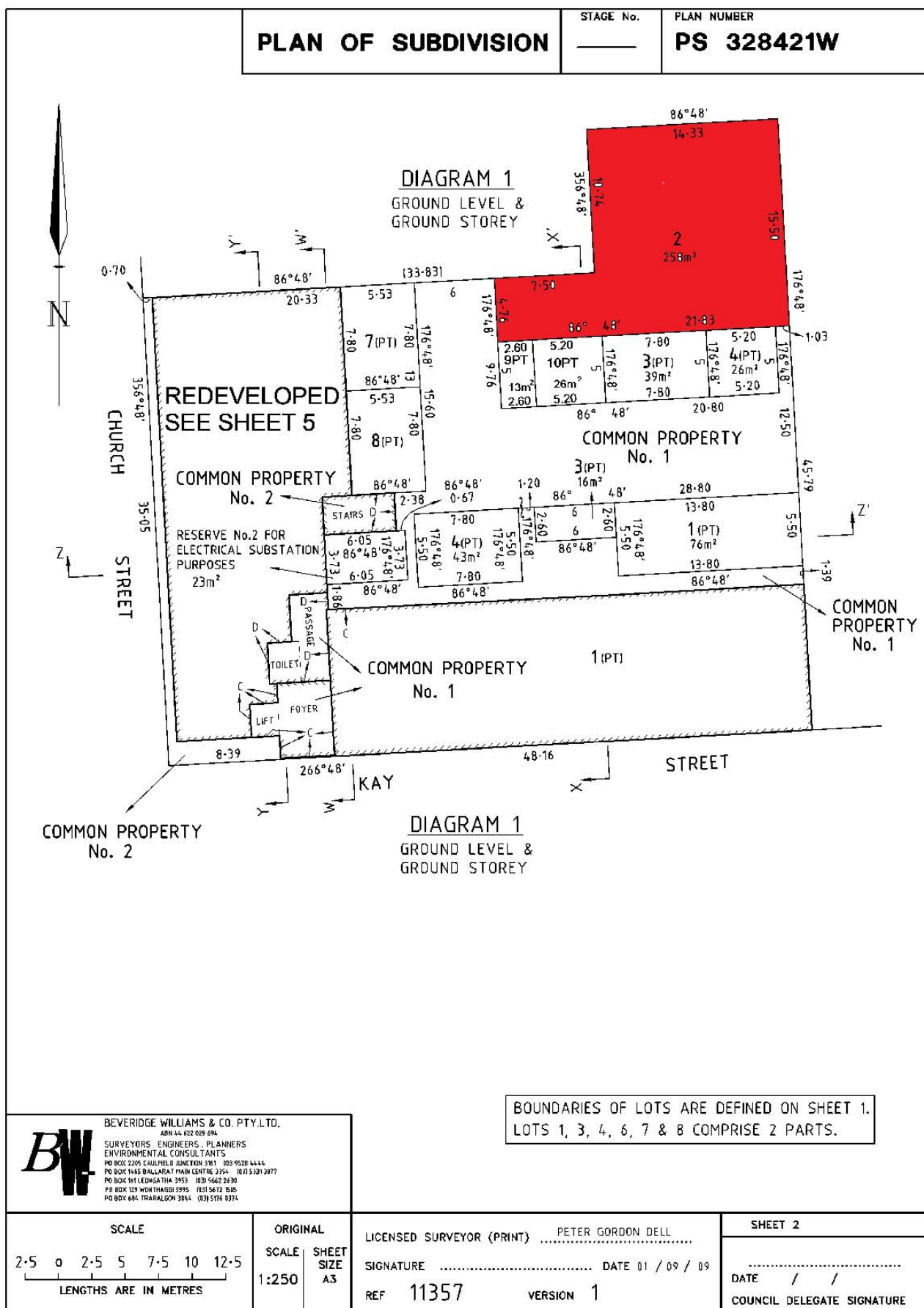
Additional information: (not part of the Register Search Statement)

Street Address: KAY STREET TRARALGON VIC 3844

DOCUMENT END

**Delivered from the Landata © System by SAI Global Property Division Pty Ltd  
Delivered at 07/07/2015, for Order Number 30010567. Your reference: DM JJB PROJECTS.**

Delivered by LANDATA®. Land Victoria timestamp 07/07/2015 09:31 Page 2 of 8



**Transfer of Land**

Section 45 Transfer of Land Act 1958

**Privacy Collection Statement**

The information from this form is collected by the Registrar of Titles under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes.

**1. Land/s***Land Title*

Volume 10130 Folio 490

**8. Consideration**

Other, please specify

\$1.00

**2. Estate and Interest**

FEE SIMPLE

**9. Signing**

The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed and subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer.

**3. Transferor/s***Transferor*

Name TRARALGON PROPERTIES  
PTY LTD (formerly JJB  
Projects Pty. Ltd.)

ACN 008 098 979

**4. Transferee/s***Transferee*

Name LATROBE CITY COUNCIL

ACN

**5. Manner of Holding**

SOLE PROPRIETOR

**6. Address/es of Transferee/s***Address of Transferee*

Unit Street No 141

Street Name COMMERCIAL

Street Type ROAD

Locality MORWELL

State VIC Postcode 3840

**7. Directing Party**

None

# Transfer of Land

Section 45 Transfer of Land Act 1958

**Privacy Collection Statement**

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You may lodge this form in two ways:

**1. In person**

Land Registration Services  
Land Victoria  
Level 9, 570 Bourke Street  
Melbourne Vic 3000

**2. By mail (extra fee applies)**

Land Registration Services  
Land Victoria  
PO Box 500  
East Melbourne Vic 8002  
Or DX 250639 Melbourne

*Transferor*

Sole Person Company  
Signed by TRARALGON PROPERTIES PTY LTD by being signed by the person(s) authorised to sign for the company

Sole Director and Sole Company Secretary  
Full Name MARGARET BRONTS  
Usual Address 605/150 CLARENDON STREET, EAST MELBOURNE VIC 3002



*Signature of Sole Director and Sole Company Secretary*

*Transferee*

SIGNED for and on behalf of LATROBE CITY COUNCIL by Gary Van Driel pursuant to Instrument of Delegation dated 28 April, 2014 in the presence of:

.....  
*Chief Executive Officer*

.....  
*witness*

**10. Date**

Date: (DD/MM/YYYY)      /      /

**11. Lodging Party**

Customer Code      11052R  
Reference      FCP:150323

*Duty Use Only*

# PLANNING & ECONOMIC SUSTAINABILITY



13. PLANNING & ECONOMIC SUSTAINABILITY

**13.1 PLANNING PERMIT APPLICATION 2015/63 LIQUOR LICENCE  
TO SELL PACKAGED LIQUOR FOR CONSUMPTION OFF  
PREMISES. 1-5 RINTOULL STREET, MORWELL (CP 172583)**

General Manager

Planning & Economic  
Sustainability

For Decision

**PURPOSE**

The purpose of this report is to determine Planning Permit Application 2015/43 for a liquor licence to sell packaged liquor for consumption off premises at 1-5 Rintoull Street, Morwell (CP 172583).

The application is to be heard at an Ordinary Council Meeting under the current delegation process whereas 20 objections have been received to the proposal.

**EXECUTIVE SUMMARY**

This application seeks a permit for a packaged liquor licence to sell alcohol for consumption off the premises (Commonly known as a bottle shop). The application site currently comprises a vacant building on the corner of Rintoull Street and Churchill Road at the southern end of a small strip of shops. It is proposed that the liquor licence would cover the existing building (internally), with the exception of the washroom and store and an area surrounding and including the drive through area. Twenty objections have been received raising concerns relating to:

- Increase in traffic will cause significant risks to motorists and pedestrians.
- Safety issues due to proximity of the site to primary school, child care facilities and shops.
- Insufficient parking.
- Out of character with the existing community facilities along Rintoull Street and will have a negative impact on the appearance and amenity of the area.
- There are already liquor outlets within the surrounding area and the proposal will result in a potential increase in anti-social behaviour requiring additional policing and security.
- Adverse impact on light pollution to nearby residents due to opening hours.

Having assessed the proposal against the relevant provisions of the Latrobe Planning Scheme (the Scheme), it is considered consistent with the relevant objectives and decision guidelines of the Scheme. It is

therefore recommended that a Notice of Decision be issued for the following reasons:

- The proposal will make use of a vacant shop unit in an existing parade of local shops, thereby contributing to the vitality and economy of the area, in keeping with the objectives of Clause 11.01-1 (Activity centre network) and Clause 21.07-2 (Economic sustainability overview).
- It will also provide a new business opportunity within Morwell, in keeping with Clause 17.01-1 (Business) and Clause 21.07-6 (Retailing overview).
- The proposal is consistent with Clause 52.27 (Licensed Premises).
- The proposal is consistent with Clause 65 (Decision Guidelines).
- There are no policies within the Planning Scheme that discourage the provision of a liquor licence within the mixed use zone, where the purpose is to provide for a range of uses which complement the mixed use function of the locality.

**RECOMMENDATION**

That Council issues a Notice of Decision, to grant a planning permit for the Liquor License to sell packaged liquor for consumption of premises at 1-5 Rintoull Street, Morwell (CP 172583), subject to the following conditions:

1. The use as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
2. The use must be managed so that the amenity of the area is not detrimentally affected, through the:
  - a) transport of materials, goods or commodities to or from the land;
  - b) appearance of any building, works or materials;
  - c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - d) presence of vermin;or otherwise, to the satisfaction of the Responsible Authority.
3. Except with the prior written consent of the Responsible Authority, the sale of alcohol permitted by this permit must operate only between the following times:
  - a) On any day other than Sunday, Good Friday, Anzac Day or Christmas Day between 9am and 11pm;
  - b) Sunday between 10am and 11pm;
  - c) Anzac Day between 12 noon and 11pm.
4. The operator of this permit must comply with any conditions set by the Victorian Commission for Gambling and Liquor Regulations.
5. This permit will expire if the liquor licence hereby permitted is not enacted within two years of the date of this permit, or if the liquor licence ceases to be operative for a period of two years or greater.

The Responsible Authority may extend the period referred to if a request is made in writing before the permit expires, or within six months of expiry of permit.

**DECLARATION OF INTERESTS**

No officer declared a conflict of 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 – Built Environment*

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

#### *Strategic Objectives – Economy*

*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 economies, 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 Directions*

*Provide incentives and work proactively to attract new businesses and industry to locate in Latrobe City.*

*Work in partnership with business, industry and government to create new jobs and investment in Latrobe City.*

##### *Theme 5: Planning for the future*

##### *Strategic Direction*

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

#### Legislation

*Local Government Act 1989*

*Planning and Environment Act 1987*

## **SUMMARY**

Land:	1-5 Rintoull Street, Morwell, known as CP172583
Proponent:	Mr Angpal Singh
Zoning:	Mixed Use Zone
Overlay	None

A Planning Permit is required to use land to sell or consume liquor in accordance with Clause 52.27 Licensed Premises. The leasable floor area of the shop is less than 150 sq m and so does not trigger a requirement for use under the zone. A site context plan is included as Attachment 1 of this report.

### **PROPOSAL**

The application is for a liquor license to sell packaged liquor for consumption off the premises. The application site comprises a vacant retail unit as well as a drive through area. It is proposed that the liquor licence would cover the existing building (internally), with the exception of the washroom and store and an area surrounding and including the drive through area. Vehicular traffic would access the site from Churchill Road and exit onto Rintoull Street.

The applicant has indicated that the existing canopy over the drive through would be replaced with a larger one at a later date, hence the proposed external red line area. This would require a new planning application as this would increase the retail area over the 150 sq m, thereby triggering the use as section 2.

#### **Subject Land:**

The application site is located at the southern end of a small strip of shops located within a mixed use zone. It is on the corner of Rintoull Street, where the shops are located, and Churchill Road. The shops include a hairdresser, milk bar, takeaway, newsagent pharmacy and post office as well as one or two vacant units.

There is an access road to the rear of the site, beyond which lies a water treatment plant (Public Use Zone). Residential properties are located to the south and east of the site, comprising mainly detached dwellings (General Residential Zone). The topography of the land slopes down to the south east.

### **LATROBE PLANNING SCHEME**

#### **State Planning Policy Framework**

The proposal has been considered against the relevant clauses under the State Planning Policy Framework.

Clause 11.01-1 seeks to building up activity centres for high-quality development, activity and living for the whole community by developing a network of activity centres. Strategies include developing a network of activity centres that differ in size and function.

Clause 17.01-1 relates to business. The objective of this clause is to encourage development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities. Strategies

to achieve this include providing small scale shopping opportunities that meet the needs of local residents and workers in convenient location.

This proposal would utilise an existing vacant retail unit within a local shopping strip, creating a new business and making best use of a redundant unit. It would make a small contribution towards improving the local economy, by providing a new business on the site.

### **Local Planning Policy Framework**

#### Municipal Strategic Statement (Clause 21)

Clause 21.07-2 seeks to facilitate a vibrant and dynamic economic environment. This can be achieved by providing a balanced approach to economic development taking into account economic, social and environmental values.

Clause 21.07-6 (Retailing overview) seeks to identify appropriate locations for retailing activities. This can be achieved by encouraging neighbourhood shops providing local convenience goods and services in locations accessible to local communities and providing for localised convenience retailing.

As stated above, the proposal will make use of a vacant unit in an existing neighbourhood shopping strip. It will provide a new retailing opportunity in a localised shopping centre within the Morwell area, thereby contributing towards the local economy.

### **Zoning**

The requirement for a permit is not triggered under the zone as the leasable floor area of the shop is less than 150 sq m which is the threshold specified in the zone. The purpose and decision guidelines will not therefore be considered in the assessment of this application.

### **Particular Provisions**

Clause 52.27 Licensed Premises:

The purposes of this clause are to ensure that licensed premises are situated in appropriate locations and that the impact on the amenity of the surrounding area is considered.

The decision guidelines are as follows:

- The State Planning Policy Framework and the Local Planning Policy Framework including the Municipal Strategic Statement and local planning policies.
- The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.
- The impact of the hours of operation on the amenity of the surrounding area.
- The impact of the number of patrons on the amenity of the surrounding area.



