



LATROBE CITY COUNCIL

**AGENDA FOR THE
ORDINARY COUNCIL MEETING**

**TO BE HELD IN NAMBUR WARIGA MEETING ROOM
CORPORATE HEADQUARTERS, MORWELL
AT 6.00 PM ON
05 FEBRUARY 2018**

CM512

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1. OPENING PRAYER

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

I would like to acknowledge that we are meeting here today on the traditional land of the Braiakaulung people of the Gunaikurnai nation and I pay respect to their elders past and present.

If there are other Elders present I would also like to acknowledge them.

3. APOLOGIES AND LEAVE OF ABSENCE

4. DECLARATION OF INTERESTS

5. ADOPTION OF MINUTES

RECOMMENDATION

That Council confirm the minutes of the Ordinary Council Meeting held on 31 December 2017.

6. ACKNOWLEDGEMENTS

Councillors may raise any formal acknowledgements that need to be made at this time, including congratulatory or condolences.

7. 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.

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

[Chief Executive Office](#)

[City Development](#)

[Infrastructure & Recreation](#)

[Community Services](#)

[Corporate Services](#)

Date of Council Meeting	Item	Date of Future Council Meeting Report
Chief Executive Office		
11 September 2017	2017/14 Morwell / Hazelwood Mine	19 October 2017 A further report will be scheduled in 2018
13 November 2017	Memorandum of Understanding with the State of Victoria to develop a City Deal	19 January 2018 A report will be scheduled in 2018.
City Development		
06 November 2013	Latrobe Regional Motorsport Complex	2015 A briefing report and Council report will be presented in April 2016. 30 March 2016 A briefing report will be presented in May 2016. 26 May 2016 A briefing report will be presented to Councillors at the 30 May 2016 Councillor Briefing. 30 May 2016 A report was presented to the Councillor Briefing on 30 May 2016, and a further report will follow in September. 20 September 2016 A tour of possible sites for the development of a

Date of Council Meeting	Item	Date of Future Council Meeting Report
		<p>Motorsport Complex will be organised for early in 2017.</p> <p>26 April 2017</p> <p>A report to Council is tentatively scheduled for June 2017.</p> <p>05 June 2017</p> <p>The report to Council has been rescheduled while the Committee's Terms of Reference are drafted.</p> <p>04 October 2017</p> <p>New Terms of Reference have been adopted at the 2 October 2017 Council Meeting. A further report as required by this resolution is not expected to occur until March 2018.</p>
31 July 2017	<p>International Relations Advisory Committee Recruitment of Community Members</p> <p><i>Confidential under section 89(2)(a) personnel matters</i></p>	<p>09 August 2017</p> <p>A report will be prepared for Council by 30 September 2017.</p> <p>19 October 2017</p> <p>Report to be provided at Council Meeting 13 November 2017</p> <p>06 December 2017</p> <p>A further report will be presented to Council in 2018.</p>
21 August 2017	<p>Proposal to establish a broad-based Economic Development Advisory Committee</p>	<p>30 August 2017</p> <p>A report will be presented to a Councillor Briefing in October 2017.</p> <p>13 November 2017</p> <p>A report will be presented to Council in early 2018.</p>

Date of Council Meeting	Item	Date of Future Council Meeting Report
23 October 2017	Development Proposal - Expression of Interest <i>Confidential under Section 89(2) (d) (e) of the Local Government Act 1989, as it deals with contractual matters; AND proposed developments.</i>	19 January 2018 A report will be scheduled as required.
23 October 2017	Recreation Needs Assessment	19 January 2018 A report will be scheduled in 2018 in relation to building permit fees.
13 November 2017	Planning Application 2017/147 - Development of the Tyers Road (Bluff Causeway) Bridge and Removal of Native Vegetation	20 November 2017 A report is being presented to the Council Meeting 04 December 2017. 06 December 2017 Complete. A report was considered at the Council Meeting held on 04 December 2017.
13 November 2017	Petition for the Provision of Fenced off Dog Parks	16 January 2018 A report will be presented by 30 June 2018.
13 November 2017	Visitor Information Centre Transition	19 January 2018 A report will be scheduled in 2018.

Date of Council Meeting	Item	Date of Future Council Meeting Report
Community Services		
18 February 2013	Affordable Housing Project – Our Future Our Place	<p>09 March 2016 A report will be presented to a Councillor Briefing in May 2016</p> <p>08 June 2016 The Briefing report has been rescheduled to 27 June 2016.</p> <p>20 July 2016 A briefing report was prepared for the Councillor briefing on 27 June.</p> <p>09 August 2016 A briefing report was presented to the Councillor briefing on 25 July.</p> <p>28 October 2016 Report scheduled in for Councillor Briefing (2) on Monday, 28 November 2016.</p> <p>07 November 2016 Councillor Briefing Report to be presented in Feb 2017.</p> <p>15 March 2017 A report will be presented to Council at the 18 April 2017 meeting.</p> <p>21 April 2017 A further report to a Councillor Briefing is scheduled for 03 July 2017.</p> <p>28 June 2017 A report will be presented to Council at its meeting of 10 July 2017 for decision.</p>

Date of Council Meeting	Item	Date of Future Council Meeting Report
		<p>04 July 2017 This report will now be scheduled for the briefing Monday 31 July, 2017.</p> <p>15 July 2017 Report to be provided as soon as possible, targeting meeting for Monday 7 August, 2017.</p> <p>09 August 2017 The report has been rescheduled to October 2017.</p> <p>01 November 2017 Report deferred to the first Council Meeting in 2018.</p> <p>17 January 2018 The report has been listed for the 05 February 2018 Council Meeting.</p>
22 August 2016	2016/21 – Hinkler Street Reserve Site	<p>07 November 2016 Councillor Briefing Report to be presented in Feb 2017.</p> <p>15 March 2017 A report will be presented to Council at the 18 April 2017 meeting.</p> <p>21 April 2017 A further report to a Councillor Briefing is scheduled for 03 July 2017.</p> <p>28 June 2017 A report will be presented to Council at its meeting of 10 July 2017 for decision.</p> <p>17 July 2017 Report to be provided as soon as possible,</p>

Date of Council Meeting	Item	Date of Future Council Meeting Report
		<p>targeting meeting for Monday 7 August, 2017.</p> <p>09 August 2017</p> <p>The report has been rescheduled to October 2017.</p> <p>01 November 2017</p> <p>Report deferred to the first Council Meeting in 2018.</p> <p>17 January 2018</p> <p>The report has been listed for the 05 February 2018 Council Meeting.</p>
04 December 2017	Draft Positive Ageing Strategy and Plan-Release for Community Comment	<p>17 January 2018</p> <p>A future report is required in March 2018.</p>
04 December 2017	Potential changes to Aged & Disability Services and their impact on Council	<p>17 January 2018</p> <p>A future report is required in March 2018.</p>
Corporate Services		
25 May 2015	<p>MAV Workcare Self Insurance</p> <p><i>Confidential under section 89(2)(d) contractual matters</i></p>	<p>2015</p> <p>A report will be presented to Council in the second half of 2019.</p> <p>14 March 2017</p> <p>A report to Council is scheduled for the end of the current financial year.</p> <p>18 July 2017</p> <p>A report will be presented to Council in 2020/2021</p>

Date of Council Meeting	Item	Date of Future Council Meeting Report
		Financial Year.
14 September 2015	Long Term Lease Renewal Agreement – Moe Racing Club	<p>19 January 2018</p> <p>Still pending finalisation of negotiations with the Moe Racing Club before a final agreement is provided to Council for ratification.</p>
31 July 2017	Proposed Long Term Lease - Yinnar Bowling Club	<p>04 August 2017</p> <p>A public notice inviting community comment will be published on 10 August 2017. Submissions close 11 September 2017. A report will be prepared for Council following the consultation period if required.</p> <p>13 November 2017</p> <p>A future report is scheduled for Council in 2018</p>
21 August 2017	<p>Potential Naming of Unnamed Council Reserve Located Between Alfred Drive And Main Street Yinnar</p> <p><i>Confidential under section 89(2)(h) any other matter which the Council or special committee considers would prejudice the Council or any person</i></p>	<p>28 August 2017</p> <p>If required, a report will be presented to Council at the conclusion of all consultation.</p> <p>07 December 2017</p> <p>Completed. A report is no longer required as application not accepted.</p>
11 September 2017	Proposed Road Renaming - Ashley Avenue, Morwell	<p>20 September 2017</p> <p>Pending further discussions before a report is rescheduled for decision.</p>

Date of Council Meeting	Item	Date of Future Council Meeting Report
23 October 2017	Gippsland Logistics Precinct Potential Business Opportunity <i>Confidential under Section 89(2) (e) of the Local Government Act 1989, as it deals with proposed developments.</i>	05 December 2017 A report will be presented to Council in 2018.
23 October 2017	Renaming a Section of Wilmot Court, Traralgon East	17 January 2018 A report has been listed for the 05 February 2018 Council Meeting.
13 November 2017	Presentation of the Proposed Meeting Procedure Local Law and Associated documents for adoption	01 December 2017 The report has been listed for the 04 December 2018 meeting after being deferred by Council. 19 January 2018 The report has been listed for the 05 February 2018 Council Meeting as was deferred from the 04 December 2018 Council Meeting.
04 December 2017	Potential Road Discontinuance-Keegan Street Morwell	05 December 2017 A report will be presented to Council in 2018.
Infrastructure & Recreation		
27 March 2017	Disposal of Illegally Dumped Rubbish on HVP Plantations Land	28 March 2017 A report will be presented to Council in 2018, at the conclusion of the one year period.

Date of Council Meeting	Item	Date of Future Council Meeting Report
21 August 2017	2017/11 - Parking on Narrow Roads in Latrobe City	<p>25 August 2017 A report will be presented to the 4 December 2017 Ordinary Council Meeting.</p> <p>04 December 2017 A report will be presented to Council in 2018.</p> <p>17 December 2017 A report has been listed for the 05 February 2018 Council Meeting.</p>
21 August 2017	Road Management Plan 2017-2021 - Consideration of Public Submission and Adoption	<p>25 August 2017 A report will be presented to the 4 December 2017 Ordinary Council Meeting.</p> <p>05 December 2017 Completed. The Road Management Plan was adopted at the 04 December 2017 Council Meeting and is now publicly available.</p>
21 August 2017	2016/17 Outdoor Pool Season Report	<p>23 August 2017 A report will be presented to Council by July 2018.</p>
13 November 2017	Recreation Needs Assessment – Project Assessments	<p>19 January 2018 A report will be scheduled in 2018.</p>
04 December 2017	Community & Stakeholder Engagement- Gippsland Regional Aquatic Centre & Traralgon Sports Stadium	<p>05 December 2017 A report will be presented to Council in 2018.</p>

Any proposed timings of reports listed above advised up to Friday 19 January 2018 have been included in the table. Items are removed only once a report has been tabled at Council and advised accordingly.

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

NOTICES OF MOTION

9. NOTICES OF MOTION

Notices of Motion may be lodged by Councillors with the Chief Executive Officer up until 10.00 am on the Friday prior to an Ordinary Council Meeting.

All Notices of Motion accepted, will be published to the Council website on the same day.

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

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

10.1 Our Future Our Place

General Manager

Community Services

For Decision

EXECUTIVE SUMMARY

The purpose of this report is to seek Council's endorsement to conduct an Expression of Interest (EOI) process for the recommencement of the Our Future Our Place program.

The Our Future Our Place (OFOP) Program aimed to address long term and indigenous unemployment through skills development and work experience. The program commenced as a pilot project in May 2005 with funding from the Commonwealth Government. The funds enabled the purchase of materials for the construction of two houses. A further house was constructed following receipt of additional funds from the Victorian Government. When the project came to an end in 2008, \$237,287 remained from the proceeds of sale of the final house. These funds are currently held in the accumulated reserve.

In 2012 Council resolved to investigate the development of an affordable housing project on the land known as Kingsford Reserve, Moe. The project was proposed to expand on the experience developed through the OFOP program. Expressions of Interest (EOIs) were sought for a public-private partnership to develop an affordable housing project on the land. No suitable partnership was identified.

This report recommends an EOI process for a restarted OFOP program on Kingsford Reserve. It is anticipated that the EOI will be undertaken during November and December 2017.

RECOMMENDATION

That Council endorses the commencement of an Expression Of Interest process for the Our Future Our Place Program at Kingsford Reserve Moe and authorises the Chief Executive Officer to enter into an agreement with the preferred applicant to deliver the project.

DECLARATION OF INTERESTS

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

DISCUSSION

Background

The OFOP program began in May 2005 with initial funding of \$195,000 provided by the Commonwealth Government's former Department of Transport and Regional Services under the Regional Partnerships Program. It was developed as a pilot project by Latrobe City Council and Try Youth & Community Services in consultation with a range of State and Commonwealth Government Departments, local businesses and community members.

The project aimed to achieve real job outcomes for two cohorts of people experiencing disadvantage due to unemployment: the long-term unemployed; and indigenous people.

The funds enabled the purchase of materials for the construction of two houses over an 18 month period which concluded with the sale of the second house in December 2006. The houses were sold on the general market and the profits reinvested into the program. Try Youth & Community Services undertook the training of program participants and oversaw the construction activities utilising a range of Federal and State employment and training funding sources.

A third house was built between 2007 and 2008 following receipt of further funds by Try Youth & Community Services from the then Department for Victorian Communities and the Office of Training and Tertiary Education. Due to changes to TAFE education and apprenticeship funding the program was no longer viable.

In 2008 after the OFOP program became unviable Council resolved to sell Kingsford Reserve to Try Youth & Community Services for a social housing project. This project was proposed to expand on the experience developed through the OFOP program. The sale did not proceed as that organisation withdrew and was not able to complete the transaction.

At its Ordinary Council Meeting held on 4 June 2012 Council resolved:

That Council not sell Kingsford Reserve, Moe.

- 1. That Council investigate the potential of an affordable and sustainable housing project being undertaken on Kingsford Reserve, Moe.*
- 2. That a further report be presented to Council with the results of the investigation of an affordable and sustainable housing project being undertaken on Kingsford Reserve, Moe.*
- 3. That Council notify those persons who have previously made a written submission concerning the potential sale of this land.*

During 2013, two calls for EOIs for the Affordable Housing Project were advertised. The first closed in May and the second in July and while a number of EOIs were received from private companies, none were considered suitable and the project lapsed.

Council currently holds \$237,287 of the sale proceeds from the OFOP program.

Current Situation

During 2016, two Councillor briefing reports were prepared to provide options for the future use of Kingsford Reserve for an affordable housing project, use in supporting low cost accommodation or supported residential accommodation, as well as its sale.

Subsequent to those briefings, a Notice of Motion was moved at the Ordinary Council Meeting held on 22 August 2016.

The Notice of Motion was passed and Council resolved:

That Council requests a report to establish if the Hinkler Street Reserve site could be utilised as a Community Garden site.

For clarification the reserve on Hinkler St is known as Kingsford Reserve.

Recently Councillors and Council officers have received numerous enquiries from community members and groups on the future use of the Kingsford Reserve. Council officers are currently exploring other community interest in the site, including for the development of part or all of the area for a Community Garden and other community uses.

Potential sites for a restarted Our Future Our Place program

Council officers have identified three sites that have been explored for suitability for the OFOP program. The identified sites were identified for their alignment with the original objectives of the program and where there is known interest in expanding the availability of appropriate housing.

The identified sites are Kingsford Reserve, Moe; Yallourn North Community Housing; and, Greenside Villas, Yinnar.

Kingsford Reserve, Moe

Kingsford Reserve was previously identified for the OFOP program. It remains underutilised. The Housing Framework Plan, as part of the Live Work Latrobe Project, confirms Kingsford Reserve and surrounds as land zoned for residential development, encouraging higher dwelling densities to capitalise on existing community and commercial assets in the area.

Yallourn North Community Housing

The aged persons units in Anderson Avenue are managed by a Section 86 Committee of Council. There is no space on the current block for further construction. Any expansion of the property would require the acquisition of land to the rear of the existing block. It is currently understood that this land is owned by Energy Australia and is also an existing road reserve.

Greenside Villas, Yinnar

The Villas are located in Main Street and are managed by a Committee of Management through a lease with Council. There is no space on the current block for further construction. The adjacent block to the south is crown land with Latrobe City Council being the current land manager.

Site	Positive	Negative
Kingsford Reserve	<ul style="list-style-type: none"> - Owned by Council - Deemed as surplus to requirements - Zoned for residential development 	<ul style="list-style-type: none"> - High community interest in the future use of the site - Expressed community interest in the land being utilised for community use
Yallourn North Community Housing	<ul style="list-style-type: none"> - Existing housing on site 	<ul style="list-style-type: none"> - No space on existing site - Identified land is privately owned - Identified land is a road reserve
Greenside Villas	<ul style="list-style-type: none"> - Existing housing on site - Committee of Management has previously proposed expanding housing into this area 	<ul style="list-style-type: none"> - No space on existing site - Identified land is crown land

Kingsford Reserve is recommended as the site for a restarted OFOP program due to its suitability and previous identification for a housing project.

Expression of Interest Process

An EOI process would be undertaken to seek and then assess proposals from suitable companies or not for profit organisations for the continuation of the OFOP program.

The EOI process would invite applicants to make a proposal for a restarted OFOP program with a focus on real job outcomes for people experiencing disadvantage due to unemployment. The \$237,287 proceeds from the OFOP program would be utilised as Council's contribution to the program.

Promotion would primarily be through an advertisement in the Latrobe Valley Express. Further promotion channels would include Council's website, social media and through utilisation of established community networks.

The EOI process would incorporate the following weighted selection criteria concepts. Applicants would be required to demonstrate the following:

Selection Criteria	Weighting
Demonstrated experience in providing real job outcomes for people experiencing disadvantage due to unemployment	30%

Demonstrated capacity to fund construction of housing that meets environmental sustainability and universal design principles	30%
Demonstrated experience in building housing to meet the need of one or more identified priority population: <ul style="list-style-type: none"> • People experiencing long term homelessness • People with a disability • People experiencing family violence • Single people • Aged persons • Large families 	20%
Demonstrated experience in supporting disadvantaged communities in Latrobe City	10%
Demonstrated experience in employing people living within Latrobe City	10%

Additionally, applicants would be required to answer the following gateway criterion.

Gateway Criterion	
Financial capability	Yes/No

It is proposed that EOI's are assessed by a panel comprised of the General Manager Community Services, two Councillors and a representative from the Department of Health and Human Services Office of Housing. Following the panel's assessment of the EOIs, they would make a recommendation to the Chief Executive Officer (CEO) to action, authorised by the Council to act on its behalf.

STAKEHOLDER CONSULTATION

No community engagement has been undertaken on a restarted OFOP program. The EOI process will identify the level of interest in the program.

FINANCIAL AND RESOURCE IMPLICATIONS

The capacity and expertise to part manage and deliver a partnership construction, education and skills development program are no longer within Council. Any future agreement with a program partner would need to reflect this and limit Council's financial and resource commitment to acceptable levels.

The Kingsford Reserve site is currently identified as a Residential Growth Zone which encourages unit and town house development. Its current valuation as a reserve and its amenities is \$353,200. If the land is disposed of and/or used for housing, in particular, for higher density housing, its value may increase. Revenue from the disposal of the land could in full or part be used to further support the OFOP program as well as add to Council's revenue base. This would also require the removal of the reserve status.

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 a risk that Council will not receive any suitable EOIs and will need to reconsider the future of the OFOP program.

The loss of public open space may be a cause for community concern even though this area has been underutilised for many years. Further, with it being identified that this site has the potential for higher density housing there is a possibility that this will not be strongly supported by all in the community.

Another risk identified above related to financial and resource implications is the current lack of expertise and knowledge within Latrobe City Council to effectively manage a housing project.

CONCLUSION

The OFOP program aimed to address long term and indigenous unemployment through skills development and work experience. At the conclusion of the program in 2008 there remained a pool of unexpended funds. In 2013 an EOI process was held for an Affordable Housing Project on Kingsford Reserve, Moe. No suitable applicants were identified and the project lapsed.

There is currently increased community interest in the future use of Kingsford Reserve. The Reserve has been identified as suitable for the OFOP program. This report recommends an EOI process for the recommencement of the OFOP program on Kingsford Reserve. Following completion of the EOI process it is proposed that the CEO is authorised to enter into an agreement with the preferred applicant to undertake the project.

SUPPORTING DOCUMENTS

Nil

Attachments
Nil

CORRESPONDENCE

11. CORRESPONDENCE

Nil reports

PRESENTATION OF PETITIONS

12. PRESENTATION OF PETITIONS

Agenda Item: 12.1

**Agenda Item: Presentation to Council of the Save Hazelwood
Caravan Park Petition**

Sponsor: General Manager Infrastructure and Recreation

**Council Plan Objective: Ensure Council operates openly, transparently and
responsibly.**

Status: For Decision

Proposed Resolution:

That Council:

- 1. In accordance with Clause 63 of the *Meeting Procedure Local Law*, agrees to lay on the table the petition “*Petition to Latrobe City to protest the closure of Hazelwood Pondage for Permanent and Long Term Camping*”;**
- 2. Receives a report regarding the petition at the next available Ordinary Council Meeting; and**
- 3. Advises the head petitioner of this decision.**

Executive Summary:

On 12 January 2018 Latrobe City Council received a petition signed by 537 signatories objecting to the closure of the Hazelwood Caravan Park. The petition states “*Petition to Latrobe City to protest the closure of Hazelwood Pondage for Permanent and Long Term Camping*”

This report is being presented to Council in accordance with Clause 63 of Council’s Local Law No. 1 requesting that the petition lay on the table while a report to Council is prepared regarding the petition.

Declaration of Interests:

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

Background:

On the Council Meeting held 13 November 2017 Latrobe City Council resolved to

... Transition the Hazelwood Pondage Caravan Park to a day trip facility, with provisions for short stay (72 hour) permit zone for camping and recreational vehicle stopping from 1 July 2018

Latrobe City Council informed the Hazelwood Pondage Caravan Park licence holders of Council's decision to close the Caravan Park via email and formal letter on 15 December 2017.

A meeting with the several site holders and the Acting Chief Executive Officer, the General Manager of Infrastructure and Recreation and the Manager Recreation was held on 2 January 2018 at which the site holders indicated their intention to petition Council to change their decision to close the caravan park.

The Acting Chief Executive Officer forwarded the site holders the requirements for submitting a petition, and the resulting petition was received by Latrobe City Council on 12 January 2018.

An online petition to "Save Hazelwood Pondage Caravan Park" with 298 signatures was also forwarded to Council, however under Local Law No. 1 this does not meet the standards for a petition to Council.

Reasons for Proposed Resolution:

There is insufficient time to prepare a detailed report for the 5 February 2018 Ordinary Council Meeting regarding the submitted petition and so in accordance with Clause 63 of Local Law 1 it is recommended that the petition lay on the table until a report can be prepared addressing the petition.

Issues:

Strategy, Financial, Community, Environmental, Community Engagement and Risk Analysis Implications

All implications of the petition will be considered as part of the upcoming Council report.

Communication

Head petitioner Kaylene Price has been notified of the process and advised of the intention to lay the petition on the table at the 5 February, and Ms Price will be notified when subsequent report is being presented to Council in time for Ms Price to organise a delegation should she wish to do so.

Legal and Compliance

The process currently being followed is in compliance with Clause 63 of Local Law No. 1. Any legal or compliance issues in regards to the petition will be considered as part of the next officer's report as in accordance with Local Law No. 1.

Attachments

1. Petition - To protest the closure of the Hazelwood Pondage Caravan Park (Confidential)

CHIEF EXECUTIVE OFFICE

13. CHIEF EXECUTIVE OFFICE

Agenda Item: 13.1

Agenda Item: Proposed South-East Electric Highway - Request for Support

Sponsor: General Manager Chief Executive Office

Council Plan Objective: Support job creation and industry diversification to enable economic growth in Latrobe City.

Status: For Decision

Proposed Resolution:

That Council provide its in-principal support for Eurobodalla Shire Council's south-east electric highway proposal.

Executive Summary:

- A letter was received on 6 December 2017 from Eurobodalla Shire Council requesting support in establishing an electric highway along the Princes Highway connecting Melbourne and Sydney, and linking Canberra and Batemans Bay via the Kings Highway.
- An electric highway is a series of electric vehicle (EV) fast-charging stations, which will enable EV drivers to complete longer journeys and visit otherwise less accessible regions.
- There are a number of perceived benefits of the proposed south-east electric highway; the main one being to address 'range anxiety' concerns in the large Canberra, Melbourne and Sydney markets and along the route. Another benefit is that charging stations in regional towns will require EV drivers to stop for 20 to 30 minutes to recharge their vehicles. This is expected to boost regional tourism economies.
- The cost of establishing the proposed south-east electric highway is estimated to be in the \$500,000 to \$1 million range; however no funding commitment from Latrobe City Council has been requested.
- As further background, Councillors are reminded of the report - Electric Vehicle charging points - presented to the 28/11/2016 Councillor briefing. Council's Infrastructure Development Department advises that, as part of Commercial

Road developments, officers are exploring where an EV charging point could be installed. Further advice will be provided on this initiative in due course.

Declaration of Interests:

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

Reasons for Proposed Resolution:

Electric vehicles get caught in a chicken-and-egg situation: there are not many electric vehicles because there are not many recharge points and there are not many recharge points because there are not many electric vehicles. This proposal would help to break this cycle.

The letter from Eurobodalla Shire Council requests support for the south-east electric highway proposal, however no funding commitment from Latrobe City Council is requested. The letter specifically indicates that funding is to be sought from Federal and State Governments as well as from other non-government agencies. However, Eurobodalla's letter also refers to the Perth to south-west Western Australia electric highway – for which ownership and maintenance responsibilities were transferred to local governments in the region. It is for these reasons that the proposed resolution is for in-principal support for the south-east electric highway proposal.

Detailed planning for this initiative can commence if in-principal support for the south-east electric highway proposal is gained from local governments along the route. It is anticipated that a detailed business case will need to be prepared to support the funding applications to Federal and State Governments and others. Any involvement by Latrobe City Council in the operation and maintenance of the south-east electric highway would need to be negotiated and agreed during the detailed planning and business case phase.

Attachments

1 [↓](#). Letter - Eurobodalla Shire Council - received 6/12/2017

13.1

Proposed South-East Electric Highway - Request for Support

- 1 Letter - Eurobodalla Shire Council - received 6/12/2017 35



Our Reference: E07.1073



1 December 2017

The Mayor
Latrobe City Council
PO Box 264
MORWELL VIC 3840

Dear Sir/Madam

The south-east electric highway

Eurobodalla Shire Council (Council) seeks your support in establishing an 'electric highway' along the Princes Highway connecting Melbourne and Sydney, and linking Canberra and Batemans Bay via the Kings Highway. An electric highway is a series of electric vehicle (EV) fast-charging stations, which will enable EV drivers to complete longer journeys and visit otherwise less accessible regions.

The establishment of an electric highway will deliver clear economic and tourism benefits to not only our region, but all areas that are on the road network.

Benefits

There are a number of benefits from the proposed electric highway. It will allow electric vehicles to significantly extend their range and reach a favourite beachside destination, or simply travel along the coast from Melbourne to Sydney. The south-east electric highway will:

- address concerns about 'range anxiety' from current and future EV drivers in the large Melbourne, Canberra and Sydney markets, and along the electric highway route
- help to increase the uptake of electric vehicles. This will result in broader environmental and health benefits through reduced tailpipe emissions and help to mitigate against climate change
- make regional areas more accessible to EV drivers. Charging stations will force EV drivers to stop and refuel for 20 to 30 minutes in regional towns. This will help deliver a boost to regional tourism economies.

Background

Eurobodalla Shire is located on the NSW south coast and includes about 110km of the Princes Highway, and 36km (about 25%) of the Kings Highway. This region includes the major towns of Batemans Bay, Moruya and Narooma, and many smaller villages.

89 vulcan street Moruya
po box 99 moruya nsw 2537
t 02 4474 1000 | f 02 4474 1234
council@esc.nsw.gov.au | www.esc.nsw.gov.au



2 of 3

1 December 2017

Council has a strong interest in the concept of a south-east electric highway for the many benefits it can bring to our region. A south-east electric highway will also assist in reducing greenhouse gas emissions and go some way towards addressing climate change concerns, which are reflected in Council's Emissions Reduction Plan 2017-2021.

The first publicly accessible electric highway in Australia connected Perth to south-west Western Australia via a series of 12 fast charging stations. It was funded by the Royal Automobile Club of Western Australia, with the ownership and maintenance transferred to local governments in the region - <http://electrichighway.rac.com.au/>. In this regard, Eurobodalla Shire Council is contacting other councils, industry groups and non-government agencies to gain their support for a similar concept connecting the south-east of Australia.

Details

As shown in Appendix 1, it is feasible to connect Melbourne, Canberra and Sydney with as few as 12 fast charging stations. These could be spaced at an average of 97km apart, with the greatest distance between two charging stations only 113km. This would make it possible for all major electric vehicle types in Australia to travel this route. Two options of potential locations are shown in Appendix 1 for illustrative purposes.

The cost of establishing a south-east electric highway is estimated at \$500,000 to \$1,000,000. Funding to build the electric highway is being sought from State and Federal Governments, as well as from other non-government agencies.

Subject to the commitment of participating local governments along the route, the exact locations of the fast-charging stations can be discussed and planned at a later stage. Being close to toilets, cafes, and shops is a necessity for fast-charging stations. Councils may need to allocate car parks at a relatively convenient location, and close to an electricity supply, in order to participate.

We formally request your support in advocating for the south-east electric highway. You can help by raising this with your local members of parliament, as well your State motoring association.

Should you require further information, please contact Council's Sustainability Coordinator, Mark Shorter, on 02 4474 1373 or mark.shorter@esc.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Liz Innes", written over a light blue horizontal line.

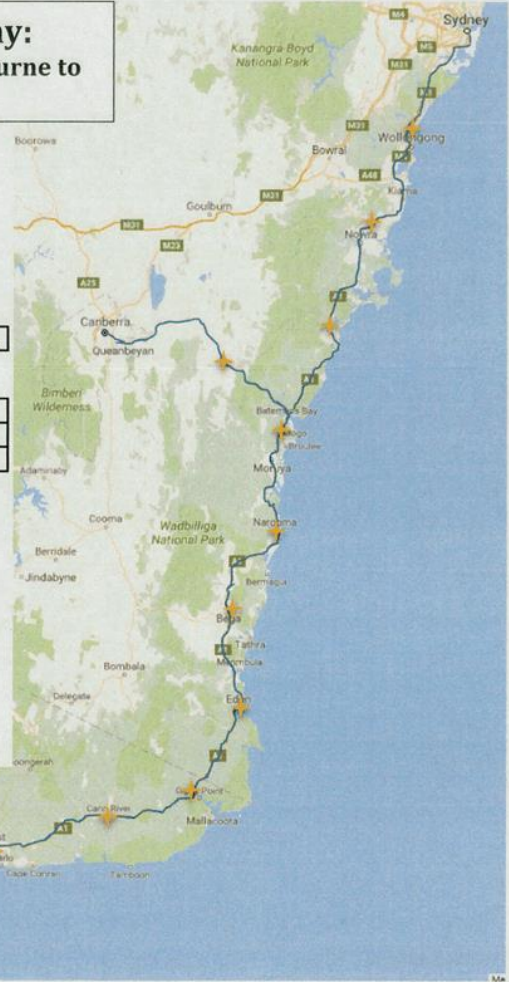
Clr Liz Innes
Mayor



**The south-east electric highway:
connecting Sydney, Canberra and Melbourne to
the coast.**

Option A	
Sydney	
95	
Wollongong	
39	
Kiama	
44	
Nowra	
61	
Milton	
60	
Batemans Bay	64
56	
Bodalla	
44	
Tilba	Fast charging stations 18
64	Average distance (km) 62
Bega	Maximum distance (km) 91
54	
Eden	
62	
Genoa	
47	
Cann River	
74	
Orbost	
59	
Lakes Entrance	
91	
Stratford	
71	
Traralgon	
70	
Warragul	
75	
Dandenong	
31	
Melbourne	

Option B	
Sydney	
95	
Wollongong	
83	
Nowra	
67	
Ulladulla	111
83	Braidwood 82
	Canberra
Moruya	92
91	
Cobargo	Fast charging stations 12
84	Average distance (km) 97
Eden	Maximum distance (km) 113
98	
Cann River	
110	
Nowa Nowa	
112	
Stratford	
113	
Trafalgar	
102	
Dandenong	
31	
Melbourne	



Agenda Item: 13.2

Agenda Item: EPA - Gippsland power stations review

Sponsor: General Manager Chief Executive Office

Council Plan Objective: Ensure Council operates openly, transparently and responsibly.

Status: For Decision

Proposed Resolution:

That Council advise the Environment Protection Authority (EPA) that:

- 1. it has noted that the periodic review of the EPA licences of the three Latrobe Valley power stations – AGL Loy Yang A, Alinta Loy Yang B and Energy Australia Yallourn – pursuant to the Environment Protection Act 1970, is currently underway;**
- 2. it has noted that the operators of the three Latrobe Valley power stations have agreed to jointly engage an independent expert to provide advice on appropriate emission limits for oxides of nitrogen (NO_x), sulphur dioxide (SO₂), carbon monoxide (CO), mercury (Hg), coarse particles (PM₁₀) and fine particles (PM_{2.5}), to comply with the State Environment Protection Policy (Air Quality Management); and**
- 3. it reserves the right to make a further submission when the draft detailed licence conditions, including proposed emission limits, are known.**

Executive Summary:

- The Environment Protection Authority (EPA) is reviewing the licences of the three Latrobe Valley power stations – AGL Loy Yang A, Alinta Loy Yang B and Energy Australia Yallourn – as part of its periodic licence review program.
- As part of this review, the EPA already intends that all three brown coal-fired station licences will have limits for oxides of nitrogen (NO_x), sulphur dioxide (SO₂), carbon monoxide (CO), mercury (Hg) (*new*), coarse particles (PM₁₀) and fine particles (PM_{2.5}) (*currently just total particles*) to comply with the State Environment Protection Policy (Air Quality Management).
- Power stations in Victoria must operate under an EPA licence to ensure adherence to strict emission limits in accordance with the *Environment Protection Act 1970*.

- The EPA has met with the operators of the three Latrobe Valley power stations, who have agreed to jointly engage an independent expert to provide advice on appropriate emission limits.
- The EPA has invited eleven (11) groups to make submissions as part of this review process and is asking that initial public submissions also be made by 11 February 2018 through one of these groups. The groups are:
 1. Clean Air Society of Australia and New Zealand
 2. Climate and Health Alliance
 3. Doctors of the Environment Australia
 4. Environment Victoria
 5. Environmental Justice Australia
 6. Gippsland Trades & Labour Council Inc
 7. Healthy Futures
 8. Latrobe City Council
 9. Latrobe Valley air monitoring co-design
 10. Latrobe Valley Sustainability Group
 11. Voices of the Valley
- It is understood that a mechanism will shortly be made available for individual community members to have their say direct to the EPA.

Declaration of Interests:

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

Attachments

1. [EPA - Gippsland power stations review - website extract 15/01/2018](#)

13.2

EPA - Gippsland power stations review

- 1 EPA - Gippsland power stations review - website extract
15/01/2018..... 41**

State Government of Victoria

Environment Protection Authority



Call EPA 24 hours a day.
1300 372 842 or **1300 EPA VIC**

News and updates

EPA Gippsland power stations review

15 Jan 2018

Environment Protection Authority Victoria (EPA) wants input from the Gippsland community as it prepares to conduct its regular review of licences for brown coal-fired power stations in the region.

EPA is reviewing the licences of three brown coal-fired power stations – AGL Loy Yang A, IPM Loy Yang B and Energy Australia Yallourn – as part of its periodic licence review program.

Power stations in Victoria must operate under an Environment Protection Authority Victoria (EPA) licence and ensure strict emission limits are adhered to or face prosecution for breaches of the *Environment Protection Act 1970*

To obtain a licence, power station operators must go through an EPA approvals process which requires an air quality assessment to ensure they meet accepted environmental criteria designed to protect sensitive receptors such as residents, agriculture and ecosystems

EPA conducts periodic reviews of these licences and can make changes to the licence conditions.

“Initially we want to hear from those representative community groups* that have expressed opinions in the past as well as larger state and national groups like Environment Victoria,” said EPA Gippsland Manager, Stephen Lansdell.

“As part of this review, EPA already intends that all the three brown coal fired power stations licences will have limits for oxides of nitrogen (NO_x), sulphur dioxide (SO₂), carbon monoxide (CO), mercury (Hg) (*new*), coarse particles (PM₁₀) and fine particles (PM_{2.5}) (*currently just total particles*) to comply with the State Environment Protection Policy (Air Quality Management).”

The closing date for public submissions through one of the groups is 11 February 2018.

“This is a good opportunity to voice any concerns and EPA encourages all Gippslanders to get involved,” said Mr Lansdell.

To find out more visit

<http://www.epa.vic.gov.au/about-us/news-centre/news-and-updates/news/2018/januar...> 16/01/2018

<http://www.epa.vic.gov.au/our-work/licences-and-approvals/improving-the-system/licensing-improvement/brown-coal-fired-power-stations-licence-reviews>

*Groups invited to make submissions:

1. Clean Air Society of Australia and New Zealand
2. Climate and Health Alliance
3. Doctors of the Environment Australia
4. Environment Victoria
5. Environmental Justice Australia
6. Gippsland Trades & Labour Council Inc
7. Healthy Futures
8. Latrobe City Council
9. Latrobe Valley air monitoring co-design
10. Latrobe Valley Sustainability Group
11. Voices of the Valley

EPA will shortly make available a mechanism for individual members of the public to have their say.

Page last updated on 15 Jan 2018

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<http://www.epa.vic.gov.au/about-us/news-centre/news-and-updates/news/2018/januar...> 16/01/2018

Agenda Item: 13.3

Agenda Item: Hazelwood Mine Fire Inquiry Progress Report

Sponsor: General Manager Chief Executive Office

Council Plan Objective: Provide a connected, engaged and safe community environment, which is improving the the well-being of all Latrobe City citizens.