**ORDINARY COUNCIL MEETING AGENDA  
27 JULY 2015 (CM467)**

- The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

This application seeks a packaged liquor licence for consumption off the premises for a vacant retail unit in a small neighbourhood strip of shops. The premises were previously used for a bottle shop but it is understood has been closed now for several years. The site is located outside of Morwell's Central Activity District, and 1km from the closest shop with a packaged liquor licence (Morwell Top Pub and drive through bottle shop). The proposed hours of operation would be in keeping with the other businesses that have packaged liquor licences, namely between 9am to 11pm on any day other than Sunday, Good Friday, Anzac Day or Christmas Day, between 10am and 11pm on Sunday and between 12 noon and 11pm on Anzac Day.

It is considered that the location of the application site, within a mixed use zone is appropriate and that the number of existing premises with a liquor licence in the surrounding area will not have an adverse impact on the amenity of the surrounding area. Furthermore, the proposal is for packaged liquor which means it cannot be consumed on the premises. The proposal is therefore considered to accord with the decision guidelines of Clause 52.27.

**Decision Guidelines (Clause 65):**

Clause 65.01 sets out the decision guidelines to consider before deciding on an application or approval of a plan. These guidelines are discussed in the Key Points/Issues section of this report.

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

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

Twenty submissions in the form of written objections were received. A copy of these objections can be viewed at Attachment 3 of this report. One further submission was received, however the contact information submitted was not clearly legible and could not therefore be considered.

The fundamental concern of the objections was solely the granting of a liquor licence in this location. Given that this is only what the application is seeking a permit for, it was concluded that there would be no benefit in holding a stakeholder meeting as common ground could not be reached by both parties.

The issues raised in the objections are discussed in the Key Points/Issues sections of this report.

External:

The application was referred to Victoria Police under Section 52(1)(d) due to the nature of the proposal to sell packaged alcohol.

Internal:

The application was referred internally to Council's Community Strengthening team for consideration. An objection was raised that there are already sufficient outlets for purchasing pre-packaged liquor in Morwell and that granting this application would have a detrimental impact on the amenity of the area and may lead to unfavourable social, health, amenity and safety issues arising from alcohol misuse.

The existence of other licensed stores within Morwell is not considered to be a reasonable justification for refusing this application for a liquor licence. The closest licensed store is 1km away from the application site. Two stores within a 1km radius does not result in an excessive cumulative impact on the area. The proposed trading hours are in keeping with that of other packaged liquor licences in Morwell. Whilst the sentiments of the Community Strengthening team are understood, the underlying social and community issues raised are not a material planning consideration for this application.

### **KEY POINTS/ISSUES**

The application received 20 submissions in the form of objections. The issues raised were:

1. The proposal will result in an increase in traffic which will cause significant risks to motorists and pedestrians on Rintoull Street, Churchill Road and the surrounding area. There is insufficient parking to support such infrastructure.

Comment:

The proposal is for a liquor licence to an existing vacant retail unit in a neighbourhood shopping strip. Rintoull Street and Churchill Road are both classed as Access Street Level 2, where traffic is subservient, speed and volume are low and pedestrian and bicycle movements are facilitated. There is parking on both sides of the road as well as well as 45 degree angle parking in front of the shops on Rintoull Street and parking along the access road to the rear of the shops. The level of traffic which level 2 access streets can accommodate is between 2000-3000 vehicle movements per day. The proposal relates to an existing retail unit in a local shopping strip, where traffic movements would previously have been taken into account. Given the location within a shopping strip it is likely that

there will be multi-purpose trips and not necessary solely to the bottle shop. As such it is considered that the proposal will not result in a significant impact on traffic movements within the area. It should be noted that the use of the unit itself for retail does not require a permit, only the liquor licence. There is more than sufficient parking in the area, with on-street parking along both sides of Rintoull Street and Churchill Road as well as the access road to the rear of the site and the angled parking in front of the shops.

2. Safety issues due to the proximity of the site to local primary schools, child care facilities and milk bar

Comment:

The application site is located within a neighbourhood shopping strip, where there is a variety of local shops, including the milk bar. It is within a mixed use zone, which is appropriate for shops. The licence sought is for an off premises packaged licence, which means that no alcohol can be consumed on the site. The consumption of alcohol in public areas is restricted by local laws. It is therefore considered that the proposed liquor licence will not have any adverse impact on the above mentioned facilities.

3. The proposal is out of character with the existing community facilities in the area and will have an adverse impact on the appearance and amenity.

Comment:

As stated above, the application site forms part of a strip of local shops. The proposal is for a liquor licence for a proposed bottle shop in a mixed use zone. This unit was previously a bottle shop and would therefore have had a liquor licence. This proposal is for a new proprietor for the bottle shop and given its location in the mixed use, it is considered appropriate.

4. There will be an increase in anti-social behaviour, including vandalism and drunkenness which will result in the need for additional policing and security in the area.

Comment:

The proposal is for an off-premises liquor licence for a retail unit that was previously used as a bottle shop. As such no alcohol can be consumed on the premises. Local laws prohibit the consumption of alcohol in public areas other than between the hours of 8am and 6pm (8pm during daylight saving) and there are other controls that can deal with anti-social behaviour. Victoria Police have not raised any objection or concern to the proposal. The shopping strip is zoned as mixed use and whilst there are sensitive uses (dwellings) nearby, a bottle shop is considered an acceptable use within the mixed use.

5. The application site is in close proximity to existing venues that sell alcohol.

Comment:

Planning practice note 61 (PPN61) sets out guidelines for assessing the cumulative impact when considering licensed premises. This includes the number and type of licensed premises, how they are managed and the capacity of the local area to accommodate these venues. Information obtained from the VCGLR website shows that the closest licensed store is 1km away from the application site (Morwell Top Pub and drive-through bottle shop). PPN61 advises that the guidelines should be used when new or expanded licensed premises will be open after 11pm and is in an area where there is a cluster of licensed premises. The proposed hours of operating are until 11pm at night and as there are no other licensed premises within a 1km radius. The site was previously operated as a bottle shop and as such is considered appropriate within this mixed use zone.

6. There would be an adverse impact on nearby residents from light pollution due to the opening hours.

Comment:

The closest neighbouring properties are located directly to the south on the opposite site of Churchill Road. The separation distance building to building is 28m. These properties (12 and 14 Churchill Road) lie perpendicular to the application, facing onto the side elevation of the building. There is only a small level of glazing on the side elevation and it is considered that any light emanating from these windows will not cause any significant light pollution to these properties, given the separation distance. The residential property to the east, 19 Churchill Road, is set over 30m away and at an angle to the application site. Whilst therefore more glazing on the front elevation which faces this property, it is only for a single unit and the separation distance is considered to be acceptable. It is usually common for bottle shops to have posters or screening by the windows, which would further reduce the amount of light.

One letter has also been received from the land owner, who operated the previous bottle shop on site for 10 years (included as Attachment 4). He advises that the site has been operating as a bottle shop for 20 years and has only been closed for the last three years. It is part of a local shopping strip and provided part time work for local residents. There were never safety issues in terms of the proximity to schools, nor any need for policing or security. The only vandalism was to the brick wall at the front of the shopping strip. Elderly residents would be dropped off by taxi at the drive through due to the flat nature of the site and then be able to visit the other shops in the strip.

**RISK IMPLICATIONS**

Risk has been considered as part of this report and it is considered to be consistent with the Risk Management framework. There is not considered to be any risks associated with this report. However, an appeal can be resourced within the Planning team should one be submitted.

**FINANCIAL RESOURCES IMPLICATIONS**

Additional resources or financial cost will only be incurred should the planning permit application require determination at the Victorian Civil and Administrative Tribunal (VCAT).

**OPTIONS**

Council has the following options in regard to this application:

1. Issue a Notice of Decision to grant a Planning Permit; or
2. Refuse to Grant a Planning Permit

Council's decision must be based on planning grounds, having regard to the provisions of the Latrobe Planning Scheme.

**CONCLUSION**

The proposal is considered to be:

- Consistent with the strategic direction of the State and Local Planning Policy Frameworks;
- Consistent with Clause 65 (Decision Guidelines); and
- The objectors concerns have been considered against the provisions of the Latrobe Planning Scheme. Some of the concerns are not relevant planning considerations and other can be addressed either by planning conditions or are covered under separate legislation. It has been determined that they do not form planning grounds on which the application should be refused.

**Attachments**

1. Site context plan
2. Plans and elevations
3. Letters of objection (Published Separately) (Confidential)
4. Letter from site owner (Published Separately) (Confidential)

## 13.1

### **Planning permit application 2015/63 Liquor Licence to sell packaged liquor for consumption off premises. 1-5 Rintoull Street, Morwell (CP 172583).**

- |   |                            |     |
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**Note**  
The information shown on this map is derived from a variety of sources including, but not limited to, Vicmap Data, other State and Local Government Agencies data and Latrobe City Data.