Status: For Decision

Proposed Resolution:

That Council notes the Inspector General for Emergency Management Hazelwood Mine Fire annual report 2017.

Executive Summary:

- The office of the Inspector General for Emergency Management (IGEM) was established in July 2014 as an assurance entity to help strengthen emergency management arrangements and community safety in Victoria under the requirements of the Emergency Management Act 2013.
- IGEM provides independent monitoring and public reporting on progress of the Hazelwood Mine Fire Inquiry- Victorian Government Implementation Plan.
- The Inspector General for Emergency Management tabled the Hazelwood Mine Fire 2017 IGEM Annual Report in Parliament on 14 December 2017.
- Overall IGEM considers that significant progress has been achieved to improve emergency planning and coordination, health outcomes and mine rehabilitation in the Latrobe Valley following the Hazelwood mine fire.
- 187 of the 246 actions set out in the Implementation Plan have now been completed.
- IGEM will continue to monitor and report on progress of the Implementation Plan annually.

Declaration of Interests:

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

Background:

In 2014 Morwell residents endured a fire in the Hazelwood coal mine that burnt for 45 days billowing smoke, dust and ash across the town and local area.

The State Government launch an inquiry into the fire in March 2014. The first inquiry was tabled in Parliament on 2 September 2014 and included 12 recommendations and 40 affirmations directed to the State and 6 recommendations and 17 affirmations directed to the operator of the coal mine – Engie

In May 2015 the inquiry was reopened to investigate concerns regarding community health and to consider rehabilitation of the Latrobe coal mines. The 2015-16 inquiry made a further 35 recommendations and 25 affirmations directed to State, health agencies and mine operators.

In June 2016 the Victorian State Government released the Hazelwood Mine Fire Inquiry: Victorian Government Implementation Plan which was the formal response to the Inquiry reports. The Plan set out 246 actions across eight themes to implement the recommendations and affirmations of the 2014 and 2015-16 inquiry reports.

Council was identified as a key stakeholder in the implementation of the actions identified. Council also made several affirmations which were to be undertaken.

The office of the Inspector General for Emergency Management (IGEM) is an assurance entity created through the reform of Victoria's Emergency Management Act on 1st July 2014. IGEM has responsibility to report on the progress of implementation all the recommendations and affirmations from the two inquiries.

Overall IGEM considers that significant progress has been made to improve emergency planning and co-ordination, health outcomes and mine rehabilitation.

Reasons for Proposed Resolution:

The annual reporting on progress of the Hazelwood Mine Fire – Victorian Government Implementation Plan is important for Council to acknowledge.

Our community was significantly impacted by the 2014 mine fire and the subsequent inquiries in 2014 and 2015-16 provided extensive review and recommendations for agencies and authorities to improve emergency planning, health outcomes and mine rehabilitation issues identified through these inquiries.

The report is available on the IGEM's website and is accessed using the following link -

[https://www.igem.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2017/12/26/338652a3e/Hazelwood Mine Fire Inquiry 2017 IGEM Annual Report.pdf](https://www.igem.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2017/12/26/338652a3e/Hazelwood_Mine_Fire_Inquiry_2017_IGEM_Annual_Report.pdf)

Issues:

Strategy Implications

Council plays an important role in supporting the implementation of many of the actions from the plan. Council has recently signed off on becoming one of the foundation members of the Latrobe Health Assembly. The adoption of the Public Health and Wellbeing plan responds to actions within the plan.

Communication

The role of the Inspector General for Emergency Management is to report on the progress of the Hazelwood Mine Fire Inquiry Implementation Plan and provides a critical and transparent mechanism to the community. Council has responsibility to report on activities undertaken associated with implementation back to IGEM.

The 2017 annual report can be found on the IGEM website.

Financial Implications

Funding for the establishment and operation of the Latrobe Health Assembly has been provided by State Government. A number of initiatives including development of the Regional Rehabilitation Strategy are funded through the State. Council is expected to ensure officer resources are allocated to the various activities to meet our obligations. Most of the resources can be accommodated from the core operating budget of Council.

Risk Analysis

Risk has been considered as integral part of the inquiry recommendations and Government's response plan. Many submissions to the first and second inquiry focused on current and future risks to community and the environment.

Legal and Compliance

Council is legally obliged to respond to the various actions where Council is identified as a key stakeholder being nominated as one of the four principal health agencies along with the Latrobe Regional Hospital, Latrobe Community Health Services and the Gippsland Primary Health Network.

Community Implications

Significant opportunity was provided for community members to present to the inquiries and our community has a close interest to see the actions identified are undertaken. The Latrobe Health Assembly consists of 50 members the majority coming from people within the community.

Environmental Implications

A number of environmental matters were raised from both inquiries particularly regarding the future rehabilitation of the coal mines within the Latrobe Valley. The Latrobe Valley Regional Rehabilitation Strategy (LVRRS) is still in its early stages.

The strategy will set out how the three Latrobe valley mines will transition to safe, stable and sustainable post mining landforms.

Consultation

Significant community input was provided through the two inquiries and ongoing engagement continues regarding the actions contained within the Implementation Plan. The IGEM annual report provides a transparent mechanism to inform community of progress of these actions.

Attachments

Nil

CITY DEVELOPMENT

14. CITY DEVELOPMENT

Nil reports

INFRASTRUCTURE AND RECREATION

15. INFRASTRUCTURE AND RECREATION

Agenda Item: 15.1

Agenda Item: Options to Address Narrow Road Concerns

Sponsor: General Manager Infrastructure and Recreation

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

Status: For Decision

Proposed Resolution:

That Council:

- 1. Review all urban sealed roads less than 6.8m sealed width to address with regulatory signage as the first option, locations where the parking levels and traffic volumes unduly affect emergency service response times; and**
- 2. Review any request to widen a road's sealed width on a case by case basis in consideration of the impact on emergency services primarily, using regulatory signage to manage the issue as the first option, and if physical construction is requested, that the benefitting property owner should contribute in line with the Special Charge Scheme process.**

Executive Summary:

- Council resolved at the 21 August 2017 Council meeting that options be developed to address concerns about narrow roads, presumably where on-street parking affects property and emergency vehicle access.
- Roads as narrow as 5.1m can effectively be used where there is low traffic volume and residents choose primarily to park on their properties. Where there is a high combination of on-street parking and traffic volumes, the neighbourhood amenity is negatively affected.
- Council Officers acknowledge that narrow roads combined with higher parking and traffic volumes can impede emergency services at times, especially if motorists do not park in accordance with the Australian Road Rules.
- Council can take action in the form of the following options:

- Option 1 – Reconstruct narrow roads wider
- Option 2 – Construct inset car parking
- Option 3 – Construct hard standing areas on the verge
- Option 4 – Control parking with regulatory signage
- Option 5 – Take no action except in extreme circumstances
- The main risk and concern found is the potential to impact the emergency response to properties fronting narrow roads as well as Waste Management trucks.
- Therefore, considering the several dot points above, it is recommended that Council explore the residential access roads less than 6.8m to determine if there is an issue that must be addressed, and that because physical widening or creating inset parking is expensive, the first response would be to implement parking restrictions. Residents and motorists may request Council to widen for convenience reasons and if regulatory signage would unduly impact on the residents physical widening is the next available option. As this is costly it is proposed that the community should not pay the full cost and that a contribution should be required from those benefiting.

Declaration of Interests:

Council Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

Background:

At the 21 August 2017 Ordinary Council meeting Council resolved as follows.

That Council requests a report in relation to the options to address community concern regarding the inability to park on narrow residential roads in Latrobe City.

There is no official designation of what is a “narrow residential road”. A short cul de sac or limited access providing access to one or two properties that have on-site parking may have a road width of 3.0m and function well, whereas at the other extreme a 7.3m wide local residential road that connects two other roads may, due to the parking and traffic volumes, be perceived as unacceptably narrow.

The Australian Road Rules obliges motorists parking their vehicles to leave 3.0m clear from a parked car, kerb or similar impediment such as a median or even a solid white centre line.

A minimum practical parking lane width is 2.1m (2.4m preferred). Therefore, with occasional full width clear areas for passing, the minimum practical width for a road with parking permitted on:

- One side only is 5.1m (2.1 + 3.0).

- Both sides is 7.2m (2 @ 2.1 plus 3.0)

These street widths for the most part works adequately except when the combination of on street parking and traffic volume gets too high. Although there maybe options to park on the street, people have different tolerances for the distance they need to walk to their destination. At times the perception is that there is insufficient parking if they are not able to park directly in front of their residence.

Following concerns expressed at the construction of 5.5m wide roads in a Yinnar subdivision Council adopted a minimum road width of 7.3m for Access Place and Access Streets in new developments. This does not address streets constructed before this time including as noted in Table 1, several decades in the past.

Table 1 is provides a concept of the scale of the issue, showing the distribution of sealed road widths (less than 6.8m only) by decade of construction as a percentage of the overall network. The 6.8 used is based on the width of a large family vehicle (Falcon/Commodore) which is 1.9 metres wide and allowing for the 3.0 legal clearance.

Table 1 - Road Width (less than 6.8m) distribution by decade

Residential - Sealed Access <= 60 km/hr					
Origin (Decade)	Length (km)	% Parking on One Side	Min Width	Ave Width	Max Width
1940	1.1	16%	5.5	6.4	6.7
1950	23.7	25%	5.0	6.2	6.7
1960	9.4	11%	4.9	5.9	6.7
1970	8.7	18%	5.0	5.7	6.7
1980	17.0	30%	4.9	5.9	6.7
1990	2.1	37%	4.9	5.8	6.6
2000	16.6	51%	5.0	5.5	6.7
2010	4.2	50%	4.9	5.2	6.6
All	82.8	24%	4.9	5.9	6.7

The issue of roads being considered too narrow has increased in recent years due to:

- Increased car, caravan and boat ownership
- Increased car sizes (Larger USA sourced 4 Wheel Drive vehicles are 2.2 metres wide)
- Reduced lot frontage and increased driveway widths

- Reduced use of on-site parking as lot sizes reduce, house sizes increase, and garages are used for storage.

Generally it should be noted that:

- On streets less than 6.0m it is very unlikely that a motorist would park directly opposite another vehicle as this leaves less than 2.0m for through vehicles.
- Between 6.0m and 7.3m motorists can be tempted to park directly opposite other parked vehicles despite not being able to leave 3.0m clear.
- On streets that are 7.3m wide, parking directly opposite another parked vehicle can still leave 3.0m clear; however this still relies on gaps for a motorist to pull over to allow another to pass.

Reasons for Proposed Resolution:

The following options analysis spans the extreme from full reconstruction of roads and kerbs through to taking no action except in extreme instances of negative neighbourhood amenity arising from the road width.

The issue is usually related to neighbourhood amenity and applicable only when the combination of parking and through traffic volumes increases. It is rarely a safety issue except in the case of an emergency vehicle access, and if people abide by the road rules, even a 5.5m wide road allows 3.0m for emergency vehicles. It has at times been an issue for the waste and recycling vehicles.

Therefore it is considered that action is only required in cases where there is relatively high traffic volumes and parking volumes. Council can:

- Implement parking regulations in simple instances
- Widen the road or create inset parking – either reactively or when the road and kerbs is renewed based on condition requirements.

As the construction options are expensive and the issue is related to parking (usually within the residents' control), except in extreme circumstances it is recommended that Council not proactively reconstruct the roads or build inset parking but rather address the issue with regulatory signage.

As the bulk of the roads less than 6.8m were built in the last millennium, it is arguable that the residents who purchased in the street would have been aware of the issue and it is unreasonable for the rest of the community to fully fund the improvement unless it is part of normal renewal and cost effective to do so.

Issues:

Strategy Implications

There are no strategic implications associated with the recommendation. If Council determines to fund inset parking or to widen the road this should be modelled and included in the Long Term Financial Plan LTFP.

Communication

No communication with the community has been undertaken.

Financial Implications

This report identified the following options and their conceptual financial impact over several decades as they are implemented over the streets identified as less than 6.8m. The values are conceptual estimates and included for “rough order of Measure” purposes only. If Council wishes to explore any of these options further, more detail and more accurate costing can be provided.

- Option 1 – Reconstruct narrow roads wider \$10 million
- Option 2 – Construct inset car parking \$ 7 million
- Option 3 – Construct hard standing areas on the verge \$ 4 million
- Option 4 – Control parking with regulatory signage \$ 100,000
- Option 5 – Take no action except in extreme circumstances Less than \$50,000

The cost of any works would be spread over many decades as the assets come due for renewal or are requested by the affected residents or road users.

The construction works would generate more seal and pavement area for future renewal and maintenance.

The asset renewal costs would conceptually range from \$150,000 per year for road widening and inset parking, to \$1,500 per year (assumed 70 year life) for regulatory signage and minor improvements in extreme circumstances.

As the roads are already maintained and the decision is to widen approximately 80km of the full network by approximately 1m, it is roughly estimated that the additional maintenance cost would be 1% of the sealed road maintenance costs.

As the bulk of the roads less than 6.8m were built in the last millennium, it is arguable that the residents who purchased in the street would have been aware of the issue and it is unreasonable for the rest of the community to fully fund the improvement unless it is part of normal renewal and cost effective to do so. At the minimum, the Special Charge Scheme principle should be applied in that the residents’ benefitting contribute towards the cost.

Options analysis

The resolution requests options, presumably to allow for more convenient parking and to ease through travel motions. Council Officers have identified the following options Council may wish to use to address the concerns of motorists and residents. These would apply on a case by case basis in consideration of the relative traffic volumes, and the actual road width.

For all of the options on narrow roads with parking volumes high enough to affect through traffic flow, the positives are: increased convenience to the motorists (no longer slowed by parked vehicles and would not have to wait for opportunities to pass), and; improved emergency and waste/recycling vehicle response time and reliability.

The indicative costs noted in this report are very coarse concept estimates only as there are too many variables to accurately estimate the costs and are for the 80km of roads less noted as less than 6.8m wide.

Table 2 – Options summary

Option 1 - Reconstruct the road wider	
Either proactively or as the kerbs require renewal.	
Positives	Resident and emergency vehicle amenity as noted above
Negatives	High cost. Assuming 1.0m widening over 80km at \$120/m ² this would cost \$10 million (concept only) in addition to the renewal cost. This does not allow for additional costs such as tree replacement and utility relocation
	Increased vehicle speeds in residential areas
	Increased renewal and maintenance costs (additional road area)
Indicative cost - \$10 million	
Option 2 – Construct inset parking bays	
Positives	Resident and emergency vehicle amenity as noted above
	Can be selectively placed – reducing tree and utility impact
	More easily charged to the benefitting property owner if desired
	Is less dependent on the kerb renewal cycle
Negatives	Significant cost both initially and if combined with at renewal
	Can create a sense of ownership of the public road causing inter-property conflicts
Indicative Cost - \$7 million, or \$10,000 per inset	
Option 3 – Create hardened (paving or concrete) verge (within the verge)	

Positives	Resident and emergency vehicle amenity as noted above
	Can be selectively placed – reducing tree and utility impact
	Is less dependent on the kerb renewal cycle, and with mountable kerbs (newer subdivisions) entirely independent.
	Easily charged to the benefiting property owner if desired
	Could be the responsibility of the benefiting property owner to maintain and repair
Negatives	Implies that the verge is for parking (this is already an issue) and will require clear guidelines in respect of Local Laws enforcing verge parking generally
	Unless rigidly controlled (with the attendant administrative costs) would encourage private works without permit.
	Maintenance and responsibility for renewal is unclear as it is very property specific.
Indicative Cost - \$4 million, or \$6,000 per hardened area (mountable kerb assumed)	
Option 4 – Manage parking with regulatory signage	
Much of the concern stems from the conflict with parking and particularly on both sides of a narrow road	
Positives	Low cost and supports fit for purpose roads
Negatives	Reduces flexibility of parking and encourages verge parking
Indicative Cost	\$100,000, or \$200 per sign
Option 5 – Do Nothing except in extreme circumstances	
Except in extreme circumstances where there is high parking demand narrow roads convey traffic and provide parking while creating a calm traffic environment. The trigger would be a measure of the amenity based on the parking volumes against through traffic.	
Positives	Lowest cost and supports fit for purpose roads
Negatives	Perception of the community that Council does not care about neighbourhood amenity
Indicative Cost – will vary depending on the action – assume \$50,000.	

Risk Analysis

There is no specific risk associated with implementing any of the options 1 through 4 as Council would be taking action to resolve any actual or perceived safety issue associated with motorists parking in the path of emergency vehicles.

Should Council not take action at all it may be at risk of not applying its duty of care. It is therefore recommended in Option 5 that Latrobe City Council assess the narrow roads to confirm whether any actual risk exists in relation to emergency or waste vehicle access, and take any necessary action.

Legal and Compliance

There are no legal or compliance issues with any of the options 1 through 4 as any works would comply with the relevant legislation. Council does have an obligation to accommodate emergency services and waste vehicle access.

Community Implications

The community impact varies depending on the option chosen. Full reconstruction, unless carefully managed would have a negative effect on the LTFP, but would benefit those residents on the roads reconstructed.

The recommended option, to address extreme circumstances only, still has a positive community benefit although it is limited to a small number of instances.

Environmental Implications

There are no environmental implications with the recommendation or any of the options explored in this report.

Consultation

No consultation has been undertaken in the preparation of this report.

Conclusion

In 2014 Council adopted a minimum road width of 7.3m for Access Place and Access Streets apparently to address concerns from residents/motorists and the CFA regarding ease of access through a new development with roads in the order of 5.5m wide in Yinnar.

There are more than 80km of roads constructed over many years that are less than 6.8m wide (and even more that are less than 7.3m wide) and some of these still cause angst and concern amongst some of the residents and motorists using them.

Narrow roads are common throughout the country. As traffic volumes increase and more motorists park their vehicles on the road this can negatively impact on the neighbourhood amenity and in extreme circumstances affect emergency service and waste service vehicle response.

Council Officers have identified 5 options for consideration ranging from constructing a wider road, constructing inset parking, managing all locations with parking restrictions, to only acting except where the neighbourhood amenity is severely impacted.

Even where the neighbourhood amenity is severely impacted it would be generally more appropriate to undertake any construction works when the road kerbs are due for renewal, as opposed to proactively constructing a wider road or inset parking.

If this is undertaken it does not necessarily follow that the wider community should pay and consideration should be given to a special charge scheme or similar arrangement where the benefiting property owners fund all or part of the cost.

Attachments
Nil

COMMUNITY SERVICES

16. COMMUNITY SERVICES

Agenda Item: 16.1

Agenda Item: Interconnecting Railway Bridge

Sponsor: General Manager Community Services

Council Plan Objective: Ensure Council operates openly, transparently and responsibly.

Status: For Decision

Proposed Resolution:

That Council:

Advise Energy Brix Australia Corporation that it does not wish to transfer ownership of the Inter Connecting Railway Bridge from Energy Brix Australia Corporation to Latrobe City Council.