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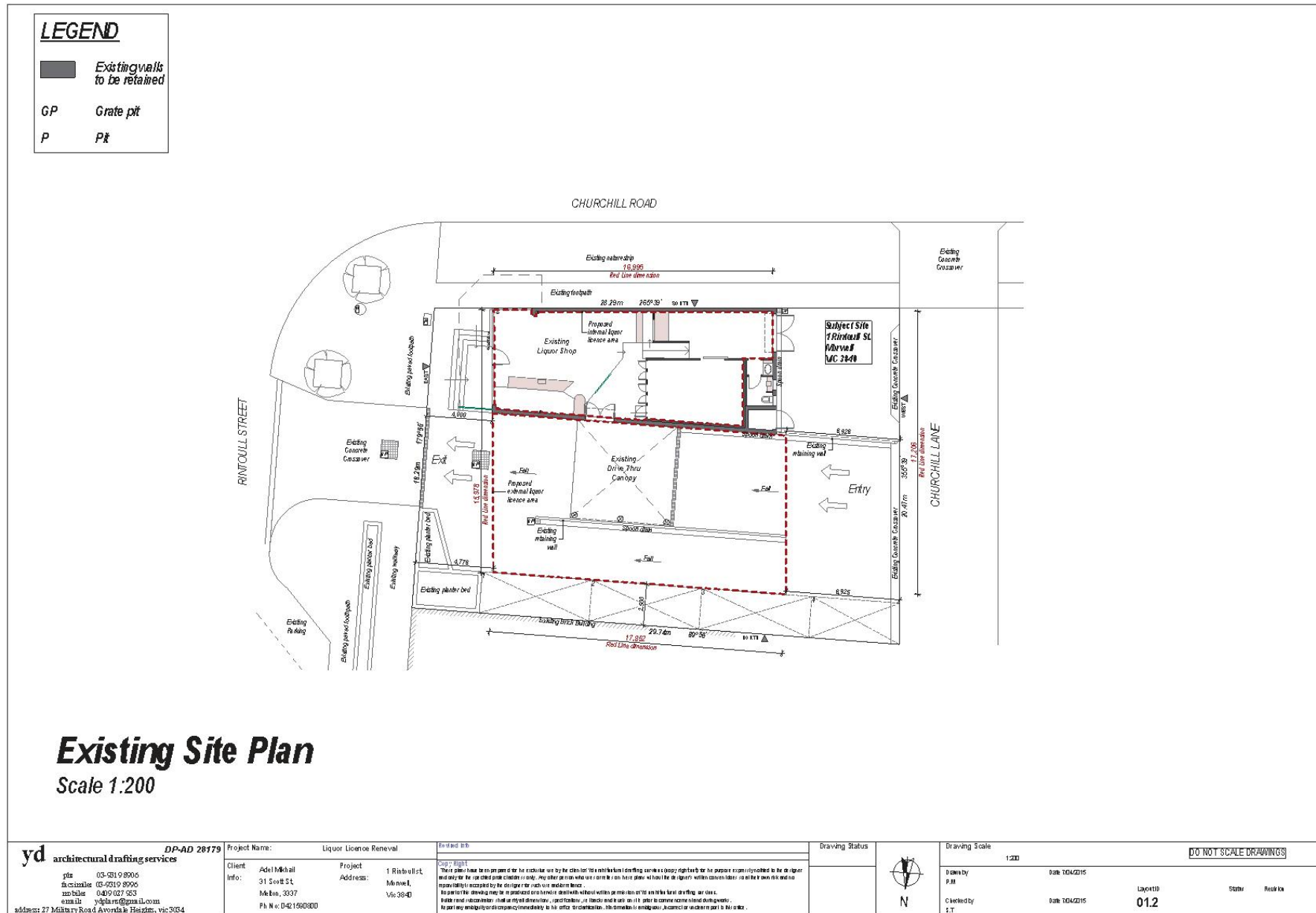
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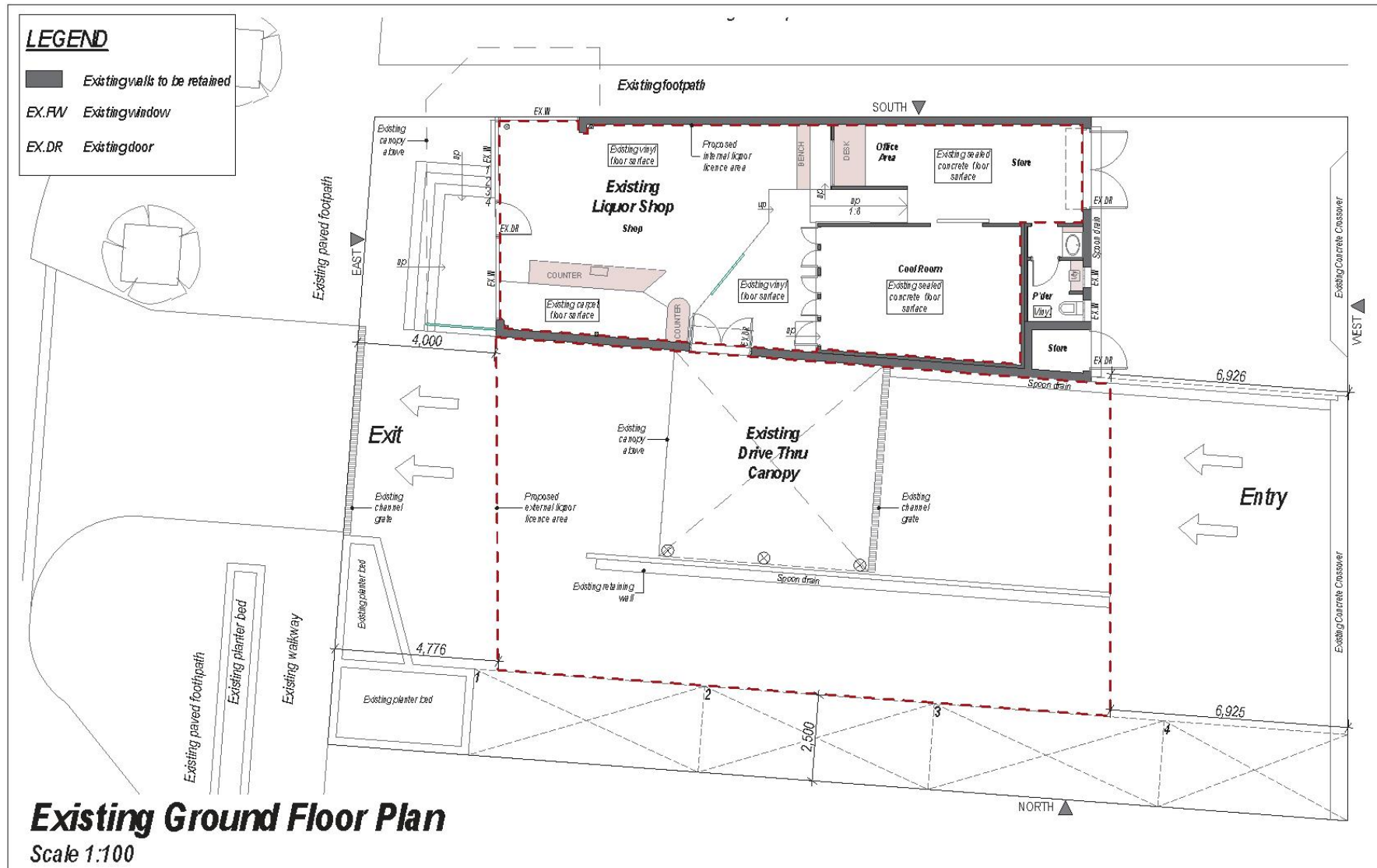
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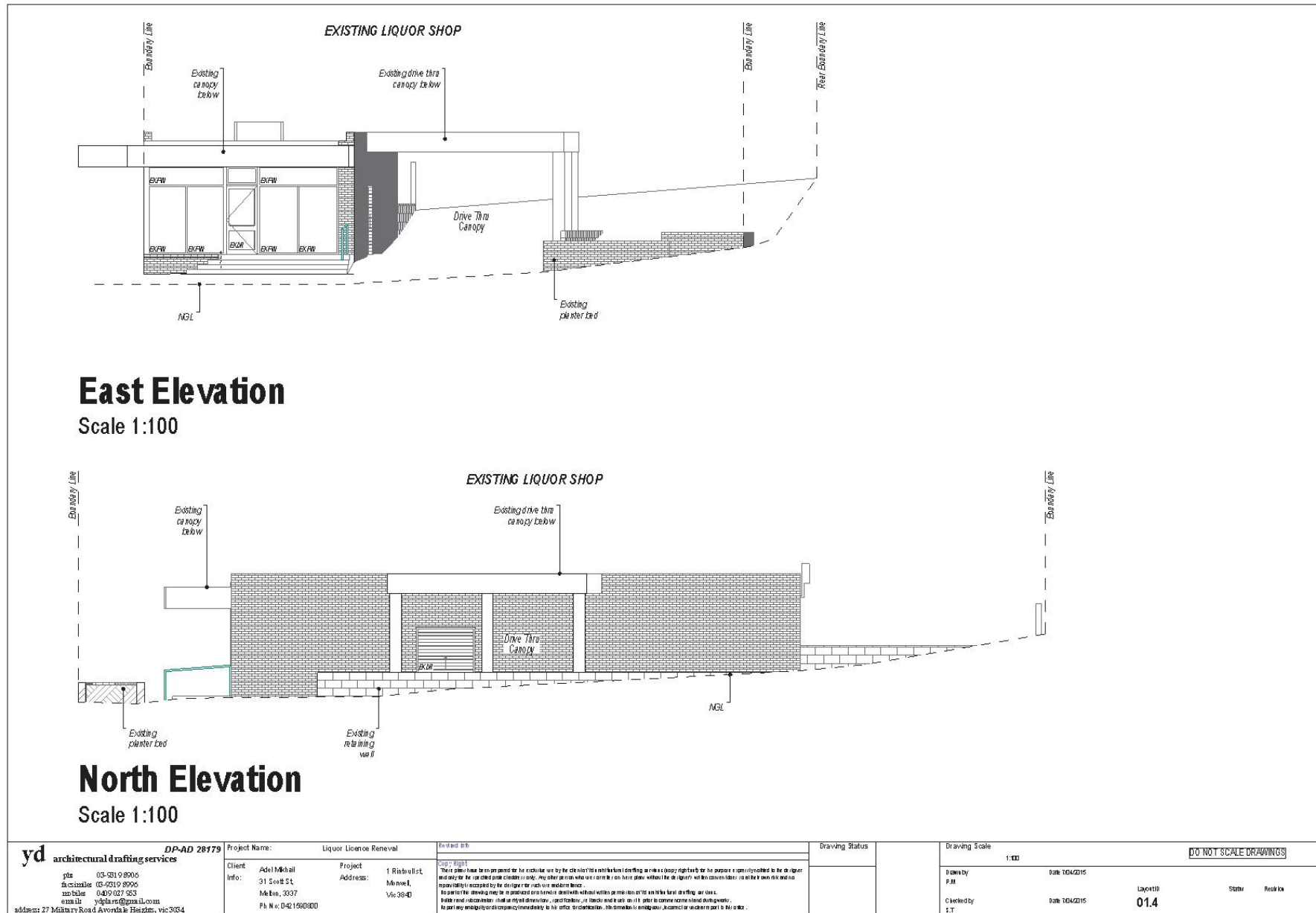
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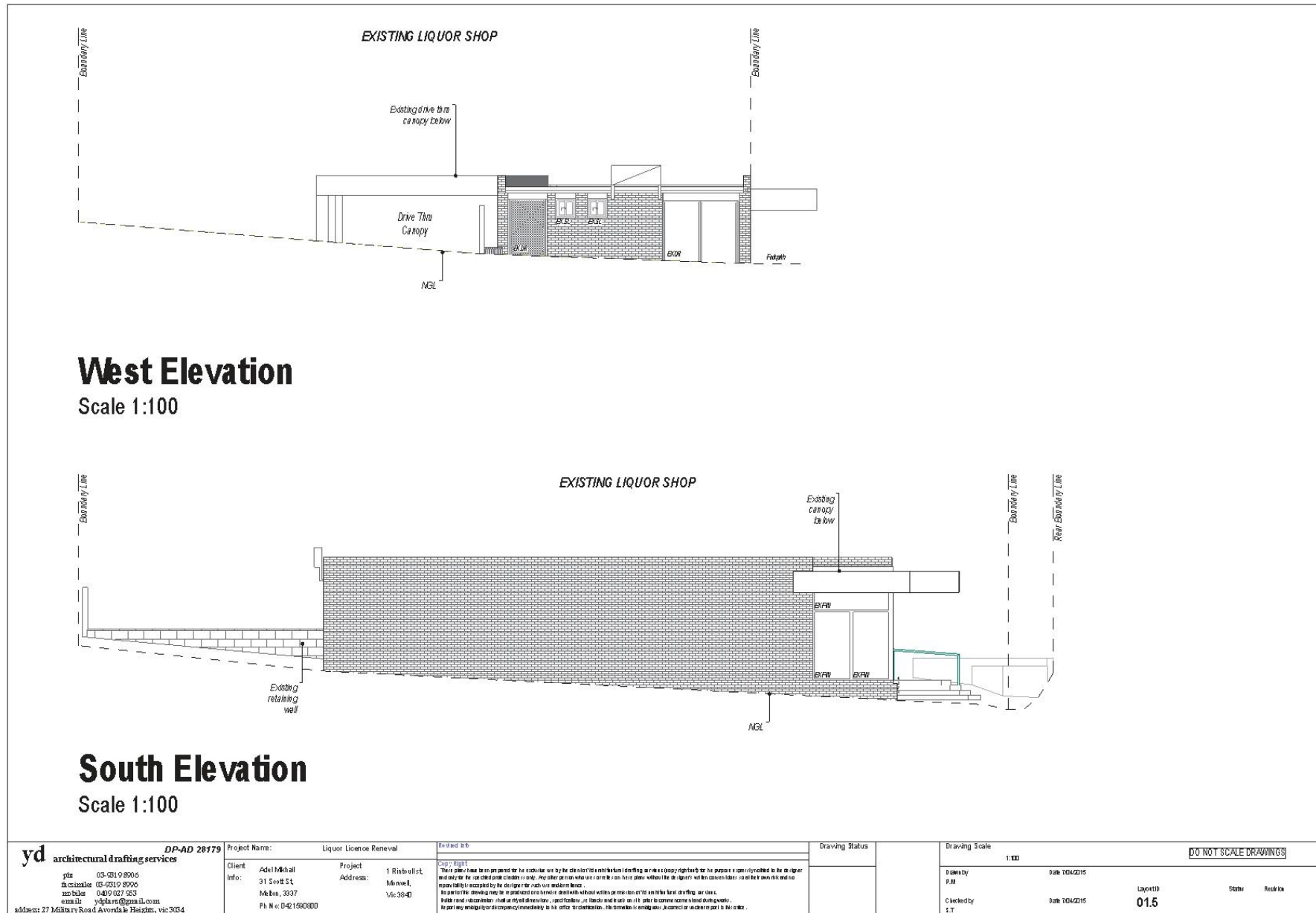




<b>yd</b> architectural drafting services gile 03-5219 8904 facsimile 03-5219 8996 mobiles 0409 027 523 email yd@yd.com.au address 27 Military Road Avenale, Vic 3064	DP-AD 28179	Project Name: Liquor Licence Renewal	Drawing Status:	Drawing Scale: 1:100	[DO NOT SCALE DRAWINGS]
	Client: Adel Mikhail Info: 31 Soubell St, Morwell, Melton, 3337 Ph N o: 0421600800	Project Address: 1 Rintoull St, Morwell, Vic 3840	Copyright: This plan is to be used only for the specific use by the client for the particular planning service as expressly stated in the scope of work and any other use without the written consent of the architect is prohibited. Any other person who uses or copies this plan without the architect's written consent is liable for any legal action and the architect is not responsible for any errors or omissions in the plan. This plan is to be used only for the specific use by the client for the particular planning service as expressly stated in the scope of work and any other use without the written consent of the architect is prohibited. Any other person who uses or copies this plan without the architect's written consent is liable for any legal action and the architect is not responsible for any errors or omissions in the plan. This plan is to be used only for the specific use by the client for the particular planning service as expressly stated in the scope of work and any other use without the written consent of the architect is prohibited. Any other person who uses or copies this plan without the architect's written consent is liable for any legal action and the architect is not responsible for any errors or omissions in the plan.	Drawn by: P.M. Checked by: J.T.	Date: 10/04/2015 Date: 10/04/2015



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	<b>Client:</b> Adel Mikhail <b>Info:</b> 31 Sorell St, Morwell, Vic 3840 Ph No: 0421500800	<b>Project Address:</b> 1 Rintoull St, Morwell, Vic 3840	<b>Copyright:</b> This plan is to be used for the specific use by the client. It is not to be used for any other purpose without the written consent of the architect. Any other person who uses or copies or reproduces this plan without the written consent of the architect is liable for any and all consequences. This drawing may be reproduced or transmitted in any form or by any means electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the architect. The architect's liability is limited to the professional services provided. The architect is not responsible for any errors or omissions in this drawing. The architect is not responsible for any consequences arising from the use of this drawing.	<b>Drawn by:</b> P.M. <b>Checked by:</b> J.T.	<b>Date:</b> 20/04/2015 <b>Date:</b> 20/04/2015	<b>Layout:</b> 01.4	<b>Status:</b> Resubmit
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<b>yd</b> architectural drafting services phone 03-5219 8904 facsimile 03-5219 8996 mobile 0409 027 523 email yd@yd.com.au address 27 Military Road Avenale Heights, vic 3034	DP-AD 28179	Project Name: Liquor Licence Renewal	Revision 010	Drawing Status	Drawing Scale: 1:100	[DO NOT SCALE DRAWINGS]	
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**13.2 PLANNING PERMIT APPLICATION 2015/90 - USE AND DEVELOPMENT OF LAND FOR A SECOND DWELLING AT 145 CEMETERY ROAD, TOONGABBIE**

**General Manager**

**Planning & Economic  
Sustainability**

**For Decision**

**PURPOSE**

The purpose of this report is for Council to consider Planning Permit Application 2015/90 for the use and development of land for a second dwelling at 145 Cemetery Road, Toongabbie (Lot 2 PS 132454).

The application is to be heard at an Ordinary Council meeting as requested by a Councillor under the current delegation process.

**EXECUTIVE SUMMARY**

The applicant seeks a permit for use and development of a second dwelling on a lot in the Farming Zone. The lot is 31.46 hectares in area which is below the threshold set out in the Schedule in the zone of 40 hectares for one dwelling. The subject site encompasses an existing single storey dwelling and agricultural outbuildings. The applicant has submitted justification for the second dwelling on the lot in the format of an Agricultural Business Activity Report. This report details that the applicant proposes to establish an elite cattle breeding business on the subject site. As part of the elite cattle breeding process close proximity to the cattle is required, it is on this basis that the applicant has detailed that they require a second dwelling on the site to successfully run the proposed agricultural enterprise.

Having assessed the application, the justification provided is considered insufficient to justify the use and development of a second dwelling on a 31.46 hectare lot in the Farming Zone. It is considered that the existing dwelling on the site is sufficient for the applicant to be able to carry out the proposed agricultural activities and the second dwelling is not required to support or enhance the proposed enterprise. Furthermore, it is considered that the proposed second dwelling will increase the value of the land significantly as a rural living lot, not as an agricultural lot based on the value of the land as a natural resource and will impact the long term sustainable use of the subject site being used for agricultural purposes and additionally, may prevent the expansion of adjoining and nearby agricultural uses.

Having evaluated the proposal against the relevant provisions of Latrobe Planning Scheme (the Scheme), it is considered that the application is inconsistent with the relevant objectives and decision guidelines of the Scheme. It is therefore recommended that a refusal to grant a Planning Permit be issued for the reasons set out in this report. More specifically, it is considered that:



## ORDINARY COUNCIL MEETING AGENDA 27 JULY 2015 (CM467)

- The proposal is inconsistent with Clause 11.05-3 (Rural Productivity), Clause 14.01-1 (Protection of Agricultural Land), Clause 14.01-2 (Sustainable Agricultural Land Use) and Clause 16.02-1 (Rural Residential Development) of the State Planning Policy Framework.
- The proposal is inconsistent with key issues identified in the Municipal Strategic Framework at Clause 21.04-3 (Rural Living Overview) and Clause 21.07-5 (Agricultural Overview).
- The proposal is inconsistent with the 'Purpose' and Decision Guidelines of the Farming Zone.
- The proposal is inconsistent with Clause 65 (Decision Guidelines).

### RECOMMENDATION

**That Council issues a notice of refusal to grant a planning permit for the use and development of land for a second dwelling at 145 Cemetery Road, Toongabbie (Lot 2 PS 132454), on the following grounds:**

- a) **The proposal is inconsistent with Clause 11.05-3 (Rural Productivity), Clause 14.01-1 (Protection of Agricultural Land), Clause 14.01-2 (Sustainable Agricultural Land Use) and Clause 16.02-1 (Rural Residential Development) of the State Planning Policy Framework.**
- b) **The proposal is inconsistent with key issues identified in the Municipal Strategic Framework at Clause 21.04-3 (Rural Living Overview) and Clause 21.07-5 (Agricultural Overview).**
- c) **The proposal is inconsistent with the 'Purpose' and Decision Guidelines of the Farming Zone.**
- d) **The proposal is inconsistent with Clause 65 (Decision Guidelines).**

### DECLARATION OF INTEREST

No officer declared a conflict of 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 – Built Environment*

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

Latrobe City Council Plan 2013 - 2017

*Strategic Objectives – Built Environment*

- *Promote and support high quality urban design within the built environment; and*
- *Ensure proposed developments enhance the liveability of Latrobe City, and provide for a more sustainable community.*

Theme and Objectives

*Theme 5: Planning for the future*

*Strategic Direction*

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

*Plan and coordinate the provision of key services and essential infrastructure to support new growth and developments.*

Legislation

*Local Government Act 1989*

*Planning and Environment Act 1987*

**SUMMARY**

Land:	145 Cemetery Road, Toongabbie known as Lot 2 PS 132454.
Proponent:	M Allgood and L Kennedy C/- Beveridge Williams & Co Pty Ltd
Zoning:	Farming Zone (FZ)
Overlay	None Affecting this Land

Pursuant to Clause 35.07-1 of the Latrobe Planning Scheme (the Scheme) a planning permit is required for use of land for a dwelling in the Farming Zone as the lot is under the area specified in the zone, being 40 hectares, and there will be more than one dwelling on the lot. Pursuant to Clause 35.07-4 of the Scheme a planning permit is required to construct a building or carry out works associated with a use in Section 2 of Clause 35.07-1. A site context plan is included as Attachment 1 of this report.

**PROPOSAL**

The applicant proposes to use the land for the purpose of a second dwelling and construct associated buildings.

The proposed dwelling will be located within the south east corner of the site, setback approximately 46 metres from the Guyatts Road frontage and 47 metres from the eastern property boundary.

The dwelling is proposed to be two storey weatherboard 'Federation Style' dwelling with a hipped colorbond roof. The proposed dwelling will encompass four bedrooms, an open plan kitchen, meals and family room, separate lounge room, rumpus room, study, alfresco area and other amenities normal to a dwelling. A double garage will be incorporated under the roofline, with direct internal access to the dwelling.

The proposed shed is to be located to the rear of the proposed dwelling, setback approximately 50 metres from the eastern property boundary

The proposed shed is to be used for both personal storage and agricultural use. The shed will be constructed in colorbond steel, in muted colours. The proposed shed will have a floor area of approximately 72 square metres and have a length of 9 metres, width of 8 metres and an overall height of 3.77 metres.

Access to the site will be obtained from Guyatts Road via a new gravel driveway and culvert located adjacent to the gate at its south east corner.

### **SUBJECT LAND AND SURROUNDING AREA**

The site is located at 145 Cemetery Road, Toongabbie and is more formally known as lot 2 on Plan of Subdivision 132454. The site is rectangular in shape with a total area 31.46 hectares.

The subject site encompasses an existing single storey brick dwelling in the north west quadrant of the site surrounded by an established garden. Access to the existing dwelling is provided from Cemetery Road via a gravel driveway and concrete culvert located approximately 250 metres east of the sites western boundary. The driveway extending from the access point to the dwelling is lined with cypress trees. A gate is also provided in the south east corner of the property, providing informal access from Guyatts Road.

There is an existing hay and farm machinery shed located to the rear of the existing dwelling.

There is an existing post and wire fence located around the perimeter of the dwelling, shed, driveway and landscaped garden to separate it from the balance agricultural land.

A set of stockyards for handling and loading/unloading cattle are located adjacent to the sites northern boundary, just west of the driveway.

A large surface run-off dam is situated to the south east of the dwelling and water from it is pumped and reticulated to troughs in five of the existing grazing paddocks. A smaller dam is situated in the south east corner of the site.

The balance agricultural land is predominately cleared and covered in pasture grass and relatively flat. There are several mature native eucalyptus trees scattered across the subject site.

The subject site is situated approximately 1.1 km south west of the Toongabbie Township and located in the Farming Zone, with the land abutting all boundaries of the site zoned farming. The land abutting the subject site and in the general vicinity of the site is predominately used for

productive agricultural uses. The general area is relatively flat in topography with expanses of clear pasture land suitable for grazing. There are several rural style living dwellings located along the northern side of Harris Lane, north east of the subject site with lot sizes ranging from 2 to 3 hectares in size.

### **LATROBE PLANNING SCHEME**

#### **State and Local Planning Policy Framework**

The State Planning Policy Framework (SPPF) and the Local Planning Policy Framework (LPPF), including the Municipal Strategic Statement (MSS) have been considered as part of the assessment of this application. The following are relevant clauses considered in the assessment of the application.

The objective of Clause 11.05-3 Rural Productivity is 'to manage land use change and development in rural areas to promote agriculture and rural production'. Strategies to achieve this are:

- *'Prevent inappropriately dispersed urban activities in rural areas.*
- *Limit new housing development in rural areas, including:*
  - *Directing housing growth into existing settlements.*
  - *Discouraging development of isolated small lots in the rural zones from use for single dwellings, rural living or other incompatible uses.*
  - *Encouraging consolidation of existing isolated small lots in rural zones.*
- *Restructure old and inappropriate subdivisions'.*

The objective of Clause 14.01-1 Protection of agricultural land is 'to protect productive farmland which is of strategic significance in the local or regional context'. The relevant strategies in the assessment of this application are:

- *'Ensure that the State's agricultural base is protected from the unplanned loss of productive agricultural land due to permanent changes of land use.*
- *Take into consideration regional, state and local, issues and characteristics in the assessment of agricultural quality and productivity.*
- *In considering a proposal to subdivide or develop agricultural land, the following factors must be considered:*
  - *The desirability and impacts of removing the land from primary production, given its agricultural productivity.*
  - *The impacts of the proposed subdivision or development on the continuation of primary production on adjacent land, with particular regard to land values and to the viability of infrastructure for such production.*

## ORDINARY COUNCIL MEETING AGENDA 27 JULY 2015 (CM467)

- *The compatibility between the proposed or likely development and the existing uses of the surrounding land.*
- *Assessment of the land capability.*
- *Subdivision of productive agricultural land should not detract from the long-term productive capacity of the land’.*

Clause 14.03 Sustainable agricultural land use is ‘to encourage sustainable agricultural land use’ and the relevant strategies to assist in meeting the objective of this Clause are:

- *‘Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources’.*
- *‘Encourage sustainable agricultural and associated rural land use and support and assist the development of innovative approaches to sustainable practices’.*
- *‘Support effective agricultural production and processing infrastructure, rural industry and farm-related retailing and assist genuine farming enterprises to adjust flexibly to market changes’.*

The objective of Clause 16.02-1 Rural residential development is ‘to identify land suitable for rural living and rural residential development’. The strategies relevant in the assessment of this application are:

- *‘Ensure planning for rural living avoids or significantly reduces adverse economic, social and environmental impacts by:*
  - *Maintaining the long-term sustainable use and management of existing natural resource attributes in activities including agricultural production, water, mineral and energy resources’.*

The objectives of Clause 21.04-3 Rural Living Overview are ‘to identify appropriate locations for rural residential activity’ and ‘to minimise conflict between agricultural activities and rural lifestyle’. Strategies to achieve this are:

- *‘Support rural living or low density residential development in appropriate locations, taking into account current supply and demand for these types of subdivisions.*
- *Discourage further rural living or low density residential development on the fringes of the major towns where land is designated as a long-term urban growth corridor’.*

The objective of Clause 21.07-5 Agricultural Overview is ‘to protect high quality agricultural land’. Strategies to achieve this are:

- *‘Encourage high quality agricultural land to be used primarily for farming purposes except where the land supports significant vegetation of local provenance.*

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- *Limit subdivision, use or development of land that should be incompatible with the utilisation of the land for sustainable resource use.*
- *Improve the landscape and environment of the rural resources of the municipality'.*

### **Zoning**

The site is located within the Farming Zone, where the purpose includes:

- *'To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture'.*

In accordance with Clause 35.07-1 of the Latrobe Planning Scheme (the Scheme) a planning permit is required for use of land for a dwelling in the Farming Zone as the lot is under the area specified in the zone, being 40 hectares, and there will be more than one dwelling on the lot. Pursuant to Clause 35.07-4 of the Scheme a planning permit is required to construct a building or carry out works associated with a use in Section 2 of Clause 35.07-1.

In accordance with Clause 35.07-6 of the Scheme, Council must consider the relevant decision guidelines of the Farming Zone. A discussion of decision guidelines is included in the issues section of this report.

### **Decision Guidelines (Clause 65):**

Clause 65.01 sets out the decision guidelines to consider before deciding on an application or approval of plan. These guidelines have been considered as part of the assessment of this planning application and where relevant have been discussed in this report.

### **INTERNAL/EXTERNAL CONSULTATION**

*Engagement Method Used:*

#### **Notification:**

The application was advertised pursuant to Sections 52(1)(a) and (d) of the Planning and Environment Act 1987. Notices were sent to all adjoining and adjacent landowners and occupiers and a site notice was displayed on the site frontage for 14 days. There were no objections received to the application.

#### **Internal:**

The application was referred internally to Council's Engineering and Health teams for consideration. There was no objection to the granting of a planning permit subject to the inclusion of appropriate conditions.

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



### KEY POINTS/ISSUES

#### Strategic direction of the State and Local Planning Policy Frameworks:

There are several Clauses in the State and Local Planning Policy Framework that provide direction why the proposal to use and development of the subject site for a second dwelling should not be supported.

The subject site is largely identified as Class 3, in the Assessment of Agricultural Quality of Land in Gippsland, Volum and Swan (1984), which suggests the land to be productive agricultural land and therefore subject to State and Local Planning Policy which encourages the protection and retention of productive agricultural land.

The applicant proposes that the second dwelling is a necessary land use and development to support the applicant's proposed new enterprise being an elite cattle breeding business. The applicants have submitted an Agricultural Business Activity Report which details that for the new enterprise to be successful that an observer must be '*in close proximity to the cattle to make the required observations*' and it is on this basis a second dwelling is required on the subject site so that the applicants can be in close proximity to the cattle. Furthermore, the report details that the proposed enterprise could potentially deliver a much higher return on investment than extensive cattle grazing.

It is considered that the economic scale of the operation is small based on the Agricultural Business Activity Report submitted to Council. This report details an annual net income of \$25,454 for the proposed enterprise not accounting for the initial establishment costs to develop the land. The estimated development costs needed to support the business is \$500,000. Rudimentary analysis shows that it will be nearly 20 years before the applicants will receive a return on their investment not including borrowing costs. Therefore, the contention that this investment is needed to grow the farming enterprise does not appear to hold weight.

Moreover, the proposed improvements will increase the value of the land significantly as an attractive "rural living" lot, not as an agricultural lot based on the value of the land as a natural resource. This inflated land value will then impact the long term sustainable use of the subject site to be used for agricultural purposes. Furthermore increased values provide additional barriers to expansion of adjoining and nearby agricultural uses reducing the viability of farming in general. It is believed that the existing dwelling on the subject site is sufficient to support the proposed activities on the land. Therefore it is considered prudent to critically evaluate whether or not the resultant value of the existing land would add to the risk of '*permanently removing land from agricultural production*'.

The objective of Clause 11.05-3 'Rural Productivity' is '*to manage land use change and development in rural areas to promote agriculture and rural production*'. One of the strategies to achieve this is to limit new housing in rural areas. The objective of Clause 14.01-1 'Protection of Agricultural Land' is '*to protect productive farmland which is of strategic significance in the local or regional context*'. The strategies to protect productive

farmland, which the subject site is identified as, direct growth into designated rural residential areas and prevent the loss of productive agricultural land due to permanent changes of land use. The objective of Clause 14.01-2 'Sustainable Agricultural Land Use' is *'to encourage sustainable agricultural land use'*. The proposed use and development of a second dwelling on the subject site does not support the long term sustainable use and management of existing natural resources. The objective of Clause 16.02-1 'Rural Residential Development' is *'to identify land suitable for rural living and rural residential development'*. Strategies in this Clause encourage the protection of agricultural land and the development of dwellings in appropriate locations.

Council's own Municipal Strategic Statement (MSS) of the Scheme, under Clause 21.04-3 'Rural Living Overview', acknowledges pressure for rural residential development and it also states that high value rural land and natural resources need to be protected from encroachment from rural living development pressures. The subject site is identified as good dairying and grazing land. Clause 21.07-5 'Agricultural Overview', states that *'there remains a need to improve dairy industry efficiency, protect the agricultural and resource base and encourage new sustainable enterprises amid ongoing structural changes in rural industries'*. One of the strategies under Clause 21.07-5 of the Municipal Strategic Statement is to *'limit subdivision, use or development of land that should be incompatible with the utilisation of the land for sustainable resource use'*.