Enter into a discussion with Energy Brix Australia Corporation to utilise the remediated bridge site as part of the 'Future Morwell Entrance Project'

Executive Summary:

- Council has received correspondence from Mr Barry Dungey, General Manager, Energy Brix Australia Corporation Remediation on 6 December 2017 seeking Council's comment on whether it has any interest in retaining the Commercial Road Inter Connecting Railway Bridge (Attachment 1).
- The Bridge has been scheduled for demolition.
- Council has no visibility of the following matters pertaining to the Bridge:
 - Risk profile
 - Structural integrity
 - Ongoing and future asset maintenance costs
 - Insurance costs
 - Assessment.

- The Future Morwell, Urban Design Revitalisation Plan conceptually includes an option to repurpose the Bridge, however this option is not in a mature state and Officers have no visibility of the cost or requirements involved in repurposing this structure at this point in time.
- The Future Morwell, Urban Design Revitalisation Plan was given 'in principle' support via a Council Resolution in 2017.
- Council adopted the Future Morwell Urban Design Revitalisation Plan, Four Year Action Plan – the development of the Inter Connecting Railway Bridge was not included as an action in this Plan however an action to develop a 'Gateway Concept Plan' was included. This action requires Council to:
 - Develop concept plans for each gateway that promotes a strategy for the entrances to Morwell through clear gateway concepts that celebrate place, improve the experience and navigation through differentiated entrances and contribute to a new town identity.
 - To implement changes to the main entrance to Morwell.

Declaration of Interests:

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

Background:

In November 2015, HRL Limited and its subsidiaries were placed in voluntary administration. This action resulted in EBAC, a subsidiary, being placed into administration.

On 6 December 2017, Latrobe City Council received correspondence from Energy Brix Australia Corporation Pty Ltd seeking feedback from Council on a proposal to transfer ownership of the ICR Bridge to Council.

Energy Brix Australia Corporation Pty Ltd is in the process of finalising the demolition of the Morwell Power Station and associated infrastructure. This plan currently includes the demolition of the ICR Bridge at the western entry to Morwell at an approximated cost of \$300-400K to Energy Brix Australia.

An engineering assessment in 2014 of the bridge determined that it was structurally sound and Energy Brix Australia Corporation Pty Ltd seeks Council's comment on whether they have an interest in retaining the bridge.

The remaining ICR rail track asset extends from the Yallourn to the Hazelwood mine sites. In Morwell track terminates at the exit of the tunnel underpass of the Princes Freeway on the Hazelwood mine batter perimeter. As such, the previous rail track network to the Morwell Power Station and Briquette Factory does not exist due to mining activity.

Energy Brix Australia Corporation Pty Ltd is aware that Future Morwell contains within it high level concept of possible use of the bridge, one for a Morwell bike track and the second for a Morwell Entry upgrade utilising the bridge as an entrance feature. Officers acknowledge that the former RMIT consultants had previously approached Mr Dungey about the potential use of the bridge. This was done without any support or authorisation by Council.

Future Morwell Urban Design Revitalisation Plan (Plan)

According to the Plan presented to Council on 23 August 2017, the ICR bridge and trail network is referenced numerous times as a potential proposal. However, no specific recommendation for Council to acquire these assets is made.

Council has the following options to consider:

- Give support to the demolition of the industrial asset which is the ICR Bridge and seek to ensure that Energy Brix Australia Corporation retains liability for the safe demolition of this asset.
- Enter into a discussion with Energy Brix Australia Corporation regarding the potential reuse of the bridge as a community recreation asset and seek independent advice and a further report to Council regarding Council's exposure should it seek to accept ownership of the asset in regard to:
 - Risk
 - Structural Integrity
 - Asset Maintenance Costs
 - Insurance Costs
 - Hazards Assessment
 - Land Ownership.
- Give support to the immediate demolition of the industrial asset which is the ICR Bridge and enter into a discussion with Energy Brix Australia Corporation to utilise the remediated bridge site as part of the 'Entrance Project'

Reasons for Proposed Resolution:

Officers recommend that Council not seek to transfer ownership of the asset due to:

- Repurposing of the ICR Bridge was not adopted by Council in the Future Morwell Revitalisation Plan, Four Year Action Plan.

- There remain a large number of unknown elements at this point in time particularly around cost and risk.

Issues:

Strategy Implications

Improve the liveability and connectedness of Latrobe City.

The repurposing of the ICR Bridge as a bike trail may provide an opportunity to enhance liveability within Latrobe City.

However, there may be options to deliver a similar outcome without Council taking on management, responsibility and the legal liability of an aged industrial asset. Work has not commenced on the development of the Morwell bike track as detailed in the Future Morwell Urban Design Revitalisation Plan as it was not included in the adopted Four Year Action Plan. As a concept, the Morwell bike track requires further development and investigation.

Communication

Council has previously given 'in principle' support to the Future Morwell Urban Design Revitalisation Plan and adopted the Future Morwell Urban Design Revitalisation Four Year Action Plan. The Future Morwell Urban Design Revitalisation Plan was subject to extensive community consultation.

No consultation or community engagement has been undertaken on the specific matter of Council assuming ownership and control of the ICR Bridge by Council.

Risk and Financial Implications

At the time of preparation of the report the ICR Bridge is scheduled to be demolished late 2018/early 2019 with Energy Brix incurring a potential cost of \$300-400k.

Council currently has no budget allocated to undertake the costs of retaining the ICR Bridge therefore an allocation of funds would be required, should Council wish to proceed. Approximations of these costs are below:

- Condition report \$20-30k
- Repairs (expected to be mainly aesthetic – painting) \$100-200k
- Ongoing maintenance costs unknown

The Bridge would be an aged asset, and Council has minimal visibility of the management and asset maintenance regime required. Energy Brix advises that an engineering assessment was completed in 2014 and it is suggested that this is repeated. It is important to note that the assessed initial costs add up to

approximately \$230k which is currently unbudgeted and this does not include ongoing maintenance costs which are currently unknown.

Attachments

- 1 [↓](#). Email Barry Dungey Energy Brix Australia
- 2 [↓](#). Letter from Barry Dungey Energy Brix Australia ICR Bridge

16.1

Interconnecting Railway Bridge

- 1 Email Barry Dungey Energy Brix Australia 67**
- 2 Letter from Barry Dungey Energy Brix Australia ICR
Bridge 71**

From: Barry Dungey [mailto:bdungey@hrl.com.au]
Sent: Wednesday, 24 January 2018 11:57 AM
To: Carly McWalters
Subject: RE: Energy Brix - ICR Railway Morwell

Bridge is not heritage listed and we have had no requests for it to be so to my knowledge.

Cheers
barry

From: Carly McWalters [mailto:Carly.McWalters@latrobe.vic.gov.au]
Sent: Wednesday, 24 January 2018 11:55 AM
To: Barry Dungey
Subject: RE: Energy Brix - ICR Railway Morwell

Thank you Barry.

Can you confirm whether the Bridge is either already Heritage listed or is in process of an application to be heritage listed?

Many thanks,

Carly McWalters

Acting Coordinator Community Resilience

mailto: Carly.McWalters@latrobe.vic.gov.au
Direct: 03 5128 5723
Mobile: 0478 852 660
Phone: 1300 367 700

PO Box 264, Morwell 3840
141 Commercial Rd, Morwell 3840



<http://www.latrobe.vic.gov.au/>

From: Barry Dungey [mailto:bdungey@hrl.com.au]
Sent: Wednesday, 24 January 2018 11:54 AM
To: Carly McWalters
Subject: RE: Energy Brix - ICR Railway Morwell

Document is correct as discussed Carly. Currently there is no funding required for maint funding of the bridge. If council were to take over ownership and the painting completed I would expect only immediate costs would be weed control if required.

Regards

Barry Dungey
General Manager EBAC Remediation

.....
HRL Limited

ABN 26 093 163 663

D: +613 41064140 **M:** +61 419 354 408
Head Office: Unit 9, Level 1, 677 Springvale Road Mulgrave Victoria 3170 AUSTRALIA

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From: Carly McWalters [<mailto:Carly.McWalters@latrobe.vic.gov.au>]
Sent: Wednesday, 24 January 2018 11:19 AM
To: Barry Dungey
Cc: Stuart Simmie; Sara Rhodes-Ward; Jodie Pitkin
Subject: Energy Brix - ICR Railway Morwell

Hi Barry,

Thank you for taking the time to answer my questions with regards to the ICR Railway Bridge. Please see below confirmation of our conversation, if you would please confirm that you agree with the below that would be much appreciated. I will attach this to the Council report today.

- . Demolition of the ICR Railway Bridge is currently scheduled for late 2018/early 2019
- . Energy Brix will remain in place until remediation is complete which is expected to be around June 2020
- . An engineering assessment was completed 2014 and it is suggested that this is re-done if the bridge is to be retained
- . Cost of demolition is expected to be \$300-400k with Energy Brix covering this cost

If Latrobe City decides to retain the bridge Energy Brix would share the costs involved. An approximation of these costs are:

- . Condition report would be \$20/30k
- . Repair (expected to be mainly painting) \$100-200k with possible additional steel work for handrails if the bridge was to be used for public access
- . Work is not expected to be structural but this cannot be confirmed until the condition report is completed

With regards to ongoing costs to maintain the bridge – what is your understanding of who would cover these? And what are the current maintenance costs?

Many thanks,

Carly McWalters

Acting Coordinator Community Resilience

[mailto: Carly.McWalters@latrobe.vic.gov.au](mailto:Carly.McWalters@latrobe.vic.gov.au)
Direct: 03 5128 5723
Mobile: 0478 852 660
Phone: 1300 367 700

PO Box 264, Morwell 3840
141 Commercial Rd, Morwell 3840



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P.O. Box 264
Morwell 3840 Victoria Australia

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EnergyBrix Australia

6/12/2017


Mr Gary Vandriel
CEO Latrobe City
141 Commercial Road,
Morwell, VIC, 3840

Dear Gary,

Re: Potential Transfer of Ownership of ICR bridge on southern entry to Morwell Township.

We are currently in the stage of scope finalisation with the preferred demolition contractor proposed to manage the demolition of Morwell Power Station and associated infrastructure. Currently part of our demolition scope is the removal of the ICR Bridge at the Western entry to Morwell. Past engineering reports conducted on this bridge in 2014, indicated the bridge still to be in a sound condition, although protective painting is required to be applied in order to reduce future degradation. I am aware that past Morwell revitalisation plans have indicated the bridge could potentially be used as a bike trail around the outskirts of Morwell. This bike access route could then also be added into the Morwell Mine rehabilitation considerations. Given that our 2014 engineering report indicates the bridge still to be of sound nature, we seek councils comment on whether they have any interest in retaining this bridge. Due to the tight time frame required to finalise our demolition work scope and the co-ordination challenge of bridge demolition, we would appreciate your councils prompt response on this matter by the 2 February 2018 as we move forward in defining our demolition scope planned for the EBAC assets.

Yours faithfully
Energy Brix Australia Corporation Pty Ltd



Barry Dungey
General Manager, EBAC Remediation



Commercial Road Morwell Victoria 3840 Australia P +61 3 5120 4200 F +61 3 5120 4111
Mailing Address Private Bag No.2 Morwell Victoria 3840 Australia
www.energybrix.com.au ABN 79 074 736 833
The 100% Australian Energy Company



CORPORATE SERVICES

17. CORPORATE SERVICES

Agenda Item: 17.1

Agenda Item: Local Government Act Review

Sponsor: General Manager Corporate Services

Council Plan Objective: Ensure Council operates openly, transparently and responsibly.

Status: For Decision

Proposed Resolution:

That Council authorise the CEO to make a submission on the exposure draft Local Government Act in relation to any technical or practical matters that have been identified and the following matters:

- a. the timing proposed for the staged commencement of the new Local Government Act;**
- b. the continued use of technical committees to assist with the Regulations and guidance materials to be developed;**
- c. clarification of the processes for the valuation and rating of mines; and**
- d. clarification of powers and functions in the current *Local Government Act 1989* that are not dealt with in the proposed Local Government Act.**

Executive Summary:

- An exposure draft of a proposed new Local Government Act (Act) to replace the *Local Government Act 1989* has been released for consultation. This is the final consultation stage in the legislation's development.
- The proposed Local Government Act is based on a series of principles, including overarching governance principles, which Councils can be assessed against to determine whether they are providing good governance to their communities. It also requires substantial community engagement, based on a mandatory community engagement policy, which the Council must make to facilitate community involvement on matters ranging from the development of the Community Vision, the Council Plan and the budget to sale of land and other matters where community views should be obtained.

- The Bill contains provisions that Councils are familiar with, some of which have been transplanted out of the current *Local Government Act 1989* without change, some which have been amended in minor ways and others that have been extensively amended. The attachment Local Government Act Review Table identifies some of the key changes in the proposed legislation.
- While the contents of the proposed Act are considered settled, subject to any technical or practical concerns raised, much of the detail to complement the requirements in the Act is yet to be developed and revealed in regulations and guidelines, including Ministerial guidelines.
- It is proposed that the new legislation will be progressively brought into operation from July 2018 if the Bill is passed by Parliament in the Autumn Sitting 2018. The table on page 14 of the attached Explanatory Paper identifies an indicative timing for implementation.
- There are four areas where it is recommended that Council make a submission. These are in relation to:
 - the timing proposed for the staged commencement of the new Local Government Act;
 - the continued use of technical committees to assist with the Regulations and guidance materials to be developed;
 - clarification of the processes for the valuation and rating of mines; and
 - clarification of powers and functions in the *Local Government Act 1989* that are not dealt with in the proposed Local Government Act.

Declaration of Interests:

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

Background:

The Bill results from a process that started in September 2015 which included discussions and opportunities to make submissions at different stages. The review process involved a number of technical groups that provided input on specific areas in the proposed legislation.

Latrobe City Council previously made a submission on the Directions Paper released in June 2016 that identified the key reforms proposed to local government legislation. Local Government Victoria has indicated that as a result of that process, the principles and requirements have been accepted and established and are not open for further discussion. Submissions can be made on technical and practical problems identified with any of the proposed requirements.

The release of the exposure draft of the Bill is the last opportunity in the review process for Councils to have input to the legislation that they operate under. The closing date for submissions is 23 February 2018.

The attached Local Government Act Review Table identifies where matters raised by Council in its submission have been addressed.

Reasons for Proposed Resolution:

The exposure draft of the Local Government Act released for final review contains the key principles and requirements under which local government will operate. There are some remaining concerns about practical matters such as timing of the legislation coming into operation and the detail to be developed in regulations and other documents that will support the primary legislation. These matters are identified later in this report under and could form the basis of a further Council submission on the proposed Local Government Act.

Issues:

While there may be some short term challenges for Councils in the new legislation, the proposed Act provides a clearer better structured legislative framework and gives Councils more flexibility and scope to deliver on the Community Vision and the Council Plan.

The attached Local Government Act Review Table identifies some of the key changes that have been made.

Strategy Implications

The proposed legislation will facilitate the Council Plan objective that Council operates transparently, openly and responsibly as a result of requirements that the principles in the legislation be observed and requirements that certain matters, such as community engagement and transparency and public accountability be articulated in specific Council policies.

It is understood that the Minister may issue Good Practice Guidelines which may be mandatory. Council may need to review its approach in the light of any Ministerial guidelines and the overarching governance principles supported by community engagement, public transparency, strategic planning, financial management and service performance principles.

Communication

The legislation will progressively come into operation starting in July 2018 and concluding in 2020. It will be the practical application of the requirements, such as the requirement to have a Community Engagement Policy (proposed to come into operation by July 2019), that will require an extended and more complex approach to communication, including with the community.

There will also be a need for Council staff to be aware of the changes in their specific areas of responsibility.

Financial Implications

In terms of impact on Council rating and revenue, it is not anticipated that there will be significant change.

The proposed cap on the municipal charge (to be known as the fixed component of the municipal rate) at 10% does not cause any concern as the municipal charge is currently below the prescribed rate.

While the detail of how mines will be valued for rating purposes is not yet known, it is unlikely to have a material effect on revenue.

There will be additional costs to Council when the proposed Act comes into operation. It is possible that external advice and assistance may be needed to assist Council compliance with the new requirements in the short term.

There will also be ongoing operational costs arising from the increased and mandatory requirements associated with the deliberative community engagement processes and mandatory engagement of the community on matters such as the Council Vision.

Some of these costs will become “business as usual” costs, but there will be circumstances where additional steps need to be taken. The costs of this will only be known when specific processes are designed to meet the community engagement requirements on a case by case basis.

Risk Analysis

Identified risk	Risk likelihood*	Controls to manage risk
Implementation of the key legislative changes and requirements such as the Community Engagement Policy.	3	<p>Planning to assess current compliance and changes that need to be made and development of an implementation plan when the implementation timing is confirmed.</p> <p>Constant monitoring, including of engagement trends both overseas and in Australia.</p>

Identified risk	Risk likelihood*	Controls to manage risk
Interpretation of the overarching governance principles which will be used to determine whether Council has provided good governance to the municipality.	3	Constant monitoring through: <ul style="list-style-type: none"> • Development of an approach that includes the overarching governance principles in Council decision making processes; and • Ongoing review by the Audit and Risk Committee.
Observation of Ministerial good governance guidelines	3	Constant monitoring through: <ul style="list-style-type: none"> • Development of an approach that includes the overarching governance principles in Council decision making processes; and • Ongoing review by the Audit and Risk Committee.
Impacts of prescription in Regulations and Ministerial guidelines	3	Regulations are required to go through a regulatory impact process which requires consultation. Ensure that appropriate assessments can be made of proposals

Legal and Compliance

The legislation applies governance, community engagement, public transparency and accountability, financial and other principles that are mandatory. Some of these principles already exist and have been modified for the proposed new Act.

It is possible that allegations of a Council's failure to observe the principles will be made to the Minister and other integrity bodies. An interpretation of whether the Council has observed the principles or the extent to which they have been observed, will be used to measure whether a Council has provided good governance. There will be instances where a Council could be forced to defend the position it took on a particular matter and justify its view of the principles and how they were applied.

A Council's Audit and Risk Committee will play an increased role in reviewing Council policies to determine whether the Council has complied with its Policy and whether there are compliant with legislative requirements and Ministerial guidelines.

Conversely, many of the prescriptive and detailed processes will be phased out, thereby eliminating compliance risks in a number of areas.

Community Implications

There is a mandatory requirement for Councils to engage the community in the development of a (stand alone) Community Vision, Council Plan and the budget. Some of this is already required but the legislation provides increased opportunities for community involvement to occur.

It is the Government's clear intention that a new Local Government Act will be better understood by the community which, in turn, will stimulate community interest in Councils and promote increased participation as candidates for election and as voters and citizens in Council activities.

Environmental Implications

There are no obvious direct environmental implications, but as part of giving effect to the overarching governance principles, a Council must consider the economic, social and environmental sustainability of the municipal district including promotion of mitigation and planning for climate change risks.

Consultation

The proposed Local Government Act is an initiative of the Victorian Government. It results from a 2 year process in which Councils and the community had an opportunity to influence the matters regulated by it. Proposals were also developed and considered by technical committees consisting of members who have a long term knowledge and understanding of local government.