The use and development of land for a second dwelling does not comply with relevant agricultural State and Local Planning Policies as it is considered that it will diminish rather than enhance the agricultural potential of the subject site.

It is considered that the proposed use and development of land for a second dwelling does not comply with relevant agricultural State and Local Planning Policies which seek to retain productive agricultural land; rather it seeks to create a rural living style allotment within the Farming Zone.

**'Purpose' and 'Decision Guidelines' of the Farming Zone:**

The underlying purpose of the Farming Zone relates to the use of the land for agriculture retaining productive agricultural land and ensuring that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.

The applicant has submitted justification for the second dwelling on the lot in the format of an Agricultural Business Activity Report. This report details that the applicant proposes to establish an elite cattle breeding business on the subject site. As part of the elite cattle breeding process close proximity to the cattle is required, it is on this basis that the applicant has detailed that they require a second dwelling on the site to successfully run the proposed agricultural enterprise.

However, the proposal is considered to be inconsistent with the following 'Purposes' detailed under the Farming Zone as appropriate:

## ORDINARY COUNCIL MEETING AGENDA 27 JULY 2015 (CM467)

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*

The proposed use and development of a second dwelling on the subject site is not required to support any existing or future agricultural use in the Farming Zone and as a result runs contrary to all relevant planning policies both at a state and local level.

- *To provide for the use of land for agriculture.*

A dwelling that is used in conjunction with the whole landholding exists presently. There is no planning or agricultural need for a second dwelling.

- *To encourage the retention of productive agricultural land.*

The land is zoned for the purpose of agriculture and is identified as good dairying and grazing land. It is considered that the existing dwelling on the subject site is suffice to support any existing or future agricultural activities.

- a) result in a loss of productive agricultural land; and
- b) could lead to a proliferation of dwellings in the area.

This would be detrimental to the Farming Zone and does not support the purpose of the Zone.

- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*

It is reasonable to consider the proposed use and development of the subject site does not meet the relevant agricultural objectives and strategies as set out currently within the Scheme. It is considered that if approved the proposal will disrupt the ongoing use of land for agricultural purposes and result in the fragmentation of productive agricultural land.

The proposal is considered to be inconsistent with the following 'Decision Guidelines' in the Farming Zone as appropriate

- *How the use or development relates to sustainable land management.*
- *Whether the use or development will support and enhance agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*
- *How the use and development makes use of existing infrastructure and services.*
- *Whether the use or development will support and enhance agricultural production.*
- *The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.*

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- *Whether the dwelling will result in the loss or fragmentation of productive agricultural land.*
- *Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.*
- *The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.*
- *The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.*

As detailed previously in this report, the applicant has submitted that they want to use the subject site for elite cattle breeding, it is considered the scale of this enterprise is small in nature with an expected annual income of \$25,454 being generated. The estimated costs of the proposed site improvements required for this enterprise are in excess of \$500,000.

It is considered that the proposal does not have much merit in terms of being a long term sustainable agricultural use and if the enterprise fails it will result in the site improvements being left on the subject site. The inflation of the value land as a result of the proposed infrastructure on the site could potentially inhibit the land being used for future agricultural purposes.

The subject site, being 31.46 hectares, will have two dwellings, numerous outbuildings and other site improvements such as a swimming pool (associated with the proposed dwelling) on a lot less than 40 hectares in the farming zone. It is believed that the long term result of this proposal will see the land being used as a rural living style block. This could impact the ability of adjoining and nearby agricultural uses further developing their operations or expanding their farms within the vicinity of the subject site. As a result of inflated land values and possible amenity issues between rural living style lots and agricultural uses. It is considered that there is sufficient existing infrastructure presently on the subject site to support any existing or future agricultural uses.

The proposal is therefore considered to be inconsistent with both the purpose and decision guidelines of the Farming Zone.

### **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**

Additional resources or financial cost will only be incurred should the planning permit application require determination at the Victorian Civil and Administrative Tribunal (VCAT). However, an appeal can be resourced within the Planning team.

**ORDINARY COUNCIL MEETING AGENDA  
27 JULY 2015 (CM467)****OPTIONS**

Council has the following options in regard to this application:

1. Refuse to Grant a Planning Permit
2. Grant a Planning Permit

Council's decision must be based on planning grounds, having regard to the provisions of the Latrobe Planning Scheme.

**CONCLUSION**

That Council issues a notice of refusal to grant a planning permit for use and development of land for a second dwelling at 145 Cemetery Road, Toongabbie (Lot 2 PS 132454).

- The proposal is inconsistent with Clause 11.05-3 (Rural Productivity), Clause 14.01-1 (Protection of Agricultural Land), Clause 14.01-2 (Sustainable Agricultural Land Use) and Clause 16.02-1 (Rural Residential Development) of the State Planning Policy Framework.
- The proposal is inconsistent with key issues identified in the Municipal Strategic Framework at Clause 21.04-3 (Rural Living Overview) and Clause 21.07-5 (Agricultural Overview).
- The proposal is inconsistent with the 'Purpose' and Decision Guidelines of the Farming Zone.
- The proposal is inconsistent with Clause 65 (Decision Guidelines).

**Attachments**

1. Site context plan
2. Plans and elevations

## 13.2

### **Planning Permit Application 2015/90 - Use and Development of Land for a Second Dwelling at 145 Cemetery Road, Toongabbie**

- |   |                            |     |
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| 2 | Plans and Elevations ..... | 181 |

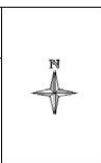




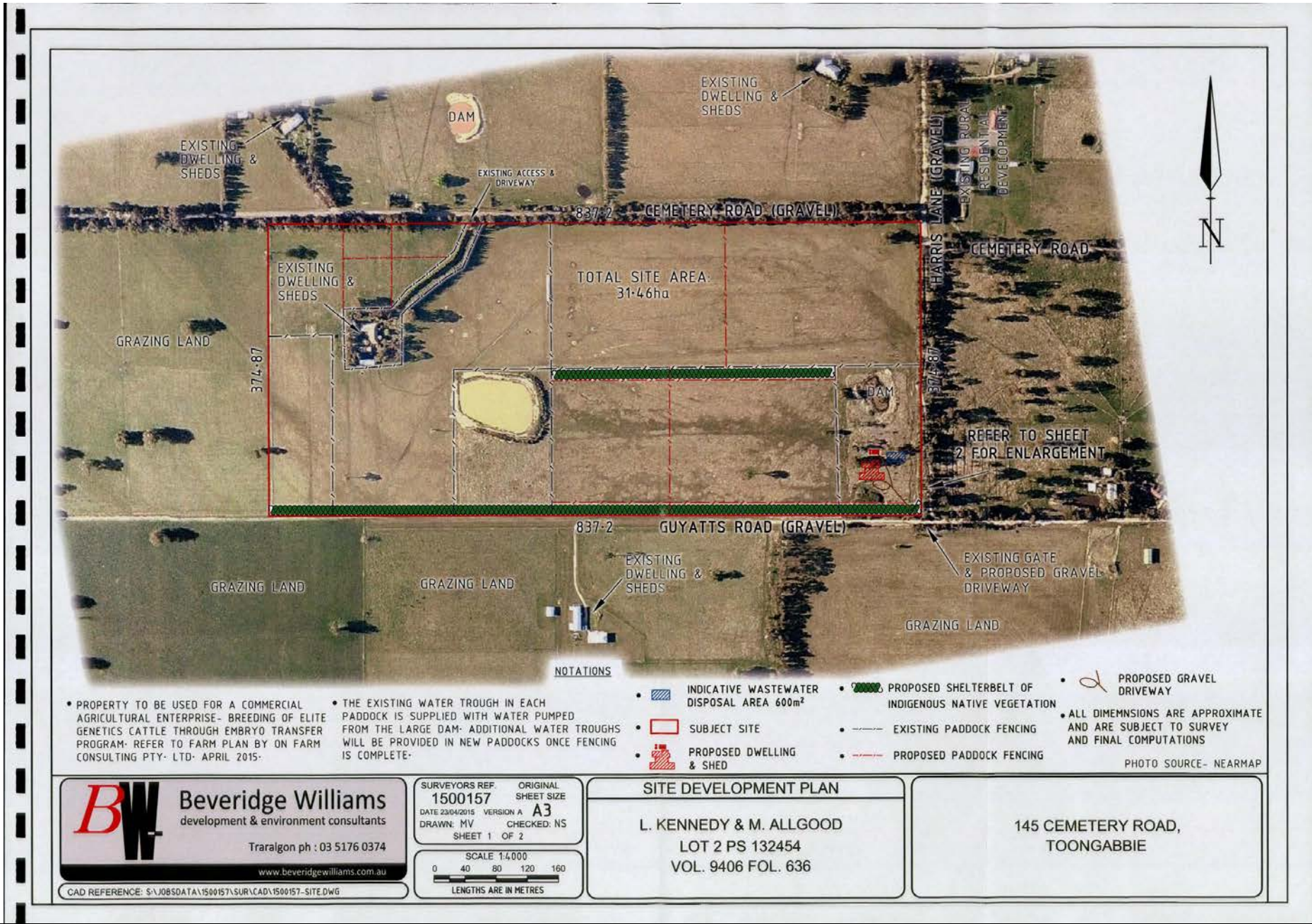
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Site Context

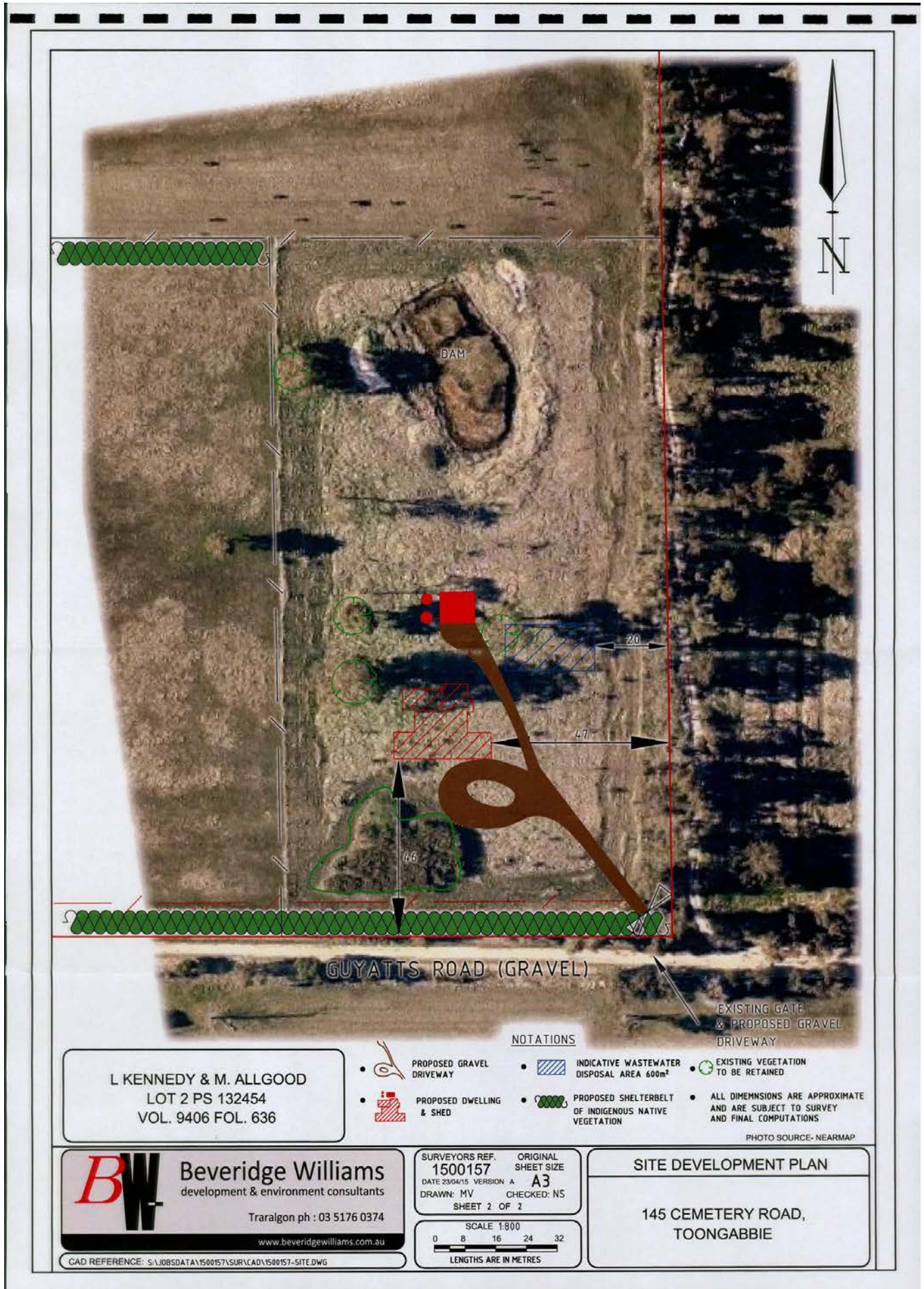
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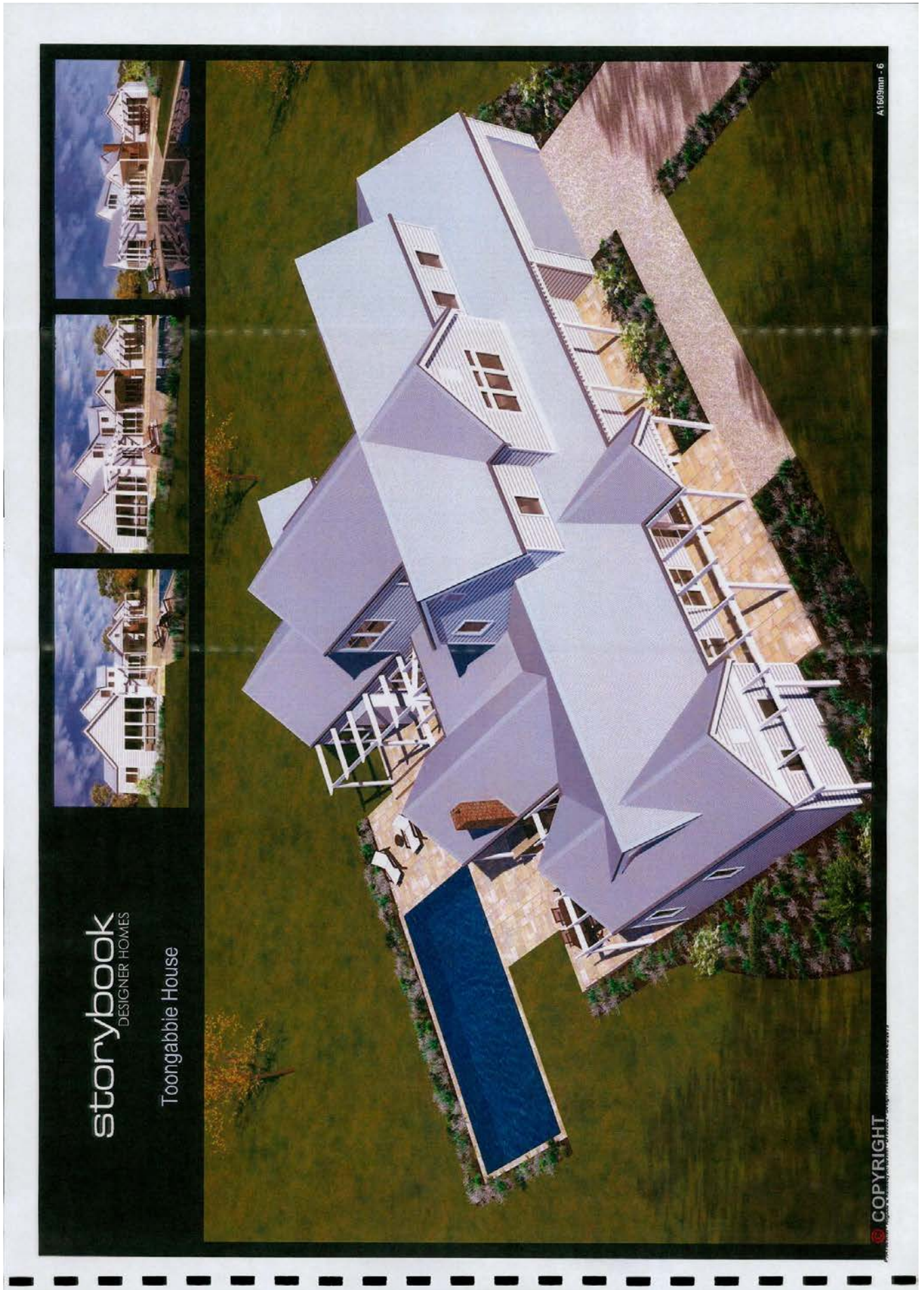