Other

The following matters have been identified for further consideration in the review of the exposure draft of the proposed Local Government Act.

Timing of implementation – beneficial enterprises

As part of the opportunity to develop alternative revenue streams to off-set the impact of the rate cap, the proposed legislation promotes the idea of joint undertakings with other Councils, other levels of government and the private sector. The current municipal enterprise provisions of the current Act have been modified and rebadged as a "beneficial enterprise" to enable co-operative business enterprises intended to deliver public value.

These sections of the Act are not intended to be brought into operation until July 2019. There is a view that they should be brought into operation sooner rather than later, (such as in the second stage of commencement which is currently scheduled to occur in January 2019), so that their scope can be developed and potentially included in budget planning which will be occurring at that time.

Use of technical committees

The Bill was developed in consultation with a number of technical committees that provided a level of expertise on matters such as finance and rating and Council operations. Given that much of the detail is yet to be developed, it is important that access to and involvement of technical committees be continued.

Clarification of valuing and rating mines

The current exemption from rates for mining will be removed. There is no information in any published materials about how mines will be valued, although the response provided during the Local Government Victoria road show was that the value of the material being mined would not be taken into account. Further information is required to understand the implications for Latrobe City Council.

Matters not dealt with

The proposed Act does not deal with Councils' powers in relation to matters such as roads, traffic and drainage. It is understood that the current provisions will go into a "holding pattern" and will be dealt with in separate legislation until the technical and other implications are resolved. For instance, Councils' powers in relation to roads may be wholly dealt with under the *Road Management Act 2004*. What happens to Councils' drainage functions is less clear as there are a number of Acts dealing with that complex issue such as the *Water Act 1989* and the *Catchment and Land Protection Act 1994*. Further information is required to determine what actions if any, Councils will need to take to ensure that it has the capacity to act and undertake appropriate functions.

Attachments

- 1 [↓](#). Local Government Act Review Table
- 2 [↓](#). Local Government Act Review Explanatory document

17.1

Local Government Act Review

- 1 Local Government Act Review Table..... 81**
- 2 Local Government Act Review Explanatory document..... 91**

A new Local Government Act for Victoria

OVERVIEW OF MAJOR CHANGES

- **Principles based legislation**

The Minister has stated that a central feature of the local government reform agenda has been to “more clearly define the outcomes required of Councils while simultaneously giving Councils greater agency to determine how to achieve them.”

The method for achieving this in a new Local Government Act is through principles based legislation whereby broad principles are expressed and Councils undertake functions and powers having regard to those principles. It appears that many matters could be left to prescription in Regulations and to Ministerial directions and guidelines. This is in contrast to the current Act where Councils are directed towards undertaking their duties, functions and powers to achieve the stated objectives in the Act subject to specific requirements, conditions and limitations.

Modified principles such as Councillor conduct principles, employment principles and principles of sound financial management in the current Act continue. The key change is the addition of principles and requirements relating to:

- good governance; and
- community engagement and public transparency.

“The role of a Council is to provide good governance in its municipal district for the benefit and wellbeing of the municipal community.” A Council will be considered to be providing good governance if it complies with the overarching governance principles prescribed in the Act.

Failure to comply with the governance principles could be evidence of a failure to provide good governance and ultimately, a justification for the suspension or dismissal of a Council.

The governance principles are:

- *Council decisions are to be made and actions taken in accordance with the relevant law;*
- *priority is to be given to achieving the best outcomes for the municipal community, including future generations;*
- *the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;*
- *the municipal community is to be engaged in strategic planning and strategic decision making;*
- *innovation and continuous improvement is to be pursued;*
- *collaboration with other Councils and Governments and statutory bodies is to be sought;*
- *the ongoing financial viability of the Council is to be ensured;*
- *regional, state and national plans and policies are to be taken into account in strategic planning and decision making;*

- *the public accountability of the Council must be recognised and the transparency of Council decisions, actions and information is to be ensured.*

A Council is also required to take into account the following supporting principles—

- the community engagement principles;
- the public transparency principles;
- the strategic planning principles;
- the financial management principles;
- the service performance principles.

The Minister can issue good practice guidelines in relation to compliance matters and can issue directions to a Council to amend, discontinue or replace its governance processes and policies if one of the integrity bodies has recommended it and the Minister is satisfied that improvement is required. Compliance with the guidelines can be used as evidence of Council compliance with requirements in the legislation. Failure to comply with a Ministerial direction can be taken into account for the purpose of recommending the suspension of a Councillor or the Council. A failure to provide good governance can be a ground for the Minister recommending the suspension of the Council.

- **Increased Council documentation**

Along with legislated principles on a range of matters, the Bill contains increased requirements for Council documentation which could impose additional workloads on Councils, particularly during the implementation phase. It will be mandatory for Councils to have policies on matters such as community engagement, public transparency, CEO employment and remuneration, finance and gifts provided to Councillors. The CEO will be required to develop workforce plans.

Council has existing policies on most of the above matters, those policies will have to be reviewed against new legislative requirements, including any relevant principles, proposed legislation (both the Act and the regulations) and guidelines to ensure that they are compliant. This will need to be done within 6 months of the relevant provision in the Act coming into operation.

While analysis of the proposed governance principles and supporting principles and the documentation around many Council activities might be considered to amount to no more than “business as usual”, Councils will need to remain conscious of them in their deliberations and community engagement processes and to ensure that they continue to be compliant. The existence of such policies could also be a risk for Councils in that any failure to “comply” with them is likely to be viewed as a governance failure, albeit of various degrees of seriousness.

- **Removal of various conditions, restrictions and limitations**

The proposed Bill removes many of the current controls around how various functions and powers are exercised, such as those applying to roads, drainage and traffic management. Roads and drainage functions will eventually be carried out under other legislation such as the *Road Management Act 2004* and the *Water Act 1989*. Other requirements have been retained, such as those applying to proposals to sell or lease land. Many existing provisions have been transferred into the proposed Act without amendment such as those applying to the payment of rates and charges, Councillor Conduct Panels and local laws. Other

transferred provisions have been substantially amended, such as those applying to conflicts of interest or amended in a minor way, such as those applying to elections.

SPECIFIC CHANGES TO BE AWARE OF

The following Tables address the main changes and their potential impacts.

Table 1 - How the proposed changes affect the Mayor and Councillors

Proposed change	Implementation impacts
The current 2 step process associated with making the oath of office and the declaration to abide by the Councillor Code of Conduct will be consolidated and replaced by a single process at the time a Councillor makes the oath or affirmation of office.	This will make the process clearer. A person is not capable of being a Councillor until the oath of office is taken. In effect, it will remove the capacity for a Councillor to refuse to "sign up" to the Code of Conduct.
The Mayor will be required to lead the community engagement process on the Council Plan and budget and to report to the community annually on progress with implementation of the plan.	<p>The (deliberative) community engagement process envisaged by the proposed Act will require substantially more than the current requirements which are based on the section 223 public notice requirements. The timeframe for the production of the Council Plan remains at 30 June following a general election. Community involvement lead by the Mayor will need to occur very early in the process.</p> <p>It is understood that the Mayor's annual report to the community on progress with the Council Plan will be through the Council's annual report presented at a Council meeting that is open to the public.</p>
Councils will be required to elect a Deputy Mayor.	The Deputy Mayor position will no longer be an option. A new category of allowance (determined by the Minister) will be introduced for the Deputy Mayor.
Councils will be able to declare the office of Mayor vacant by way of a notice of motion signed by an absolute majority of Councillors and subsequently passed by a majority of at least three quarters of all the Councillors in office.	This formalises and gives legal effect to the "motion of no confidence" in the Mayor.
<p>Amended definition of "conflict of interest", but its scope will remain the same, (ie: the interests of partners and family members as an "affected person" will still be a relevant factor).</p> <p>New definitions of "private interests" and "public duty".</p>	<p>The two types of conflict will be:</p> <ul style="list-style-type: none"> • a <i>material conflict</i> - a conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter. The benefit may arise or the loss may be incurred directly or indirectly or in a pecuniary or non pecuniary form. A failure to disclose such an interest and comply with the processes will be a criminal offence; and • a <i>general conflict</i> - a conflict of interest in a matter if an impartial, fair minded person would consider the person's private interests could result in that person acting in a manner that is contrary to their public duty. This is not a criminal offence but a breach could result in disciplinary action.

	Penalties will vary depending on whether a Councillor has failed to disclose a material conflict or a general conflict.
Specific conflict of interest disclosure requirements have been removed. Specific requirements relating to an “assembly of Councillors” has been removed. If there is a failure to disclose a conflict of interest, an application can be made to a Councillor Conduct Panel alleging serious misconduct.	The current requirements about when a disclosure is made and a requirement to leave the room will no longer apply under the proposed legislation. It is presumed that such processes could be continued in governance rules. In addition to disclosures at a Council meeting or a meeting of a delegated committee, disclosures must be made in relation to a matter at “other meetings” (being a meeting conducted under the auspices of the Council). Presumably all the types of meetings which are currently covered by the assembly of councillor requirements will fall into meetings under “the auspices of the Council”. This application can only be made by the Chief Municipal Inspector.
Existing offences for misuse of information, improperly directing or influencing Council staff and breach of confidentiality have been retained but with a changed emphasis on the intent of a Councillor.	The legislation now codifies what happens in practice. It has to be proved that a Councillor <i>intentionally</i> abused their position or directed Council staff and <i>intentionally and recklessly</i> disclosed confidential information.
Councillor register of interest returns will be renamed “personal interest” returns. There will be a requirement for an initial personal interest return and thereafter for biannual personal interest returns. There are offences for a person who <i>intentionally, recklessly or negligently</i> lodges a return that contains any false or incomplete information.	Councillors will be required to submit returns twice a year. This is a higher requirement than that currently applied to state members of parliament. As with other offences the intent of a Councillor in contravening the legislation has been codified.
An individual Councillor (as distinct from the whole Council), may be suspended by the Minister in situations where there is clear evidence provided by a municipal monitor or one of the integrity agencies that the Councillor is causing or contributing to the governance failures of the Council or is breaching the Act and that without intervention the problem will continue.	This is a new power that can be exercised by the Minister.
Councils will be required to adopt a Councillor gift policy.	This is a new requirement. Currently the requirement to have a policy only applies to members of Council staff. Latrobe City Council's current gift policy also applies to Councillors.

Table 2 - How the proposed changes affect decision making and council processes

Proposed change	Implementation impacts
Councils will be required to have a community engagement policy based on community engagement principles which in turn have been based on the Victorian Auditor General's Office Public Participation Principles – engagement process must have a clearly defined objective and scope, provision of relevant and timely information, targeted, supportive and inclusive,	The emphasis is on deliberative community engagement processes tailored to the significance and complexity of the matter which is the subject of the community engagement and the level of resourcing required. “Engagement” will be in lieu of the current public notice/section 223 submission process, which applies to matters such as proposed budgets and

<p>transparent and accountable.</p>	<p>revised budgets, changes to the valuation system used, new or amending local laws, application of special charges and proposals to sell or lease land. Councils will need to have a clear understanding of their community and what is an appropriate method of engaging the community. Costs and time impacts will need to be factored into specific proposals.</p>
<p>Councils will also be required to have a public transparency policy based on the public transparency principles. Council information must be accessible and understandable and Council must facilitate public awareness of the availability of information. The policy will identify what Council documents are available (these include those currently available) and must include an election period policy.</p> <p>Confidential information will not have to be made available.</p> <p>The Act defines confidential information as</p> <ul style="list-style-type: none"> • Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released; • Council security information, being information that if released is likely to endanger the security of Council property, Councillors or members of Council staff; • land use planning information, being information that if prematurely released is likely to encourage speculation in land values; • law enforcement information, being information which if released would be reasonably likely to prejudice the investigation into an alleged breach of the law or the fair trial or hearing of any person; • legal privileged information, being information to which legal professional privilege or client legal privilege applies; • personal information, being information which if released would result in the unreasonable disclosure of information relating to the personal affairs of any person; • private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets or information that if released would unreasonably expose the business, commercial or financial undertaking to disadvantage; • internal resolution information, being information specified in section 181(4); • Councillor Conduct Panel confidential information, being information specified in section 204. 	<p>This builds on requirements under the current legislation but contains a requirement that information must be publicly available unless it is confidential information under the Act (or any other Act) or availability would be contrary to the public interest.</p> <p>The definition of "confidential information" is closely aligned to documents exempted from disclosure under the <i>Freedom of Information Act 1982</i>.</p>
<p>Councils will be required to make governance</p>	<p>It is likely that current meeting procedure local</p>

rules, in lieu of the current requirement to have a meeting procedure local law. The community engagement policy will be relevant in terms of access to Council meetings and Councillors.	laws will morph into such governance rules. As rules, there will be no capacity to include offence provisions (such as disrupting a meeting) and no capacity to issue infringement notices. A local law would be required to address offence matters.
There will no longer be special meetings of Council.	If a Council felt the need to retain the notion of a "special" meeting it could probably be accommodated under the governance rules.
The circumstances in which a meeting can be closed to the public are: <ul style="list-style-type: none"> • the meeting is to consider "confidential information" (definition above); • security reasons; or • it is necessary to enable the meeting to proceed in an orderly manner. 	A meeting can only be closed for security or order purposes if there are arrangements to enable the meeting to be viewed by members of the public such as on the internet or closed circuit television.
Councils will be able to hold joint meetings with other Councils which will be treated as a meeting of each Council.	This is seen as a means of promoting joint activities between Councils to achieve economies of scale (in purchasing etc) and other purposes.
Councils will be able to delegate decision making powers to "delegated committees", which must be chaired by a Councillor and which must include at least 2 Councillors. Delegated committees will be subject to the same meeting procedures as Councils unless the governance rules contain any express variations.	Delegated committees are currently "special committees". The concept of an advisory committee has disappeared but there is nothing that would prevent a Council from establishing such committees, reference groups and the like. Committees managing Council assets will be known as Community Asset Committees and can be delegated functions and powers by either the Council or the GEO and will operate subject to any conditions imposed.
More prescriptive provisions will apply to the audit and risk committee. The role of that committee is to be set out in a charter which will include the functions and responsibilities of: <ul style="list-style-type: none"> • monitoring the compliance of Council policies and procedures with the overarching governance principles, the Act, regulations and any Ministerial directions; and • monitoring Council financial and performance reporting; • monitoring and providing advice on risk management and fraud prevention systems and controls and • overseeing internal and external audit functions. 	Most Audit and Risk Committees (ARC) operate under a charter. Current charters will have to be reviewed to ensure that ARC's are operating within the terms prescribed by the legislation. A new role for the ARC will be monitoring Council's compliance with its policies, Ministerial directions/guidelines and overall legislative compliance.
Councils will be required to have an CEO Employment and Remuneration Policy consistent with the Public Sector Commission's Policy on executive Remuneration for Public Entities.	The requirement will be mandatory.

Table 3 - How the proposed changes affect Council planning and financial management

Proposed change	Implementation impacts
Councils will be required to develop and maintain a 10 year Community Vision	It is not clear whether this will form part of the Council Plan or whether it will sit outside that Plan. The Vision must describe the community's vision for the future of the municipality. It is not clear how much of the community is required to give weight to the Vision and whether failure to meet the Vision could be considered a

<p>The Council Plan and the Council budget will be for a 4 year period. Both will be required to be in place by 30 June following the general election. There will be an annual budget that includes 3 year projections.</p> <p>The current Strategic Resource Plan will disappear.</p>	<p>governance failure.</p> <p>These requirements are focussed on Councils having an integrated planning and reporting framework whereby the Council Plan and the budget drive decision making.</p> <p>Council currently produces a 1 year budget plus a further 3 years in the Strategic Resource Plan (SRP). The requirement for a 4 year budget eliminates the need for a SRP to be included with the Council Plan by shifting the requirement to the budget. It is not envisaged that this will have an operational impact.</p> <p>As part of the proposed Community Engagement Policy Councils must engage their community in a deliberative process to inform the Council Plan and the budget. This will replace the current section 223 process and Councils will need to determine the scope and type of process required.</p> <p>These plans will still be required to be consistent with the Local Government Performance and Reporting Framework.</p>
<p>Councils will be required to have:</p> <ul style="list-style-type: none"> • a 10 year financial plan; and • a 10 year asset management plan. 	<p>These are new requirements. Council currently develops a 10 year financial plan so a legislated requirement is not considered to have an operational impact. However, the requirement for a 10 year asset management plan will require additional and continued development of Council's asset management plans to enable this to be achieved.</p>
<p>Councils will be required to have a 4 year Revenue and Rating Plan which will also be required by 30 June after the general election.</p>	<p>This would appear to replace the existing Rating Strategy document with the added requirement for it to be a 4 year plan rather than a single year strategy.</p>
<p>The Council Plan and other strategic plans will be prepared in accordance with the strategic planning principles.</p>	<p>Strategic planning principles are new and amongst other matters, require that Councils address the Community Vision.</p>
<p>Councils will be required to adopt financial policies that give effect to financial management principles articulated in the proposed Act.</p>	<p>While principles of sound financial management are in the current Act, the requirement for Councils to prepare and adopt financial policies based on the financial management principles is new. The matters to be included in the policies will be prescribed by regulation.</p>

Table 4 - How the proposed changes affect rates and charges

Proposed change	Implementation impacts
Options for valuation systems will be removed and Councils will value all land on the capital improved valuation system.	Latrobe City Council currently operates under the capital improved valuation system so this will not have an impact.
Land used exclusively for mining purposes will lose its rate exemption and become rateable.	The Bill does not say so but it is understood that only the land and not the mineral value will be rateable. This is not expected to have a material impact on rate revenue.
The municipal charge, to become known as a	On the face of it, this could be seen as a

<p>"fixed component" of the municipal rate (currently capped at 20% of the total revenue from the general rates and municipal charges) will be capped at 10% of the sum total of the municipal rates in that financial year.</p>	<p>significant reduction, however, it is considered that using the flexibility available under differential rating will enable any losses to be off set. Council's current component of rates collected through the municipal charge is less than the proposed 10% cap.</p>
<p>Current requirements applying to the declaration of differential rates will be expanded to ensure that Councils explain the objectives and reasons for declaring differential rates to uniform rates.</p>	<p>This is a process matter, but nevertheless important from a justification and public transparency perspective.</p>
<p>Special rates and charges will become known as <i>special purpose charges</i>. Consultation requirements have been streamlined and prescribed conditions have been updated. VCAT will be able to set aside a special purpose charge that does not comply with the prescribed conditions.</p>	<p>The proposed new provisions will remove the focus on Councils forming an opinion that the special purpose charge provides a special benefit (defined) to the sector required to pay it. Instead, the Council must be satisfied on reasonable grounds that the special purpose charge complies with specified conditions in the Act.</p>

Table 5 - How the proposed changes affect Council operations

Proposed change	Implementation impacts
<p>The CEO will be required to develop and maintain workforce plans that describe the prescribed information.</p> <p>Service performance principles will be applied instead of the current best value principles and quality and costs principles.</p>	<p>This is a new requirement. The Plan must address prescribed matters such as projected staffing requirements for at least 4 years and gender equity and diversity.</p> <p>The removal of the best value principles does not negate the requirement for Councils to consider equity, accessibility, quality and cost, continuous improvement and accountability in service delivery for the community.</p>
<p>Councils will be required to have a complaints policy for service delivery.</p>	<p>A complaint is defined as the ability for a person to express dissatisfaction with the quality of an action taken, decision made or service provided by a member of Council staff or contractor or a delay by a member of Council staff or contractor in taking an action, making a decision or providing a service. The complaints policy will have to provide for an independent review process.</p>
<p>The current financial levels prescribed in the Act for Council procurement will be removed. Instead, Councils will be required to have a procurement policy appropriate to their own communities.</p>	<p>The procurement policy will take into account financial management principles. The proposed legislation emphasises the need to consider opportunities for collaboration with other Councils or public bodies in procurement agreements. A procurement policy is seen as an opportunity to increase opportunities for co-operative arrangements and economies of scale.</p>
<p>The current provisions for regional library corporations will be repealed as will the entrepreneurial powers of Councils. Instead, Councils will be able to participate in "beneficial enterprises" with other Councils, other Governments and the private sector, subject to appropriate analysis of financial and other risks.</p>	<p>The term "beneficial enterprises" is new but is a revamped power based on the existing entrepreneurial powers in the Act.</p>

Table 6 - How the proposed changes affect Council integrity measures and Ministerial oversight functions

Proposed change	Implementation impacts
The requirement for Councils to have a Councillor Code of Conduct continues as do the primary principles of Councillor conduct. There is a new requirement to "set the standards of behaviour expected to be observed by Councillors in performing their duties and functions as Councillors."	The new provisions make it clear that internal resolution procedures can address alleged Councillor breaches of the Code of Conduct. This removes the current confusion about the scope of the internal resolution procedures being limited to dealing with disputes between Councillors.
The hierarchy and jurisdiction of the bodies that will deal with Councillor conduct matters is more clearly spelt out.	The overall provisions remain substantially the same. Misconduct and serious misconduct will be heard by Councillor Conduct Panels and gross misconduct will be heard by VCAT.
Ministerial exemptions for "high performing" Councils.	This is a concept that was around in the 1980's but never pursued. It is envisaged that proposed regulations will prescribe minimum requirements that must be complied with. It is proposed that Councils that have the capacity to develop and adopt arrangements that exceed the minimum requirements will have the capacity to apply for exemptions from certain regulations.