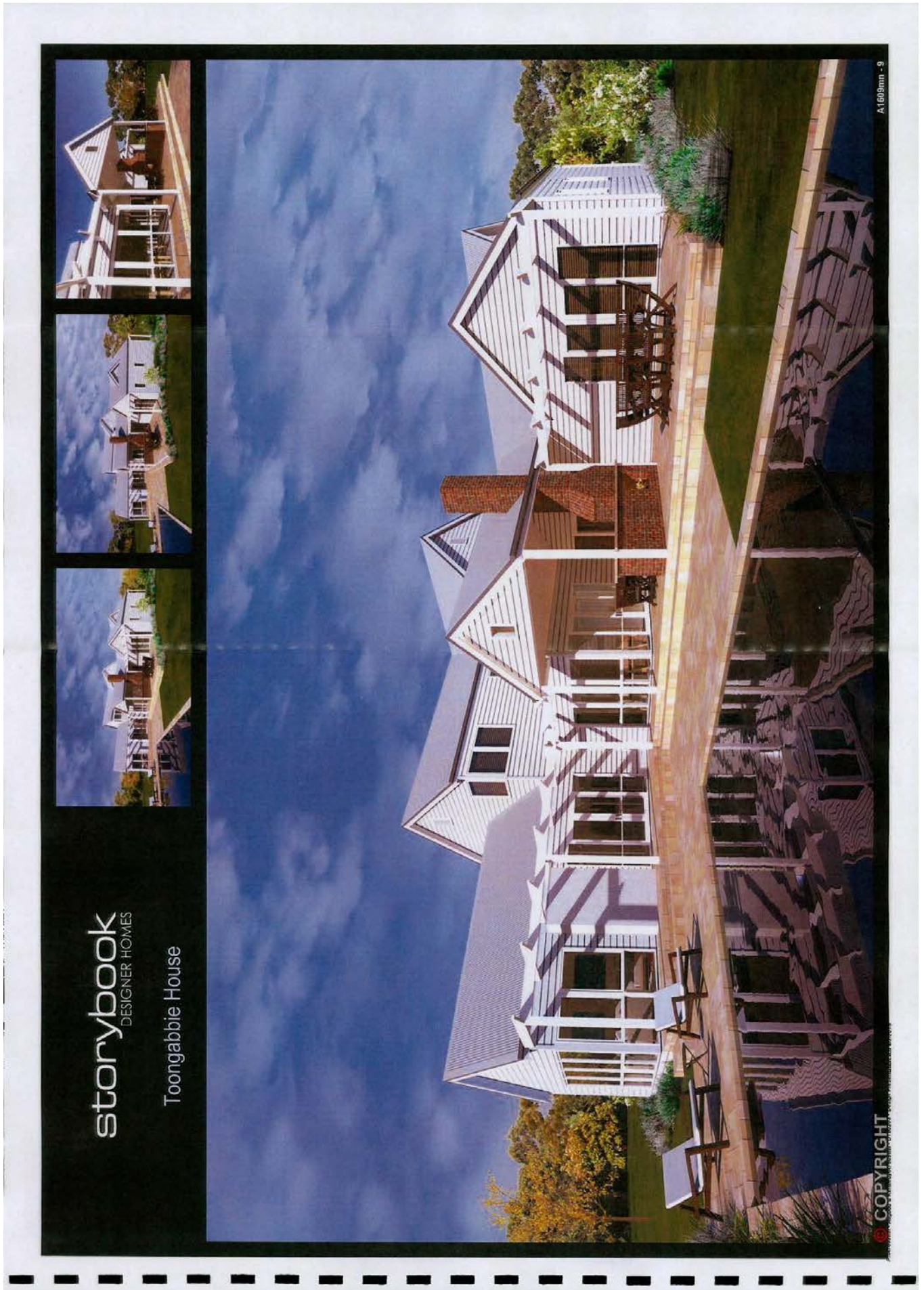








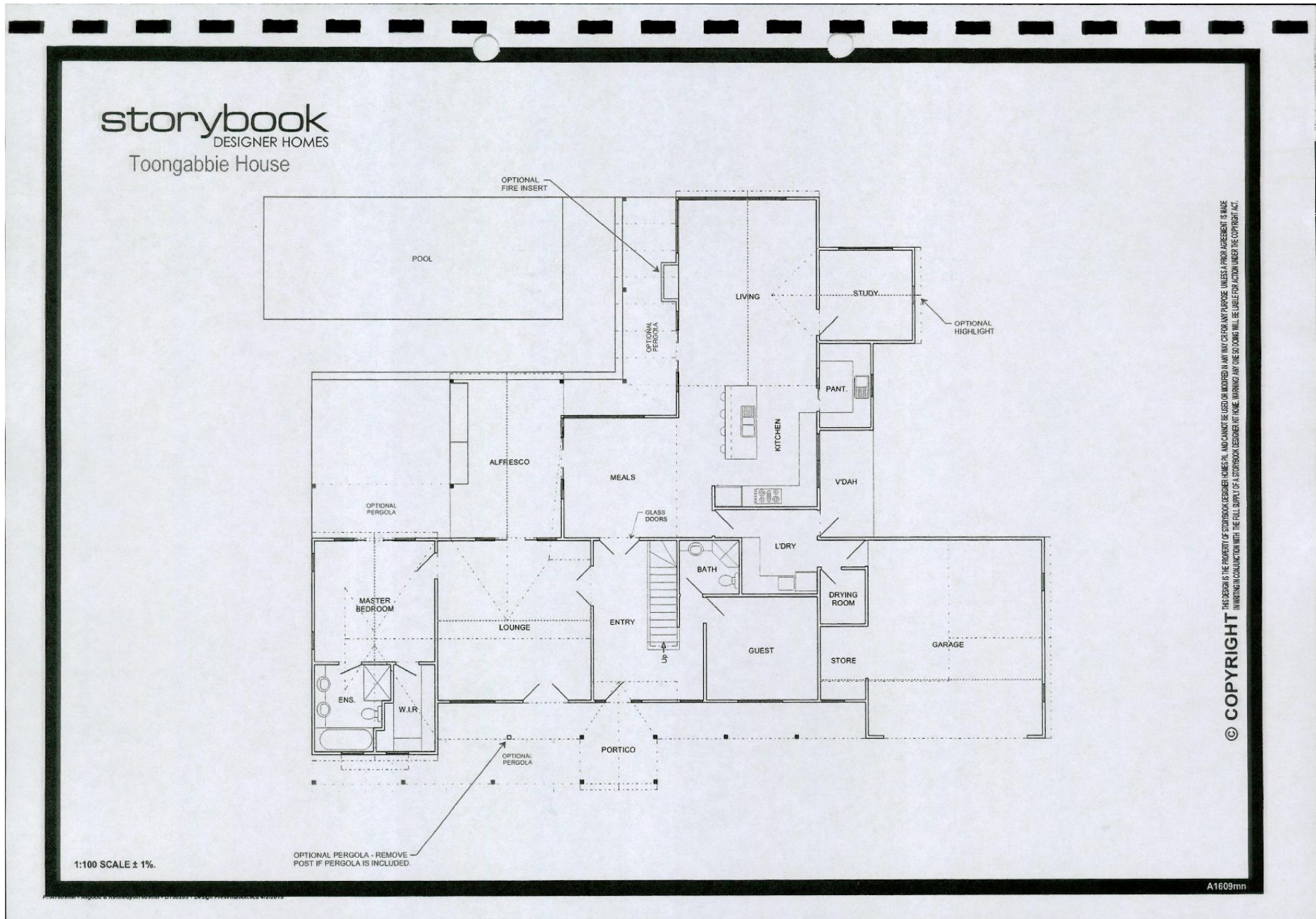




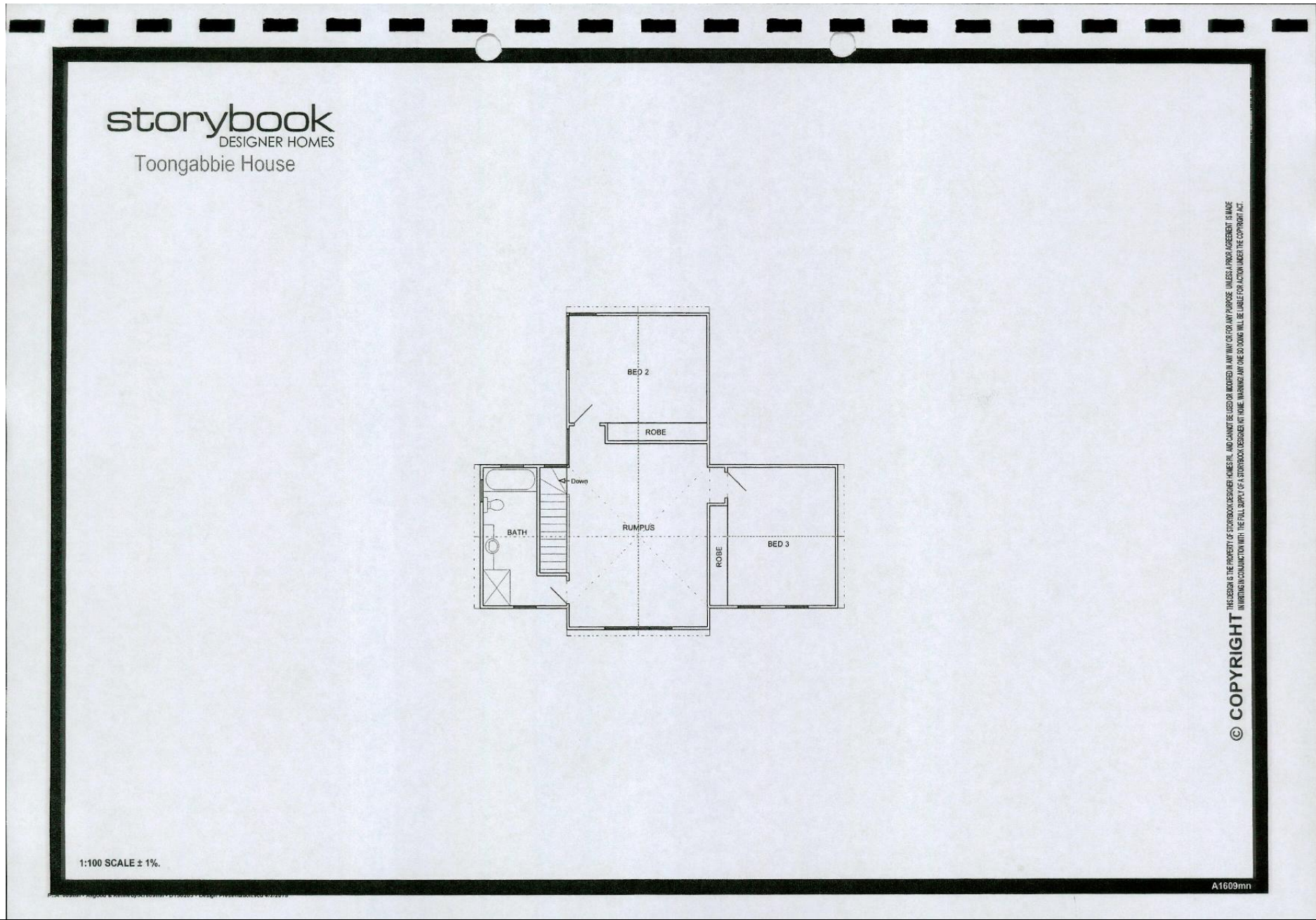












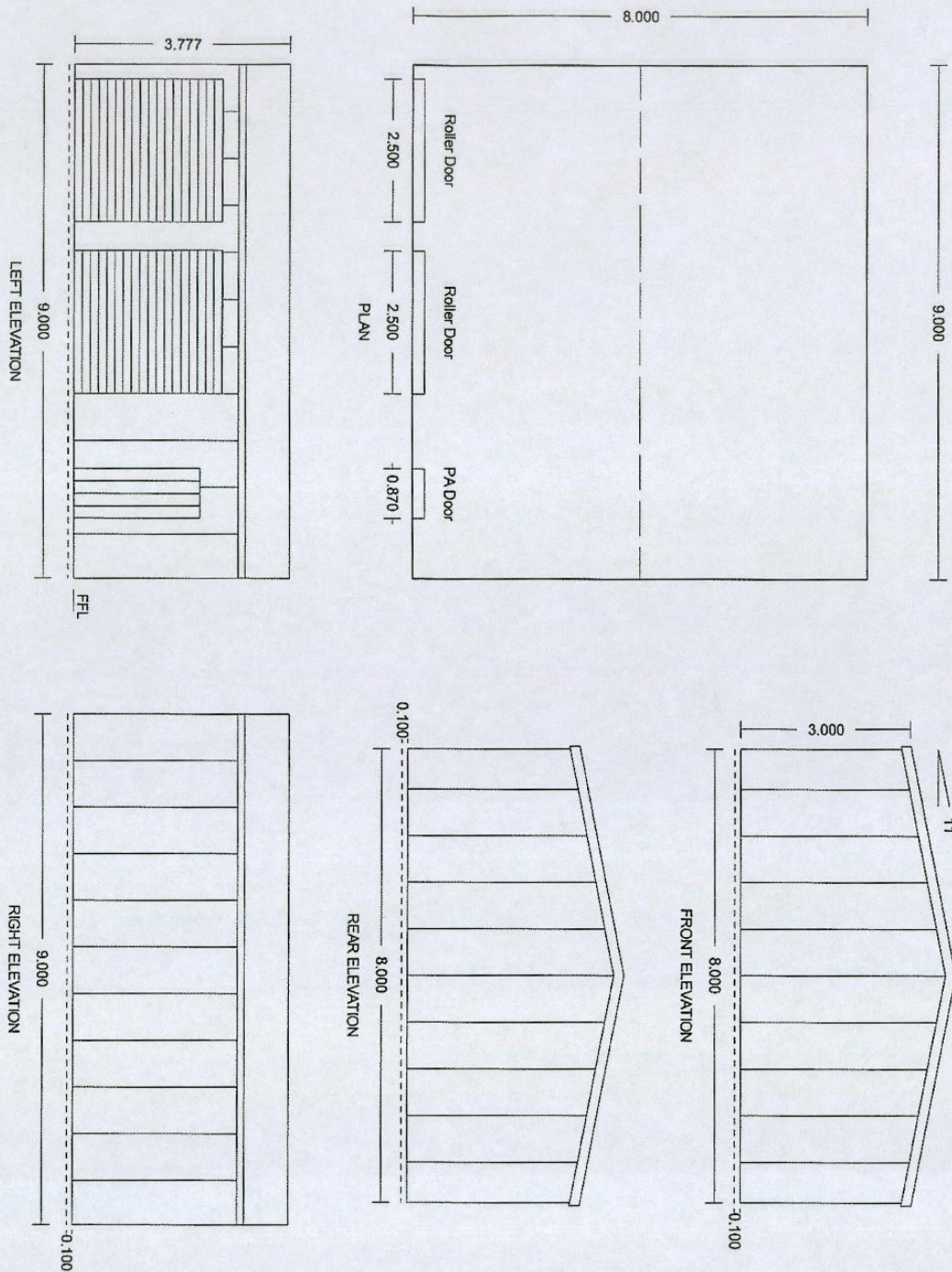
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PROPOSED Shed 8.000x9.000x3.000		
At		
For		
Wall Colour -	Roof colour -	
Barge Colour -	Roller Door Colour -	
Job No	Quote No	Scale 1:100
All Work To Be In Accordance With Accompanying Engineers Details		

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# COMMUNITY INFRASTRUCTURE & RECREATION

**14. COMMUNITY INFRASTRUCTURE & RECREATION**

Nil reports

# COMMUNITY LIVEABILITY

**15. COMMUNITY LIVEABILITY****15.1 SUBMISSION TO THE REOPENED HAZELWOOD MINE FIRE  
BOARD OF INQUIRY****General Manager****Community Liveability****For Decision****PURPOSE**

The purpose of the report is for Council to support development of a written submission to the Reopened Hazelwood Mine Fire Board of Inquiry.

The Reopened Board of Inquiry's Terms of Reference includes consideration of three areas of interest:

- Options to decrease the risk of fire arising from or impacting the Anglesea Mine
- Health impacts on the Latrobe Valley community resulting from the 2014 Hazelwood Coal Mine Fire and
- Mine rehabilitation options for the three Latrobe Valley coal mines.

**EXECUTIVE SUMMARY**

On 21 March 2014, the Governor of Victoria appointed the Hazelwood Mine Fire Board of Inquiry made up of the Honourable Bernard Teague AO, Professor Emeritus John Catford and Ms Sonia Petering.

The Inquiry handed its full report including recommendations to the Governor on the 29 August 2014. The 400 page report, a culmination of a five-month inquiry into the circumstances of the mine fire, the emergency response and the support provided to effected communities.

Despite the Board of Inquiry having been held and subsequently completed, some elements of the community remained concerned that the Board of Inquiry Terms of Reference had not given due consideration to the health impacts of the mine fire.

In response, the State Government reopened the Hazelwood Mine Fire Board of Inquiry on Tuesday 26 May 2015.

The Reopened Board of Inquiry will consider written submissions and run community consultation sessions relating to its three areas of interest in Anglesea and the Latrobe Valley at specific times throughout the year.

Written submissions are now invited for each of the three terms of reference. Council has up until the 3 August to make a submission relating

**ORDINARY COUNCIL MEETING AGENDA  
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to health impacts and the 17 August 2015 to make a submission relating to mine rehabilitation.

Community consultations will be held in the Latrobe Valley in relation to Health Impacts and Mine Rehabilitation. The exact dates and locations are at this time, not confirmed, however they are expected to occur at some stage in August.

Any member of the community may make a submission.

**RECOMMENDATION**

**That Council request the development and lodgement of a submission to the Reopened Hazelwood Mine Fire Board of Inquiry.**

**DECLARATION OF INTEREST**

No officer declared a conflict of 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 – In 2026 the Latrobe Valley is a liveable and sustainable region with collaborative and inclusive community leadership.*

*Latrobe City Council Plan 2013 - 2017*

*Theme and Objectives*

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

**BACKGROUND**

The State Government made an election commitment in 2014 to reopen the Hazelwood Mine Fire Board of Inquiry to further consider three key issues. They are:

- Options to decrease the risk of fire arising from or impacting the Anglesea Mine
- Health impacts on the Latrobe Valley community resulting from the 2014 Hazelwood Coal Mine Fire and
- Mine rehabilitation options for the three Latrobe Valley coal mines.



The Reopened Board of Inquiry of Board Members include:

**Bernard Teague**

Justice Bernard Teague AO was the chair of the Hazelwood Mine Fire Inquiry from February 2014 to August 2014.

He was also chair of the 2009 Victorian Bushfires Royal Commission from February 2009 to August 2010.

Justice Teague was a Supreme Court Judge from 1987 to 2008. During this period he chaired the Adult Parole Board and the Victorian Forensic Leave Panel — he was also a council member at the Institute of Forensic Mental Health.

Prior to his appointment to the Supreme Court, Justice Teague was a solicitor specialising in defamation and other civil law.

**John Catford**

Professor Emeritus John Catford was a member of the Hazelwood Mine Fire Board of Inquiry from February 2014 to August 2014.

He is currently the Executive Director, Academic and Medical, for the Epworth HealthCare Group and a registered medical practitioner. He has been a Professor of Public Health for 30 years and has held senior academic and health service management positions in Australia and the UK, and with the World Health Organisation.

Professor Catford led the development of the Deakin Medical School which opened in Geelong in 2008. In 2011 he was appointed Vice President and Deputy Vice Chancellor of Deakin University.

**Anita Roper**

Mrs Anita Roper brings expertise in strategic, organisational and issues management with over 30 years' experience in senior management roles working with business, governments, communities and multi-lateral agencies in Australia and abroad.

Mrs Roper is an experienced director, with a strong background in sustainability. Mrs Roper previously held senior management roles and directorships with Pacific-Hydro, Sustainability Victoria, Alcoa (New York) and WMC Ltd. Mrs Roper also assisted in the design and establishment of the International Council on Mining and Metals, where she subsequently performed the roles of Chief Operating Officer and Acting Secretary General.

Ms Roper was not a member of the 2014 Hazelwood Mine Fire Board of Inquiry.

The Reopened Board of Inquiry will provide three key opportunities for Council and the community to contribute to the Inquiry process. They include:

## ORDINARY COUNCIL MEETING AGENDA 27 JULY 2015 (CM467)

- Written submission
- Community engagement
- Public hearings.

### **KEY POINTS/ISSUES**

The Reopened Board of Inquiry provides an opportunity for Council to articulate its work and views in relation to the following Terms Of Reference associated matters:

- community recovery,
- community health and wellbeing,
- Council's views on the proposed establishment of a Health Conservation Zone and
- mine rehabilitation.

A Council submission can be developed and provided to the Reopened Hazelwood Mine Fire Board of Inquiry.

Council's submission will be prepared utilising Council's existing policies and strategies, in particular the Municipal Public Health and Wellbeing Plan, as well as draft confidential documentation provided on the possible establishment, functions and operations of the proposed Health Conservation Zone.

It will further consider Council's current role in supporting the Community Recovery Committee and the development of a Community Resilience Plan.

### **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 financial or resource implications as a result of consideration of this report or the submission.

### **INTERNAL/EXTERNAL CONSULTATION**

Preparation of this submission has been undertaken utilising Council's existing strategies, policies and plans as well as Council's original submission to the Hazelwood Mine Fire Board of Inquiry.

It is anticipated as per the first Hazelwood Mine Fire Board of Inquiry, the final submissions will be made available online.

### **OPTIONS**

Council has the following options:

1. Endorse the development of a submission to the Reopened Hazelwood Mine Fire Board of Inquiry.

**ORDINARY COUNCIL MEETING AGENDA  
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2. Not endorse the development of a submission to the Reopened Hazelwood Mine Fire Board of Inquiry.

**CONCLUSION**

The Reopened Mine Fire Board of Inquiry provides an opportunity for Council to continue to highlight the considerable work that needs to be undertaken in service of delivering enhanced community health and wellbeing outcomes following the Hazelwood Mine Fire, Council's support for the establishment of a Health Conservation Zone and Council's concerns regarding mine rehabilitation.

Submissions to the Reopened Hazelwood Mine Fire Board of Inquiry close on the 3 August 2015.

**SUPPORTING DOCUMENTS**

Nil

**Attachments**  
Nil

# CORPORATE SERVICES

16. CORPORATE SERVICES

**16.1 CONTRACT VARIATIONS REPORT FOR THE PERIOD 01 APRIL  
2015 TO 30 JUNE 2015**

General Manager

Corporate Services

For Decision

**PURPOSE**

The purpose of this report is to provide Council with a summary of all contract variations for the period 1 April 2015 to 30 June 2015.

**EXECUTIVE SUMMARY**

*Policy – Procurement Policy 14 POL-7*

4.6.7 Variations Reporting

All contract variations approved by the Chief Executive Officer are required to be reported to Council on a quarterly basis.

Contract variations are detailed in the attachment.

**RECOMMENDATION**

**That Council notes this report on contract variations approved by the Chief Executive Officer under delegation during the period 1 April 2015 to 30 June 2015.**

**DECLARATION OF INTEREST**

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

**Attachments**

1. Contract Variation Details



## **16.1**

### **Contract Variations Report for the Period 01 April 2015 to 30 June 2015**

<b>1</b>	<b>Contract Variation Details .....</b>	<b>203</b>
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<b>Contract No. and Title:</b>		LCC-137 Provision of Consultancy Services - Development of Latrobe Regional Airport Masterplan					
<b>Contractor:</b>		Lambert & Rehbein (Vic) Pty Ltd T/As Rehbein Airport Consulting					
<b>Date Acting CEO Awarded Contract:</b>		21/02/2014	<b>Date Council delegated authority to the Chief Executive Officer to approve contract variations within budgeted amount:</b>			N/A	
<b>Original Contract Value:</b>		\$88,740.00					
No.	Variation description	Date variation approved by CEO	Variation amount	% of amount	Previous value of variations to date	Total value of variations	Revised contract value
1	Additional works - production of new ANEF and N Contour maps for planning purposes	22/05/2015	\$14,600.00	16.45%	\$0.00	\$14,600.00	\$103,340.00

<b>Contract No. and Title:</b>		LCC-164 Hyland Highway Landfill - Construction of Landfill Cap - Cells 1 & 2					
<b>Contractor:</b>		Winslow Constructors Pty Ltd					
<b>Date Council Awarded Contract:</b>		19/05/2014	<b>Date Council delegated authority to the Chief Executive Officer to approve contract variations within budgeted amount:</b>				N/A
<b>Original Contract Value:</b>		\$1,040,570.21					
No.	Variation description	Date variation approved by CEO	Variation amount	% of amount	Previous value of variations to date	Total value of variations	Revised contract value
1	Repairs to cell liner found during capping construction. Landfill cell anchor trench alignment design was different to as built alignment and second anchor trench was required	22/05/2015	\$5,358.45	0.51%	\$0.00	\$5,358.45	\$1,045,928.66