Table 7 – how the changes affect elections

Proposed change	Implementation impacts
The requirement for a Council to have not less than 5 Councillors or more than 12 Councillors continues. In future Councils must be unsubdivided or comprise wards with equal numbers of Councillors.	The number of Councillors to be elected to each Council will be dealt with in Regulations and determined by a formula based on population and geographic scale. The number of voters per Councillor must not vary from the average number of voters per Councillor in any other ward by more than 10%.
The Minister, based on advice from the Victorian Electoral Commission (VEC) and 1 year out from a general election, will determine a uniform election method – either by attendance, postal ballot or other models (potentially electronic voting).	While most Councils conduct elections by postal voting some Councils still provide attendance voting. This power will remove that option.
Candidates must currently submit an "overview" of campaign donations that they receive above the \$500 threshold. In future, all candidates will be required to submit a return, even if they do not receive a disclosable donation.	Returns will have to be lodged with the Chief Municipal Inspector within 21 days of receipt of each donation and summaries will be published on the inspectorate website.

A New Local Government Act for Victoria

Hon Marlene Kairouz MP
Minister for Local Government



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A New Local Government Act for Victoria

Hon Marlene Kairouz MP
Minister for Local Government



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A New Local Government Act for Victoria

Local Government in Victoria

Debates over the roles, responsibilities and structure of municipal governance are as old as the history of Victorian settlement. For much of our history, the development and evolution of councils has outrun the legislation attempting to define them. This is again true in 2017.

Victoria's first councils were created to build roads, wharves and secure water supply, to operate markets and cemeteries and to protect the poor and infirm. Melbourne City Council – Victoria's first - was created in 1842, a decade before Victoria's first colonial Government of 1851. The first Local Government Act to bring together oversight of rural and metropolitan councils under a single piece of legislation did not come into force until 1874.

Fast forward to 2017 and Victoria is experiencing its fastest ever demographic, technological, economic, environmental and social change. Councils are sprinting to keep up. Their responsibilities have expanded rapidly over the past three decades as their communities demand responsible representation and high quality infrastructure and services. Councils' statutory responsibilities have also continued to grow since the current Act became law in 1989.

Modern councils play a vital and extensive role in delivering for Victoria's diverse communities. They fund and deliver critical community services for mothers, infants and the aged, ensure food safety standards, serve as planning authorities, provide road and transport infrastructure, build and operate modern libraries and sport and recreation facilities, support communities in emergencies and so much more. Councils create the social capital that make places into communities. Councils help to build civic pride, connected communities and a vibrant civil society.

The scale of this enterprise is easy to underestimate. Councils manage over \$89 billion of public infrastructure and deliver services valued in excess of \$7 billion every year. These are substantial responsibilities and the quality of council governance makes a material difference to Victorians. The legislative framework which determines the governance and representation of this level of government is critically important.

The Government came to office with a mandate to update Victoria's Local Government Act. The project has been warmly embraced by the local government sector and the wider Victorian community which has been extensively involved in the co-creation of this Draft Bill.

A Reform Agenda for Victoria's Councils

In 2015, the Andrews Government embarked on the most significant reform agenda in local government since the generational reforms of the 1990s.

With the release of an ambitious Ministerial Statement in August 2015, the Government committed to deliver on a seventeen-point action plan to overhaul the governance, capacity and performance of councils over this term of Government. A central feature of the local government reform agenda has been a determination to more clearly define the outcomes required of councils while simultaneously giving councils greater agency to determine how to achieve them. This approach is a feature of this new Local Government Draft Bill.

As part of these reforms council rate rises have been capped. Comparable performance data is benchmarked and publicly reported on the Know Your Council website to give ratepayers a comprehensive picture of council performance. Council governance legislation has been reformed to set clearer limits on councillor conduct and sharper triggers for intervention. The conditions for council elections have been modernised and the Victorian Electoral Commission made the universal election service provider. New resources have been made available to close gaps in community infrastructure, particularly targeting fast growing corridors of the capital. An Aboriginal Local Government Action Plan is being implemented and strategic interventions are in train to achieve gender

equity in the ranks of mayors, councillors, council CEOs and senior executives. The 2016 council elections delivered the highest proportion of female councillors in Victoria's history. Many commitments made through the Ministerial Statement have now been implemented. Others are well advanced.

The first action in the Ministerial Statement – the creation of a new Local Government Act – brings many of these strands together. The new Act will consolidate and legislatively embed the Fair Go Rates reform, the new transparent performance reporting framework, governance and electoral reforms and new approaches to collaborative investment, sound financial management and strategic planning. Many councils have supported these changes, helping to shape key provisions in partnership with the Government.

Why a new Local Government Act is needed

The existing 1989 Local Government Act was a conscientious attempt to modernise legislation which, in many parts, dated from the 19th century. But as pointed out in Background Papers commissioned for the review, it was swiftly overtaken by the Kennett Government reforms of the 1990s. These reduced the number of Victoria's councils from 210 to 78 and the number of councillors from over 2000 to around 600. The reforms modernised council business structures and shifted the accent of council responsibility from representation to governance. Some of these changes made councils more efficient but they arguably left a democratic deficit, a sense that councils were less able to remain in touch with their local communities.

If the 1989 Act was outmoded by the radical changes that quickly followed its introduction, the many amendments that have followed have rendered it more incoherent over time. The oldest of Australia's Local Government Acts, the 1989 Act is also the most amended. Its original 136 pages have expanded by a factor of four. The size of the current Act is one measure of how compromised its original intent has become. It has long since ceased to provide a contemporary and accurate guide to the powers, roles and responsibilities of councils.

The Government's over-riding objectives for a new Act

Given this history, the current Draft Bill is not based on further amendments to the 1989 Act but rather reflects a first principles review.

The Victorian Government has three overriding objectives for this new Local Government Act:

- Victorians will better understand and value the role of councils as democratically elected bodies that represent their interests; participate more as candidates, voters and citizens in council activities; and contribute to council strategic visions and plans
- councils will drive reform across the state by being more autonomous and outcome-oriented; and by embracing innovative and collaborative arrangements that increase organisational efficiency and deliver public value for residents
- the Act will be a living document that tells people clearly what councils do and how to get involved, and provide a sound framework for the sector to become more efficient and enterprising in its local governance.

The journey so far - Engagement on the Act Review

The review of the Local Government Act has been informed by extensive and deep engagement with councils, ratepayers, the wider community and specific stakeholders.

There have been four stages to this engagement process.



Stage 1 – Reform ideas: In September 2015, the Government released a comprehensive Discussion Paper inviting ideas on options to reform all aspects of the legislative framework.

This was followed by analysis of:

- 348 submissions responding to the Discussion Paper
- Responses provided at 10 community forums between February and March 2016 at: Wangaratta, Swan Hill, Shepparton, Warrnambool, Horsham, Dandenong, Sale, Melbourne CBD, Sunshine and Maryborough
- 12 commissioned papers on all aspects of the council legislative framework, published for comment on the www.yourcouncilyourcommunity.vic.gov.au website
- Ideas generated by six technical working groups of senior council specialists on: council operations; consultation and engagement; council role and responsibilities; rates and charges; financial decision-making and accountability; and offences and breaches
- Ideas generated at meetings with peak council and ratepayer associations.

Stage 2 – Policy Directions: In June 2016, the Government released a Directions Paper (Act for the Future) outlining 157 potential reform directions.

This was followed by analysis of:

- 333 submissions responding to the Directions Paper
- Responses provided at 18 community forums with Mayors, council CEOs and community members between July and September 2016 at: Frankston, Traralgon, Ararat, Kyneton, Benalla, Werribee, Angelsea, Mildura and Melbourne CBD
- Ideas generated at meetings with peak council and ratepayer associations.

Stage 3 – Implementation Challenges: Through 2017, targeted consultation was undertaken to inform the Exposure Draft Bill, comprising:

- Seven technical working groups of senior sector experts to resolve implementation challenges, analyse timing and staging issues, identify areas where further guidance material will be required to underpin the reforms. Topics included: council operations, representative structures, community engagement and strategic planning, council finances, rates and charges, council probity and local laws
- Meetings with peak ratepayer groups
- Meetings with key stakeholders on issue specific reforms
- Meetings with council peak organisations and newly elected councillors.

Stage 4 – Exposure Draft Bill: In December 2017 a draft of the Bill is being made publicly available for community comments and submissions.

This is the fourth and final stage of public consultation before the Bill enters the Parliament. The Government is providing a two-month window for comments on the Bill before the Hon Marlene Kairouz MP, the Minister for Local Government, takes a final Bill into the Parliament proposing that it become the Local Government Act 2018.

To understand how to participate in Stage 4 of the consultation go to the *How to Get Involved* section at the conclusion of this document.

10 out of 10 – The Major Reforms

The new Draft Bill contains dozens of reforms but the following ten major changes provide a flavour for how local government in Victoria will be strengthened:



No	Major reform
1	Mayors will provide greater leadership to councils by adopting more extensive responsibilities and undertaking a commitment to report progress annually to their communities on the Council Four Year Plan.
2	Consistency of council representative structures will be improved by establishing a consistent formula for determining councillor numbers and having councils unsubdivided or comprise uniform councillor numbers per ward.
3	We will increase participation, formal voting and fairness in council elections by adopting a consistent voting method for all elections (attendance, postal or electronic).
4	Councils will undertake deliberative community engagement processes before adopting a four-year Council Plan and four-year Budget so communities better inform strategic directions and spending priorities of council.
5	Councils will integrate strategic planning and reporting and adopt a long-term approach, comprising a four-year Council Plan, a four-year Council Budget, a long-term community vision, 10-year financial plan and 10-year asset plan.
6	The Act will strengthen the Minister's powers to deal with individual councillors who are contributing to or causing serious governance failures at a council.
7	All councils will have a CEO employment and remuneration policy and an independent advisory mechanism to guide recruitment, contractual arrangements and performance monitoring of the CEO.
8	Councils will have greater autonomy with prescriptive decision-making processes replaced by a requirement to comply with high-level principles requiring transparency, accountability and sound financial management.
9	Financial sustainability of councils will be strengthened as the Act reinvigorates their capacity to innovate and collaborate with other councils, other government agencies and the private sector.
10	The new Act will establish a single method for valuing land, clarify exemptions from rates and increase transparency in the levying of differential rates.

Finding your way - Structure of this Draft Bill

The Exposure Draft Local Government Bill has 11 parts.
This table is designed to help you navigate the Exposure Draft Bill.

1	Preliminary	Definitions	
2	Councils	Working Parts to Operate	Roles and Powers Overarching Governance Principles Constitution Mayors & Councillors Entitlements CEOs Council Staff
3	Decision Making	Policy	Principles Community Engagement Meeting Procedures Governance Rules Local Laws Guidelines And Directions
4	Planning and Financial Management	Plan and Budget	Strategic Planning Community Vision Council Plan Financial and Asset Plans Budget Process Reporting Financial Management
5	Rates and Charges	Revenue	Declaration Special Purpose Charges Payment and Recovery Environmental Upgrades Fair Go Rates
6	Council Operations	Delivery	Service Performance Procurement Beneficial Enterprises Land
7	Council Integrity	Defining and Managing Conduct	Probity Offences Councillor Conduct Framework Conflict of Interest
8	Ministerial Oversight	Authority of Minister to Intervene	Restructuring Councils Monitors Municipal Inspector Commissions Of Inquiry Suspensions Temporary Administration
9	Electoral Provisions	Elections	Voter Franchise Candidates Conducting Elections Electoral Offences Campaign Donations
10	General Provisions	Other Matters	Regulations
11	Transitional and Consequential	Implementing the New Act	Commencement of Provisions Changes to Other Acts

Major Changes by Part

This section provides an overview of selected changes in each Part of the new Draft Bill.

Part 2 - Councils

1. This Part defines the roles and power of a council and the principles that must guide council actions and the role of the CEO and staff and the Audit and Risk Committee.
2. While councils have the power to do whatever things are necessary or convenient to perform their roles, they must exercise these powers and perform their role in accordance with the *overarching governance principles* described in the Draft Bill. Among other things, the principles require a council to act lawfully, give priority to the best outcomes for the community, engage with their community and cooperate with other governments and public bodies.
3. Compliance with the overarching governance principles is the basis for determining whether a council is providing good governance. Part 3 explains that the Minister may issue Good Practice Guidelines. Compliance with such a guideline can be used as evidence of compliance with the Act.
4. Councils may comprise 5-12 councillors (this maintains the existing maximum of 12) and must be unsubdivided or comprise wards with equal numbers of councillors. The number of councillors elected to each council will be determined by a formula set out through Regulations, based on municipal population and geographic scale.
5. Mayors will serve a one year term (with the option of two-year appointment) and will continue to be elected by their peers. Longer terms are to be served by the Mayors of the Cities of Melbourne (four years) and Geelong (two years).
6. The responsibilities of mayors will be extended slightly and will include responsibility for leading a community engagement process on the Council Plan and Budget and reporting annually to the community on progress in implementing the plan.
7. The role of councillor will be defined as to: participate in the decision-making of the council; represent the broad interests of the local community in that decision-making; and to contribute to the strategic direction of the council through the development and review of key strategic documents of the council, including the Council Plan.
8. Council CEOs will continue to lead the administrative arm of council and employ staff.
9. Councils will have a CEO Employment and Remuneration Policy consistent with the principles in the Public Sector Commission's *Policy on Executive Remuneration for Public Entities*.
10. Council CEOs will adopt workforce plans and a Code of Conduct for staff. The workforce plan will promote gender equity, diversity and inclusiveness. CEOs must specify gender equity targets for the employment of all senior staff in their workforce plans.
11. The move to a principles based Act with less rigid legislative rules will increase the responsibilities of Audit and Risk Committees in assisting councils to remain compliant with the Act and the policies required by it and with other legislation.

Part 3 – Decision Making

1. Council decision making will be transparent and use contemporary community engagement processes.
2. The Draft Bill describes community engagement and public transparency principles. They support the overarching governance principles.
3. The Draft Bill requires councils to have in place a community engagement policy which gives effect to the community engagement principles. The engagement principles have been prepared for a legislative purpose and to remain valid over a generation. For this reason they are succinct, high level and sustainable. They align with the Victorian Auditor General's Office Public Participation Principles (which are detailed and reflect the public sector values of *responsiveness, integrity, impartiality, accountability, respect and human rights*). Table 1 shows the alignment of the two sets of principles.
4. Public transparency policies will describe the ways that council information will be made available to the public. The public transparency principles require council information to be accessible and understandable.
5. Each council will be required to adopt and apply governance rules that describe the way they will conduct council meetings and make decisions. The governance rules will apply a council's community engagement and public transparency policies and demonstrate how council decision making processes support fairness and equity. The governance rules must include an election period policy, outlining council caretaker provisions.
6. The governance rules will describe how the council will make decisions and conduct itself. They will replace council's meetings local laws. Among other things, governance rules will describe the way Mayors and Deputy Mayors are to be elected, how records of decision making processes are kept and how the public will be provided access to information about council processes and decisions. The governance rules will explain the limitations to decision making that apply to a council during an election period.
7. Council meetings should be open to the public. Councils will be able to close a meeting to the public to consider information that is confidential. The nature of confidential information will be specifically defined and will mainly relate to the types of information that would be exempt from disclosure under the *Freedom of Information Act 1982*.
8. Council collaboration is reinforced by a new capacity to hold joint council meetings.
9. Councils may delegate decision making powers to delegated committees. Such committees must be chaired by a councillor and include at least two councillors.
10. New arrangements spell out more clearly how councils must exercise local law making powers. To comply, a council must obtain a certificate from a legally qualified person stating that each proposed local law is consistent with the requirements. This includes compliance with the Victorian Charter of Human Rights and Responsibilities.
11. Before making a local law a council must conduct a community engagement process and a local law must be publicly available both when proposed and when made.
12. The Sentencing Act will allow for indexation of penalties for breaches of local laws.
13. Ministerial good practice guidelines will assist councils comply with the Act and these will be published on the Department's website. While councils will not be bound to implement guidelines, compliance may be used as evidence of compliance with the corresponding provisions in the Act or Regulations.