<b>Contract No. and Title:</b>		LCC-177 Moe Rail Precinct Revitalisation Project - Stage 1					
<b>Contractor:</b>		Building Engineering Pty Ltd					
<b>Date Council Awarded Contract:</b>		11/08/2014	<b>Date Council delegated authority to the Chief Executive Officer to approve contract variations within budgeted amount:</b>			N/A	
<b>Original Contract Value:</b>		\$11,990,080.00					
No.	Variation description	Date variation approved by CEO	Variation amount	% of amount	Previous value of variations to date	Total value of variations	Revised contract value
5	Hydro truck to locate underground services	8/04/2015	\$2,585.00	0.14%	\$13,700.00	\$16,285.00	\$12,006,365.00
6	Rectification of soft spots - grids 7-9	8/04/2015	\$1,960.20	0.15%	\$16,285.00	\$18,245.20	\$12,008,325.20
7	Correction to Variations 1 and 2 to include GST	21/04/2015	\$210.00	0.15%	\$18,245.20	\$18,455.20	\$12,008,535.20
8	Changes from UPVC to RCP Stormwater pipes	29/04/2015	\$3,724.82	0.18%	\$18,455.20	\$22,180.02	\$12,012,260.02
9	Revised Structural Drawing Items	30/04/2015	\$1,199.00	0.19%	\$22,180.02	\$23,379.02	\$12,013,459.02
10	Revised details for service trench	21/05/2015	\$3,971.00	0.23%	\$23,379.02	\$27,350.02	\$12,017,430.02
11	Boxed out slab due to services trench change	21/05/2015	\$4,242.70	0.26%	\$27,350.02	\$31,592.72	\$12,021,672.72
12	Increased transfer beam width at Stairs 1	21/05/2015	\$678.70	0.27%	\$31,592.72	\$32,271.42	\$12,022,351.42
13	Bulk Concrete at SF1 grid A/2-3	21/05/2015	\$4,161.30	0.30%	\$32,271.42	\$36,432.72	\$12,026,512.72
14	Additional Staples to Transfer Beam Y1a and Y2a	26/06/2015	\$4,415.40	0.34%	\$36,432.72	\$40,848.12	\$12,030,928.12
15	Credit offer for Standard Lift Ceiling Finishes	26/06/2015	-\$2,500.00	0.32%	\$40,848.12	\$38,348.12	\$12,028,428.12
16	Blinding Concrete	26/06/2015	\$45,538.35	0.70%	\$38,348.12	\$83,886.47	\$12,073,966.47
17	PC Sum adjustment - External Cladding Changes	26/06/2015	-\$21,250.00	0.52%	\$83,886.47	\$62,636.47	\$12,052,716.47
18	Changes in light fittings	26/06/2015	\$2,211.00	0.54%	\$62,636.47	\$64,847.47	\$12,054,927.47

<b>Contract No. and Title:</b>		LCC-182 The Provision of an EPA Appointed Auditor for the Hyland Highway Landfill - Cells 1 & 2 Capping Construction					
<b>Contractor:</b>		GHD Pty Ltd					
<b>Date Acting CEO Awarded Contract:</b>		28/07/2014	<b>Date Council delegated authority to the Chief Executive Officer to approve contract variations within budgeted amount:</b>			N/A	
<b>Original Contract Value:</b>		\$24,245.00					
No.	Variation description	Date variation approved by CEO	Variation amount	% of amount	Previous value of variations to date	Total value of variations	Revised contract value
1	Review additional data by the Auditor to confirm the thickness of the sand drainage layer	1/06/2015	\$395.65	1.63%	\$0.00	\$395.65	\$24,640.65



<b>Contract No. and Title:</b>		LCC-212 Latrobe City Hyland Highway Landfill - Construction of Landfill Cell 4					
<b>Contractor:</b>		RTL Mining and Earthworks Pty Ltd					
<b>Date Council Awarded Contract:</b>		21/11/2014	<b>Date Council delegated authority to the Chief Executive Officer to approve contract variations within budgeted amount:</b>			N/A	
<b>Original Contract Value:</b>		\$1,586,375.00					
No.	Variation description	Date variation approved by CEO	Variation amount	% of amount	Previous value of variations to date	Total value of variations	Revised contract value
3	Foreign exchange variation for liner material as agreed during contract negotiation	30/04/2015	\$8,902.78	1.28%	\$11,357.00	\$20,259.78	\$1,606,634.78

<b>Contract No. and Title:</b>		LCC-224 Curve Widening Works at Jumbuk Road, Jumbuk - Stage 2					
<b>Contractor:</b>		Services South East Pty Ltd					
<b>Date Council Awarded Contract:</b>		5/11/2014	<b>Date Council delegated authority to the Chief Executive Officer to approve contract variations within budgeted amount:</b>			23/03/2015	
<b>Original Contract Value:</b>		\$434,837.40					
No.	Variation description	Date variation approved by CEO	Variation amount	% of amount	Previous value of variations to date	Total value of variations	Revised contract value
4	Asphalt pavement alternative (various works)	1/04/2015	\$108,729.47	43.97%	\$82,467.00	\$191,196.47	\$626,033.87

<b>Contract No. and Title:</b>		LCC-228 Reconstruction of Mary Street at Morwell					
<b>Contractor:</b>		Civil Construction Network Services					
<b>Date Council Awarded Contract:</b>		24/11/2014	<b>Date Council delegated authority to the Chief Executive Officer to approve contract variations within budgeted amount:</b>			N/A	
<b>Original Contract Value:</b>		\$316,484.42					
No.	Variation description	Date variation approved by CEO	Variation amount	% of amount	Previous value of variations to date	Total value of variations	Revised contract value
1	Additional materials for treatment of poor subgrade and additional property crossover	19/05/2015	\$7,078.08	2.24%	\$0.00	\$7,078.08	\$323,562.50

<b>Contract No. and Title:</b>		LCC-239 Refurbishment of Agnes Brereton Reserve Pavilion, Traralgon					
<b>Contractor:</b>		Waltcon Constructions Pty Ltd					
<b>Date Council Awarded Contract:</b>		15/12/2014	<b>Date Council delegated authority to the Chief Executive Officer to approve contract variations within budgeted amount:</b>			N/A	
<b>Original Contract Value:</b>		\$348,940.00					
No.	Variation description	Date variation approved by CEO	Variation amount	% of amount	Previous value of variations to date	Total value of variations	Revised contract value
15	Replace existing doors 10 and 11	1/04/2015	\$638.00	4.00%	\$13,325.84	\$13,963.84	\$362,903.84
16	Anti-graffiti coating	10/04/2015	\$3,036.00	4.87%	\$13,963.84	\$16,999.84	\$365,939.84
17	Blockwork Retaining Wall	24/04/2015	\$935.00	5.14%	\$16,999.84	\$17,934.84	\$366,874.84

<b>Contract No. and Title:</b>		LCC-240 Reconstruction of Spry Street at Morwell					
<b>Contractor:</b>		Sure Construction (Vic) Pty Ltd					
<b>Date Council Awarded Contract:</b>		15/12/2014	<b>Date Council delegated authority to the Chief Executive Officer to approve contract variations within budgeted amount:</b>				15/12/2014
<b>Original Contract Value:</b>		\$263,829.00					
No.	Variation description	Date variation approved by CEO	Variation amount	% of amount	Previous value of variations to date	Total value of variations	Revised contract value
1	Additional materials for treatment of poor subgrade	27/05/2015	\$15,000.00	5.69%	\$0.00	\$15,000.00	\$278,829.00



<b>Contract No. and Title:</b>		LCC-245 Reconstruction of Bubb Street at Moe					
<b>Contractor:</b>		QR Construction (Gippsland) Pty Ltd					
<b>Date Council Awarded Contract:</b>		9/02/2015	<b>Date Council delegated authority to the Chief Executive Officer to approve contract variations within budgeted amount:</b>				N/A
<b>Original Contract Value:</b>		\$301,412.00					
No.	Variation description	Date variation approved by CEO	Variation amount	% of amount	Previous value of variations to date	Total value of variations	Revised contract value
1	Replacement of unsuitable material below subgrade level	25/06/2015	\$6,760.60	2.24%	\$0.00	\$6,760.60	\$308,172.60

<b>Contract No. and Title:</b>		LCC-246 Pavement Rehabilitation of Balfour Place at Churchill					
<b>Contractor:</b>		Sure Constructions (Vic) Pty Ltd					
<b>Date Council Awarded Contract:</b>		9/02/2015	<b>Date Council delegated authority to the Chief Executive Officer to approve contract variations within budgeted amount:</b>			N/A	
<b>Original Contract Value:</b>		\$524,055.44					
No.	Variation description	Date variation approved by CEO	Variation amount	% of amount	Previous value of variations to date	Total value of variations	Revised contract value
1	Clearing and grubbing preparatory works	24/04/2015	\$8,592.05	1.64%	\$0.00	\$8,592.05	\$532,647.49
2	Install aggi drainage	29/04/2015	\$1,128.15	1.85%	\$8,592.05	\$9,720.20	\$533,775.64

<b>Contract No. and Title:</b>		LCC-251 Pavement Rehabilitation of Lincoln Street at Moe					
<b>Contractor:</b>		Fulton Hogan Industries Pty Ltd					
<b>Date Council Awarded Contract:</b>		9/02/2015	<b>Date Council delegated authority to the Chief Executive Officer to approve contract variations within budgeted amount:</b>				N/A
<b>Original Contract Value:</b>		\$672,858.05					
No.	Variation description	Date variation approved by CEO	Variation amount	% of amount	Previous value of variations to date	Total value of variations	Revised contract value
1	Lowering of water property connections	27/04/2015	\$34,434.00	5.12%	\$0.00	\$34,434.00	\$707,292.05
2	Lowering of gas property connections	4/05/2015	\$5,307.60	5.91%	\$34,434.00	\$39,741.60	\$712,599.65
3	Alteration to the design of drainage structures	25/06/2015	\$4,458.11	6.57%	\$39,741.60	\$44,199.71	\$717,057.76

<b>Contract No. and Title:</b>		LCC-256 Culvert extension works at Redhill Road, Traralgon South					
<b>Contractor:</b>		Mad Cat Constructions (Vic) Pty Ltd					
<b>Date Council Awarded Contract:</b>		23/03/2015	<b>Date Council delegated authority to the Chief Executive Officer to approve contract variations within budgeted amount:</b>				23/03/2015
<b>Original Contract Value:</b>		\$205,252.50					
No.	Variation description	Date variation approved by CEO	Variation amount	% of amount	Previous value of variations to date	Total value of variations	Revised contract value
1	Additional reinforcement of cast in-situ concrete wing walls	27/05/2015	\$8,258.91	4.02%	\$0.00	\$8,258.91	\$213,511.41
2	Change to concrete specifications of cast in-situ concrete wing walls	26/06/2015	\$709.09	4.37%	\$8,258.91	\$8,968.00	\$214,220.50
3	Additional trees to be removed to provide free flowing waterway	26/06/2015	\$2,200.00	5.44%	\$8,968.00	\$11,168.00	\$216,420.50
4	Removal of existing concrete base at culvert inlet	26/06/2015	\$1,050.00	5.95%	\$11,168.00	\$12,218.00	\$217,470.50

<b>Contract No. and Title:</b>		LCC-259 Drainage augmentation at Moe-Walhalla Road, Moe					
<b>Contractor:</b>		ACE Earthmoving Pty Ltd					
<b>Date Council Awarded Contract:</b>		2/03/2015	<b>Date Council delegated authority to the Chief Executive Officer to approve contract variations within budgeted amount:</b>				N/A
<b>Original Contract Value:</b>		\$500,699.35					
No.	Variation description	Date variation approved by CEO	Variation amount	% of amount	Previous value of variations to date	Total value of variations	Revised contract value
1	Remove existing 1,350mm vehicle crossing pipes and replace with new 1,350mm vehicle crossing pipes	12/06/2015	\$13,115.00	2.62%	\$0.00	\$13,115.00	\$513,814.35
2	To construct a concrete endwall on the end of a 1,350mm drainage pipe line	25/06/2015	\$1,100.00	2.84%	\$13,115.00	\$14,215.00	\$514,914.35



<b>Contract No. and Title:</b>		LCC-263 Construction of Concrete Taxiways at Latrobe Regional Airport, Morwell					
<b>Contractor:</b>		Sure Constructions (Vic) Pty Ltd					
<b>Date Council Awarded Contract:</b>		23/03/2015	<b>Date Council delegated authority to the Chief Executive Officer to approve contract variations within budgeted amount:</b>				23/03/2015
<b>Original Contract Value:</b>		\$755,648.22					
No.	Variation description	Date variation approved by CEO	Variation amount	% of amount	Previous value of variations to date	Total value of variations	Revised contract value
1	Extension of the northern taxiway by 12 metres	14/05/2015	\$12,585.42	1.67%	\$0.00	\$12,585.42	\$768,233.64

<b>Contract No. and Title:</b>		LCC-264 Reconstruction of Purvis Road at Yalloum North					
<b>Contractor:</b>		QR Construction (Gippsland) Pty Ltd					
<b>Date Council Awarded Contract:</b>		13/04/2015	<b>Date Council delegated authority to the Chief Executive Officer to approve contract variations within budgeted amount:</b>				N/A
<b>Original Contract Value:</b>		\$598,934.90					
No.	Variation description	Date variation approved by CEO	Variation amount	% of amount	Previous value of variations to date	Total value of variations	Revised contract value
1	Remediation of various drain issues	25/06/2015	\$9,395.50	1.57%	\$0.00	\$9,395.50	\$608,330.40

# URGENT BUSINESS

**17. URGENT BUSINESS**

*Business may be admitted to the meeting as urgent business in accordance with clause 26 of the Meeting Procedure Local Law by resolution of the Council, if it relates to a matter which has arisen since distribution of the agenda and:*

- 1. cannot safely or conveniently be deferred until the next Ordinary meeting; or*
- 2. involves a matter of urgent community concern.*

# MEETING CLOSED TO THE PUBLIC

## 18. 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:**

#### 18.1 CONFIDENTIAL ITEMS HELD OVER

**Agenda item 18.1 *Confidential Items Held Over* 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)**

#### 18.2 ADOPTION OF MINUTES

**Agenda item 18.2 *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)**

#### 18.3 CONFIDENTIAL ITEMS

**Agenda item 18.3 *Confidential Items* is designated as confidential as it relates to a matter which the Council or special committee considers would prejudice the Council or any person (s89 2h)**

#### 18.4 ASSEMBLY OF COUNCILLORS

**Agenda item 18.4 *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)**

#### 18.5 ADOPTION OF THE KEY PERFORMANCE INDICATORS FOR THE CHIEF EXECUTIVE OFFICER

**Agenda item 18.5 *Adoption of the Key Performance Indicators for the Chief Executive Officer* is designated as confidential as it relates to personnel matters (s89 2a)**