Table 1 – Alignment of Community Engagement Principles and VAGO Public Participation Principles

Community Engagement Principles (Local Government Draft Bill)	VAGO Public Participation Principles
<p>Clear Remit</p> <p>A community engagement process must have a clearly defined objective and scope</p>	<p>Be clear about the scope and objective of the community engagement exercise (Accountability).</p> <p>Ensure that those affected understand the scope of the pending decision, the decision-making process and any constraints on this process (Transparency and Integrity).</p> <p>Be clear about the contribution participants will be asked to make and the responsibilities associated with this (Accountability).</p>
<p>Informed</p> <p>Participants in community engagement must have access to objective, relevant and timely information to inform their participation</p>	<p>Embed in all decision-making processes an openness to appropriately understand and incorporate the views of those affected by decisions and provide access to all relevant information about the decision in a manner that participants can understand, so that their contributions may be fully informed (Openness).</p>
<p>Representative</p> <p>Participants in community engagement must be representative of the persons and groups affected by the matter the subject of the community engagement</p>	<p>Make every reasonable effort to include the stakeholder groups and members of the public affected by the pending decision (Inclusiveness).</p> <p>Be aware and take account of the needs of diverse communities to be able to participate in a meaningful way (Awareness).</p>
<p>Supportive and Inclusive</p> <p>Participants in community engagement are entitled to support to enable meaningful and informed engagement</p> <p><i>(Guidelines will work with the VAGO Principles to help define “support”)</i></p>	<p>Provide appropriate time and resources to ensure that those affected can participate in a meaningful way (Accountability).</p> <p>Make reasonable adjustments where necessary to remove barriers to participation and ensure an inclusive approach (Inclusiveness).</p>
<p>Transparent and Accountable</p> <p>Participants in community engagement are informed of the ways in which the community engagement will influence council decision making</p>	<p>Respond to the engagement and input of the public in a timely and constructive manner (Responsiveness).</p> <p>Address public and stakeholder concerns in an honest and forthright way and communicate results back to the public in a way they understand (Transparency and Integrity).</p> <p>Demonstrate that results and outcomes are consistent with the commitment made at the outset of the process (Accountability).</p>
<p>Other</p> <p>Responsiveness is addressed through the requirement for councils to implement a community engagement policy</p>	<p>Identify and promote public participation better practice in government/council decision-making (Responsiveness).</p> <p>Fully advise government of the significant impacts of decisions on stakeholder groups and the public and challenges and opportunities related to the engagement exercise (Responsiveness).</p>

Part 4 – Planning and Financial Management

1. The Draft Bill contains an integrated planning and reporting framework which locates the Council Plan and Budget at the centre of strategic decision making and accountability.
2. Under the Draft Bill, the budget, like the Council Plan will run for four years, with annual budgets (like the state budget) including projections for the three out years. Victoria will be the first state to have council budgets run on the same quadrennial cycle as the state budget.
3. Giving both the plan and budget a four-year timeframe enables deep community engagement to be undertaken to inform both simultaneously with both core planning documents struck by 30 June in the year after the election.
4. The Draft Bill sets out Strategic Planning principles which councils must take account of in formulating their strategic planning documents.
5. There will be new requirements for all councils to have:
 - a. A long-term community vision developed in consultation with the local community and articulating its vision for the municipality, including both what the council will deliver and areas of responsibility of others in the municipality
 - b. A financial plan with a 10-year outlook
 - c. An asset management plan of 10 years.
6. The requirement for longer term asset and financial planning reflects the expanded role of councils for complex service delivery and major public infrastructure.
7. Councils will be required to adopt a revenue and rating plan. This will reflect the Government's expectation that rating discipline will be maintained.
8. The integrated nature of the planning and financial management framework will mean that all plans a council adopts will be articulated with the four-year Council Plan and Budget.
9. This Part specifies the conditions for financial and annual reports of councils. The shift in emphasis to reporting of outcomes will be used to reduce activity based reporting.
10. The mayor is required to publicly report annual progress against the Council Plan in the course of tabling the Council Annual Report at a council meeting open to the public.
11. Councils will also have financial policies consistent with the financial management principles articulated in the new Act and adapted to local requirements.
12. Limitations restrict investment types available to councils to mitigate the likelihood of high risk investments which may compromise the financial sustainability of a council.
13. Council Plans and Budgets will be consistent with the Local Government Performance and Reporting Framework and baseline. Comparable performance reporting will be transparently captured through the Know Your Council website.

Part 5 – Rates and Charges

1. Part 5 of the Draft Bill reorganises and modernises the provisions relating to rateable land to provide greater certainty to councils and ratepayers.
2. Land used exclusively for mining purposes (not including the mineral value) will become rateable while all other rating exemptions are retained.
3. Land used exclusively for charitable purposes will continue to be exempt from rates including when the land is owned by a private entity and leased to a charitable organisation.
4. The Draft Bill requires all councils, with the exception of Melbourne City Council, to apply capital improved value as the single uniform valuation system for raising municipal rates.

5. Following a recommendation from the Report of the Commission of Inquiry into Ararat Rural City Council, the Draft Bill extends the requirement for councils to explain the objectives and reasons for declaring differential rates to uniform rates. The Draft Bill also retains the requirement that the differential rate declared by a council be no more than four times the lowest differential rate in the municipality.
6. The Draft Bill limits the fixed component of council revenue from rates and charges to 10 per cent to cover administrative costs, halving the existing limit of 20 per cent.
7. The Draft Bill rationalises the provisions relating to service charges to ensure they accurately reflect the services councils provide and gives the Minister the power to prescribe other service charges in Regulations if necessary.
8. The Fair Go Rates system is enshrined in the Draft Bill. Rates recovered under the Cultural and Recreational Lands Act 1963 by a council will be included in the Fair Go Rates cap.
9. The Draft Bill continues to prescribe the process by which a council may declare a special purpose charge but streamlines consultation provisions and updates prescribed conditions. It alters appeal provisions to allow VCAT to set aside a special purpose charge that doesn't comply with the prescribed conditions.
10. The Draft Bill continues to prescribe the process by which a council may declare a special purpose charge.
11. Councils are required to provide an option to pay rates in four instalments. The quarterly instalment dates will be set to reinforce consistency across all councils. Councils will continue to have the flexibility to offer alternative payment options to ratepayers such as lump sum or monthly payments.
12. The Draft Bill establishes a uniform process and timeline to enable a person to apply to VCAT to review a rates or charges decision of a council.
13. Provisions allowing councils to engage in environmental upgrade agreements have been simplified and their scope expanded. These agreements are council-based financing mechanisms to help residents and businesses access funding for building works to improve energy efficiency, reduce waste and cut water use.

Part 6 – Council Operations

1. The Draft Bill introduces service performance principles in recognition that councils deliver over \$7B in vital services each year. The Act requires councils to take account of these principles, which will mandate considerations of equity, accessibility, quality and cost, continuous improvement and accountability in service delivery for the local community.
2. Councils will be required to have a complaints policy for service delivery which includes a definition of complaint and an independent review mechanism. This means if a council receives a complaint about a service an independent officer will assess and respond to the complaint. Complaints review does not apply to the independent decision-making powers of the council or decisions made by staff or contractors of the council which are subject to statutory review.
3. Rigid one-size tender thresholds are removed from the new Draft Bill. Instead, councils will be required to establish a procurement policy appropriate for their own community, based on sound financial management principles and optimising opportunities for co-operative arrangements and economies of scale.
4. Councils must comply with their procurement policies. These policies must seek to promote open and fair competition.
5. The Draft Bill confers powers for councils to engage in beneficial enterprises and co-operative business opportunities which deliver public value. Councils may establish a beneficial enterprise with other councils, other levels of government or private sector organisations so long as the enterprise is consistent with the role of a council as defined in Part 2 Division 2 of the Draft Bill.
6. The Draft Bill retains the requirement for a council to conduct a public consultation process on the proposed sale of land. This is an important safeguard to alert members of the public whose interests may be impacted by the proposed sale.

Part 7 – Council Integrity

1. The Draft Bill is designed to provide councils with maximum autonomy in how they deliver while reinforcing council integrity and requiring that councils give effect to the principles based governance framework.
2. The Draft Bill embeds the *Local Government (Improved Governance) Act 2015* reforms. Part 7 of the Draft Bill spells out the prohibitions and penalties arising from: misuse of position; directing council staff; release of confidential information and conflict of interest.
3. The new rules define two types of conflicts of interest which apply to elected councillors, members of delegated committees and council staff:
 - a. A material conflict of interest exists where a councillor or staff member or a person with whom they have a defined relationship stands to gain or lose as a result of a decision. A failure to disclose such a conflict and step aside from the decision is a criminal offence.
 - b. A general conflict of interest exists where an impartial, fair-minded person would consider that the private interests of a councillor or staff member could result in them acting contrary to their public duty. This is not a criminal offence, but a breach may be the subject of disciplinary action.
4. Councils now have an unequivocal responsibility to manage councillor conduct to ensure consistency with the probity standards councils have set themselves through their councillor codes of conduct. In keeping with the transparency principles, councils must make their codes of conduct public.
5. The manner and form of words of the declaration to abide by the code of conduct will be integrated into the oath of office (made at the outset of a councillor's term) and is prescribed in the Draft Bill to remove ambiguity in the wording. This will serve as a declaration to abide by all future revised codes of conduct adopted during the council term.
6. All councils are required to have in place internal resolution procedures to manage councillors who breach their council's code of conduct. More serious matters will be adjudicated by Councillor Conduct Panels or Victorian Civil and Administrative Appeals Tribunal (VCAT).
7. The Draft Bill has a clear hierarchy and definitions of:
 - a. Misconduct (Councillor Conduct Panels)
 - b. Serious Misconduct (Councillor Conduct Panels), and
 - c. Gross Misconduct (VCAT).
8. The reforms link the hierarchy to responsible authorities for their adjudication (these are identified at 7. above).
9. A reformed model of Councillor Conduct Panels now manages matters relating to misconduct and serious misconduct.
10. Councillors will be required to complete personal interest returns biennially.
11. All councils will be required to have in place a publicly transparent gifts policy, covering acceptance and disposal of gifts by councillors and a gift register.

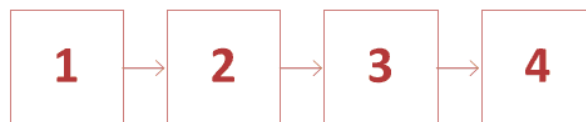
Part 8 – Ministerial Oversight

1. The Minister will be able to issue a governance direction to a council to ensure it complies with the governance framework under the Draft Bill. This may include a direction to comply with a best practice guideline. Failure to comply with a governance direction can be taken into account by the Minister in considering whether to suspend the council or an individual councillor.
2. The Draft Bill recognises that councils have the capacity to develop and adopt arrangements that significantly exceed minimum requirements in Regulations. To recognise and encourage the adoption of higher standards, provision has been made for high performing councils to apply for and obtain exemptions from particular Regulations.

3. The Draft Bill maintains compliance enforcement instrumentalities in the form of municipal monitors and the Chief Municipal Inspector.
4. The Minister will be in a position to appoint monitors to assist councils to prevent or address governance challenges and to strengthen their governance practices.
5. The Chief Municipal Inspector will continue to investigate and prosecute potential breaches of the Local Government Act.
6. The Minister will continue to have authority to appoint a Commission of Inquiry to conduct an inquiry into any matter relating to the affairs of a council or more than one council.
7. The Minister will also have a new power to suspend an individual councillor in situations in which there is clear evidence provided by a monitor, the CMI, the Ombudsman, IBAC or a Commission of Inquiry that the councillor is causing or contributing to governance failures or is breaching the Act and that without intervention the problem will persist. This replaces the stand down provisions applying to councillors under the 1989 Act.
8. The Minister maintains the existing power to suspend an entire council where there is evidence of significant governance failures or breaches of the law.
9. The dismissal of a council will continue to require the approval and passage of an Act through both houses of the Victorian Parliament.
10. The Draft Bill includes new baseline conditions that must be considered by a restructuring advisory panel in providing advice to the Minister on altering the external boundaries of a council.
11. Two specific powers of the Minister are addressed in other Parts. Part 3 provides that the Minister may issue best practice guidelines. If a council complies with a relevant best practice guideline, it is evidence of compliance with the relevant requirement under the legislation or the Regulations.
12. Part 10 provides that the Minister will continue to have the power to make Regulations to support the legislation. The general principle involved will be to keep regulation to a minimum. The legislation aims to prescribe outcomes councils must meet and leave to the judgement of individual councils and their communities the determination of how those outcomes are achieved.

Part 9 – Electoral Provisions

1. There is no change to the electoral franchise contained in the Draft Bill. Voting entitlements remain unchanged.
2. Future council elections will be conducted using a uniform method – either attendance election, postal ballot or any other model (such as electronic voting should that become secure and viable). The Minister will determine the method based on advice from the Victorian Electoral Commissioner at least one year ahead of general elections.
3. The process for conducting countbacks for multi-member wards and unsubdivided elections will change when a councillor resigns mid-term. Currently only the votes of the vacating councillor are considered. Under the Draft Bill all votes cast in the election will be recounted until a candidate is elected. Continuing councillors are not affected by this process because their positions are expressly protected by legislation.
4. Disputes about the outcomes of council elections should be heard by a tribunal with related jurisdictions and by officials with significant legal training and experience. VCAT will assume responsibility for review of disputed elections in future.
5. Candidates for council elections are currently required to submit an overview of campaign donations they receive above a threshold of \$500. All candidates are required to submit a return, even if they receive no disclosable donation. The rigour of the campaign donation regime will be reinforced with a requirement that returns be lodged with the Chief Municipal Inspector (CMI) within 21 days of receipt of each donation and summaries will be published on the Inspectorate website. This change will give voters more information on the supporters of candidates at the time of voting. It also reflects the fact that the CMI has responsibility for enforcement of campaign donation returns and replaces a requirement for candidates to submit their returns to the council CEO.



TIMING - Transitional and Consequential Provisions

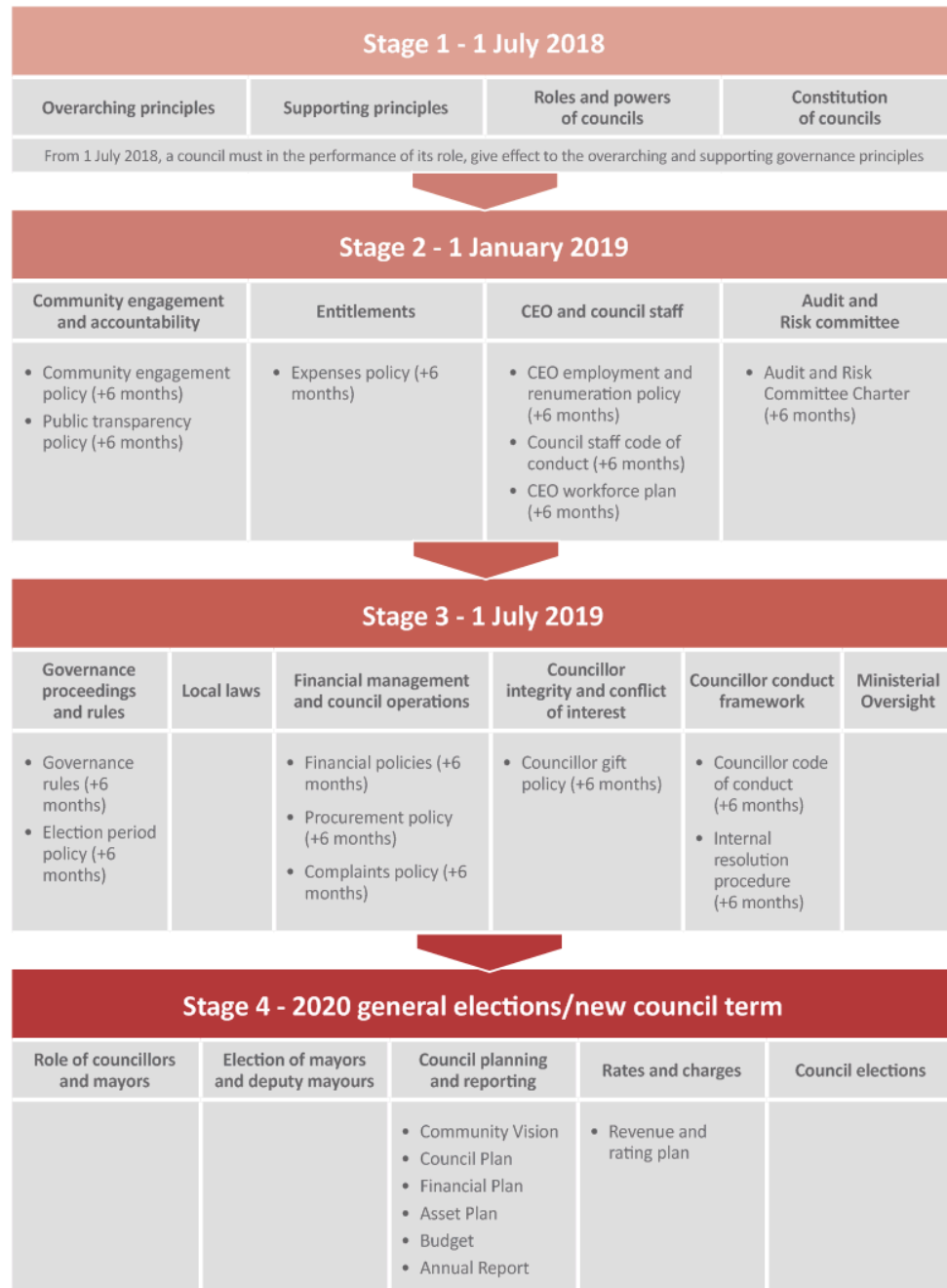
In recognition of the extent of change arising from the introduction of the new framework, the Draft Bill makes provision for staged commencement and implementation to facilitate a smooth transition from the *Local Government Act 1989* to the new Act.

Staged implementation will ensure that councils have sufficient time to understand and comply with the new statutory requirements and for supporting resources such as guidelines to be developed to provide councils with certainty in acquitting their new obligations and responsibilities.

Indicative timeline for Implementation

The timeline provided here assumes the Bill is finalised and introduced into Parliament by Mid-2018. Following Royal Assent, provisions of the new Act will come into operation over **four stages**, with the final stage being implemented in line with the 2020 general council elections.

This means that councils will continue to apply the previous *Local Government Act 1989* and the corresponding Regulations until specific provisions of the new Act commence. Where the new Act requires a new policy, plan or function, councils will have six months after the commencement date to comply with the statutory obligation.



Stage 1 – 1 July 2018

These provisions of the new Act introduce key elements of the new legislative framework relating to the constitution of councils and the role and functions of councils. The overarching good governance principles and supporting principles are also introduced. These encompass all council functions and are intended to guide councils' exercise of power under the new Act.

While there are few practical implications for councils during stage 1, in the six-month period following Royal Assent councils will be in a position to prepare for stage 2.

Stage 2 – 1 July 2019

Under these provisions, councils will be required to have in place key council decision making policies such as a community engagement policy and public transparency policy to ensure councils are representative, transparent and accountable in exercising their decision-making power. Detailed guidelines will be available to assist in the development of these policies.

Councils will also be required to reconstitute the Audit and Risk Committee. The expanded role of the Audit and Risk Committee is an important oversight mechanism in the transition to the new Act.

At this stage councils will also be required to reframe some of their operations in relation to CEO, council staffing and councillor entitlements. Amongst other things, councils will be expected to have in place a CEO Employment and Remuneration Policy consistent with the principles contained in the the *Public Sector Commission's Policy on Executive Remuneration in Public Entities*.

Stage 3 – 1 January 2020

Key elements of the new framework will come into operation at stage 3 relating to governance processes, financial management, council integrity and Ministerial oversight.

Councils will need to prepare for how council meetings are conducted. Councils will also need to ensure that appropriate financial policies are in place to give effect to the financial management principles.

Councils will also need to familiarise themselves with new processes and obligations in relation to council integrity, local laws and Ministerial oversight to ensure continued compliance with the Act.

Stage 4 – 2020 General Elections / 30 October 2020

These provisions will commence with the new council term or a specific date soon thereafter.

These provisions will introduce the expanded role of the Mayor and require councils to elect their new Mayor for a term of one or two years within one month of the new term, with the exceptions of the Cities of Melbourne (four years) and Geelong (minimum of two years).

It is also envisioned that councils will adopt key plans between the election and the start of the 2021 financial year. This will include the development of a long-term community vision, a four-year Council Plan as well as 10-year Asset and Financial Plans. Detailed Regulations and guidelines will assist councils' transition to an integrated planning and reporting framework.

The modernised rating and revenue provisions will also come into operation following the general elections. Amongst other things, this will require councils to develop and adopt a revenue and rating plan by 1 July 2021 that aligns with its financial plan.

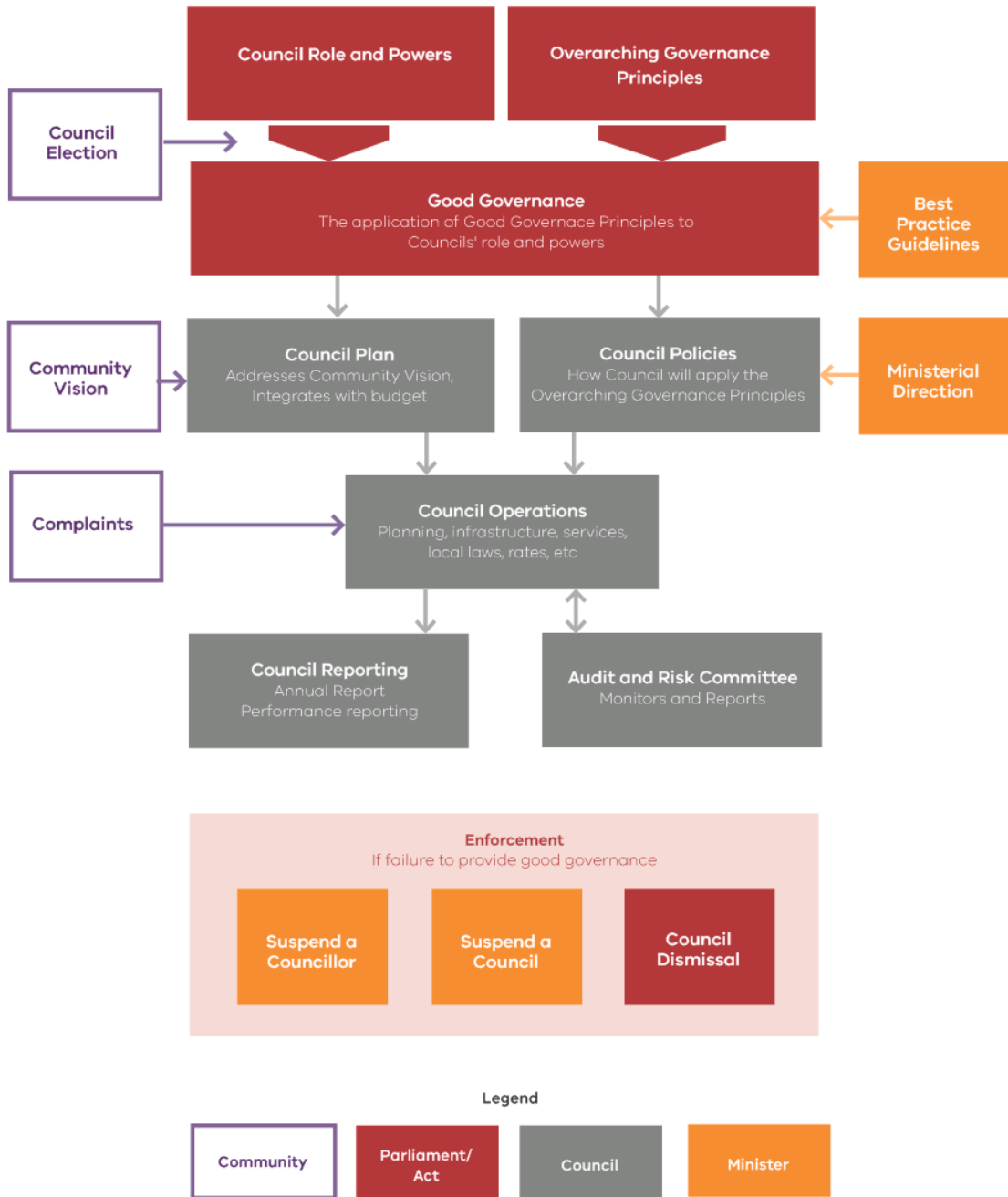
The new electoral provisions will apply to the 2020 general elections.

Framework of the New Local Government Act

The Framework diagram that follows helps explain the way in which the Draft Bill would operate in practice.



Framework of the New Local Government Act



Snapshot of Major Changes by Part

Existing Local Government Act 1989	New Local Government Draft Bill 2018
Part 2 - Councils	
How councils exercise powers and perform roles minutely defined in legislation as part of the Local Government Charter.	Councils exercise powers and perform their role in accordance with the overarching governance principles.
Councils may be unsubdivided, all single wards, uniform multi-member wards, non-uniform multi-member wards, mixed single and multi-member wards.	Councils may be unsubdivided, all single wards, or uniform multi-member wards.
Mayors serve a one year term, with an option for a second year (noting the exceptions of the Cities of Melbourne and Geelong).	Unchanged. A new provision will enable the elected council to vote out a mayor mid-term if 75% of councillors agree.
All mayors except City of Melbourne are elected by and from the councillors.	Retained.
Deputy Mayor role optional for councils.	Mandatory for councils to appoint a Deputy Mayor.
Councils are not required to have a CEO Remuneration Policy.	All councils will have a CEO Employment and Remuneration Policy which is consistent with principles in the Public Sector Commission's Policy on Executive Remuneration for Public Entities.
Council CEOs not required by the Act to have a workforce plan.	CEOs to develop and maintain workforce plans that describe the organisational structure, specify expected staffing requirements for at least the next four years and set out measures to ensure gender equity, diversity and inclusiveness in relation to council staff.

Part 3 - Policy and Decision-Making

The Council Plan and Budget may be developed with minimal reference to the local community.	Councils must have an engagement policy and must engage their community in a deliberative process to inform the Council Plan and Budget.
Meeting rules are included in council local laws based on extensive prescription in the Act.	Each council will be required to adopt and apply governance rules that describe the way they will conduct council meetings and make decisions consistent with the overarching governance principles.
The circumstances in which council meetings may be closed are weakly defined.	Council meetings should be open to the public. Councils will be able to close a meeting to the public to consider information that is confidential. The nature of confidential information will be specifically defined and will mainly relate to the types of information that would be exempt from disclosure under the <i>Freedom of Information Act 1982</i> .
Collaboration between councils is constrained by the Act.	Council collaboration is encouraged and underpinned by a new power for joint council meetings and a requirement to consider opportunities for joint procurement.

Existing Local Government Act 1989	New Local Government Draft Bill 2018
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Part 3 - Policy and Decision-Making cont'd

Local laws are developed with minimal limitations and penalty units cannot be indexed.	Local laws require consultation with the community and must be certified by a legally trained 'qualified' person. Penalties are automatically indexed in the Sentencing Act consistent with state legislated penalties.
Councils are largely dependent on the Act in order to meet legislative requirements.	Ministerial good practice guidelines will assist councils comply with the Act and these will be published on the Department's website. While councils will not be bound to implement guidelines, adherence to the guidelines may be used as evidence of compliance with the corresponding provisions in the Act or Regulations.

Part 4 - Planning and Financial Management

Limited requirement for existing strategic planning documents to be integrated and consistent.	An integrated planning and reporting framework which locates the Council Plan and Budget at the centre of strategic decision making and accountability.
The Budget runs for one year.	The Budget, like the Council Plan, will run for four years as for state budgets, but an expectation of annual review of the Budget.
No requirement for a long-term community vision.	Mandated community vision of at least 10 years developed with the local community.
No requirement for an Asset Plan.	Mandated Asset Plan of 10 years.
Strategic resource Plan of 4 years underpins the Council Plan but no requirement for a long-term Financial Plan.	Mandated Financial Plan of 10 years.
Four-year Council Plan must be finalised by 30 June in the year after the council election.	No change to timeline for finalising Council Plan.
Council submits annual report to the Minister.	Council publishes Annual Report.
No requirement to report progress against the Council Plan.	Mayor is required to publicly report annual progress against the Council Plan.
Councils not required to adopt a Revenue and Rating plan.	Councils required to adopt a Revenue and Rating plan.
Limitations restrict investment types available to councils to mitigate the likelihood of high risk investments which may compromise the financial sustainability of a council.	Retained.
Comparable performance reporting transparently captured through the Know Your Council website.	Retained.

Existing Local Government Act 1989	New Local Government Draft Bill 2018
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Part 5 - Rates and Charges

Rating of land is exempted when used for charitable purposes, religious purposes and veterans.	Rating exemptions essentially retained but more clearly defined.
Mining exempted from rates.	Land used exclusively for mining becomes rateable.
Councils may use one of three methods to value land for rates (capital improved value, site value or net annual value).	All councils except the City of Melbourne must use capital improved value to value land for rating purposes.
A differential rate declared by a council may be no more than four times the lowest differential rate in the municipality.	Retained.
A municipal charge (a general administrative charge levied at a flat rate against all ratepayers) is limited to 20% of the total revenue from rates and charges.	A municipal charge (referred to as the fixed component of municipal rates) is limited to 10% of the total revenue from rates and charges.
The Fair Go Rates system caps rates at CPI, with an opportunity for councils to seek a variation.	Retained.
Environmental upgrade agreements enable council-based financing mechanisms to help businesses access funding for building works to improve energy efficiency, reduce waste and cut water use.	Environmental upgrade provisions strengthened in the new Act to make clear benefits extend to the owners of residential land.

Part 6 - Council Operations

No specific service performance principles or requirements.	The Draft Bill introduces service performance principles in recognition that councils deliver over \$7B in services each year. The Draft Bill requires councils to take account of these principles, which will mandate equitable, responsive, accessible, value added service delivery for the local community.
No complaints policy is mandated.	The Draft Bill defines 'complaint' and requires each council to have a complaints policy relating to operational delivery that defines its approach and includes an independent review mechanism.
Council procurement subject to rigid, one size tender thresholds under the Act.	Councils set their own procurement and investment policies consistent with principles of sound financial management and opportunities for collaboration and which ensure fair and open competition.
Limited powers for collaboration with other councils, other arms of government and private partners.	Greater powers for councils to engage in beneficial enterprises; co-operative business opportunities which deliver public value. Councils may establish a beneficial enterprise with other councils, other levels of government or private sector organisations so long as the enterprise is consistent with the role of a council as defined in Part 2 Division 2 of the Draft Bill.
A council must conduct a public consultation process on the proposed sale of land.	Retained.

Existing Local Government Act 1989	New Local Government Draft Bill 2018
Part 7 - Council Integrity	
The <i>Local Government (Improved Governance) Act 2015</i> redefined the councillor conduct framework in the current Act.	Retained.
The range of possible conflicts of interest are voluminously described in the Act.	<p>New rules define two types of conflicts of interest which apply to councillors, delegated committee members and council staff:</p> <ul style="list-style-type: none"> • A <i>material conflict of interest</i> exists where a councillor or staff member or a person with whom they have a defined relationship stands to gain or lose as a result of a decision. A failure to disclose such a conflict and step aside from the decision is a criminal offence. • A <i>general conflict of interest</i> exists where an impartial, fair-minded person would consider that the private interests of a councillor or staff member could result in them acting contrary to their public duty. This is not a criminal offence, but a breach may be the subject of disciplinary action.
Councillors undertake a two-step process in declaring that they will abide by the Councillor Code of Conduct: first making a declaration; then within three months revising the code and, if amendments are made, making a second declaration.	Councillors make a single declaration to abide by the Code of Conduct within three months of their election. The manner and form of words of the declaration to abide by the Code of Conduct is integrated into the oath of office (made at the outset of a councillor's term) and is prescribed in the legislation to remove ambiguity in the wording.
Misconduct and Serious Misconduct is heard by Councillor Conduct Panels and Gross Misconduct is heard by VCAT.	Retained.
Councils not required to have a gifts policy.	Councils required to have in place a publicly transparent gifts policy, covering acceptance and disposal of gifts by councillors and a gift register.

Existing Local Government Act 1989	New Local Government Draft Bill 2018
Part 8 - Ministerial Oversight	
No capacity to exempt high performing councils who exceed minimum requirements from baseline Regulations.	The Draft Bill recognises that councils have the capacity to develop and adopt arrangements that significantly exceed minimum requirements in Regulations. To recognise and encourage the adoption of higher standards, provision has been made for high performing councils to apply for and obtain exemptions from particular Regulations.
Minister can stand down an individual councillor (with pay).	Minister can suspend a councillor (without pay) subject to receiving clear evidence provided by a monitor, the CMI, the Ombudsman, IBAC or a Commission of Inquiry that the councillor is causing or contributing to governance failures or is breaching the Act and that without intervention the problem will persist.
Act provides for a range of inquiry instruments with a diverse range of powers for a range of different purposes.	Minister will have authority to appoint a Commission of Inquiry to conduct an inquiry into any matter relating to the affairs of a council or more than one council. Commission powers will be aligned to the Inquiries Act.
The Minister has the power to suspend an entire council where there is evidence of significant governance failures or breaches of the law.	Retained.
The dismissal of a council requires the passage of a Bill through both houses of the Victorian Parliament.	Retained.
No baseline conditions that must be considered by restructuring advisory bodies in providing advice to the Minister on altering the external boundaries of a council.	Baseline conditions identified in <i>Review of Sunbury out of Hume</i> must be considered by restructuring advisory bodies in providing advice to the Minister on altering the external boundaries of a council.

Part 9 - Council Elections

Voter franchise includes citizens on the state roll and property franchise voters.	No change to voting entitlement.
Elections may be conducted by post or attendance at the discretion of the council.	The Minister determines a uniform election method (post, attendance or other method) at least 12 months before the general elections based on advice from the VEC.
Countbacks only consider the votes of the vacating councillor.	Countbacks recount all votes cast in the election until a candidate is elected. Continuing councillors are not affected by this process because their positions are expressly protected by the legislation.
The Magistrates Court conducts reviews of disputed elections.	VCAT will review disputed elections.
Candidates must submit their campaign donation declarations to the CEO of the Council within 40 days after the conclusion of an election.	The rigour of the campaign donation regime will be reinforced with a requirement that returns be lodged with the Chief Municipal Inspector within 21 days of receipt of each donation.

How to get involved

The government invites all Victorians to get involved in the review of the Local Government Act 1989 by making a submission about the proposed Bill.



Submissions

The government invites written submissions. Please make a submission in one of three ways:

Online: via the online submission form, or by uploading your completed submission form at the Your Council Your Community website: www.yourcouncilyourcommunity.vic.gov.au.

Email your completed form to local.government@delwp.vic.gov.au.

Post your completed form to:

Local Government Act Review Secretariat
c/o Local Government Victoria
PO Box 500
Melbourne VIC 3002

Submissions in other formats will also be accepted.

To contact the Local Government Act Review Secretariat:

Visit www.yourcouncilyourcommunity.vic.gov.au
Email local.government@delwp.vic.gov.au
Call (03) 9948 8518

Submissions in response to the Draft Bill close on Friday 23 February 2018 at 5pm.

Your submission will be made public unless you ask for confidentiality and the Executive Director of Local Government Victoria grants it, or if it is determined your submission should remain confidential. Submissions that are defamatory or offensive will not be published.



Agenda Item: 17.2

Agenda Item: Renaming of section of Wilmot Court Traralgon East

Sponsor: General Manager Corporate Services

Council Plan Objective: Ensure Council operates openly, transparently and responsibly.

Status: For Decision

Proposed Resolution:

That Council:

- 1. Having complied with the community consultation process required under the *Office of Geographic Names Naming rules for places in Victoria – requirements for naming roads, features and localities 2016* by:
 - I. giving public notice;**
 - II. by inviting written submission pursuant to section 223 of the *Local Government Act 1989* and,**
 - III. by recording that no submissions have been received;****

resolves:

- a) to rename the former entrance of Wilmot Court Traralgon East no longer accessed from Princes Highway due to the realignment of the road at the Princes Highway / Minniedale Road roundabout to Burton Close Traralgon East, and**
 - b) to change the road type of Wilmot Court to Wilmot Road, Traralgon East to reflect an open ended road from the Minniedale Road / Princes Highway roundabout through to Turnbull Drive and Varney Crescent.**
- 2. Notifies the effected property owners/residents and VicRoads of Council's decision in respect 1 above.**

Executive Summary:

- VicRoads, as part of Traralgon to Sale Princes Highway duplication, realigned the entrance to Wilmot Court Traralgon East as shown on the aerial image at [Attachment 1](#).

- The road realignment works have required Council to consider:
 1. Renaming the former entrance of Wilmot Court to Burton Close; and
 2. Changing the road type for the remaining section of Wilmot Court to Wilmot Road.
- In accordance with the *Office of Geographic Names' Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities 2016*, Council has undertaken community consultation and invited written submission to determine if there is community concerns or opposition to the potential road name and road type changes by giving public notice and directly notifying property owners/residents of the proposed name and road type being considered by Council.
- No written submissions were received in response to the public notice and direct mail letters to the effected property owners/residents.
- This report is to enable Council to make a decision concerning the matter.

Declaration of Interests:

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

Background:

Council at its meeting held on 23 October 2017, resolved:

That Council:

1. *Commence the community consultation process required under the Office of Geographic Names' Naming rules for places in Victoria. Statutory requirements for naming, roads, features and localities 2016 and publish notices inviting written submissions concerning its intention to consider:*
 - a) *Renaming the former entrance of Wilmot Court Traralgon East no longer accessed from Princes Highway due to the realignment of the road at the Princes Highway / Minniedale Road roundabout to Burton Close Traralgon East, and*
 - b) *Change the road type of Wilmot Court to Wilmot Road, Traralgon East to reflect an open ended road from the Minniedale Road / Princes Highway roundabout through to Turnbull Drive and Varney Crescent.*
2. *Delegates to the Chief Executive Officer in respect of 1 above the authority to:*
 - a) *fix the date of the Ordinary Council Meeting to consider any submissions received, and*
 - b) *notify submitters of the time and place of the Ordinary Council Meeting that Council will consider submissions received and invite submitters wishing to be heard in support of their submission to the Ordinary Council Meeting, or*

- c) *if no submissions are received objecting to the proposed road name and/or road type change, commence the statutory and administrative process to officially name Burton Close and change the road type to Wilmot Road, and*

3. *Notifies VicRoads of Council's decision.*

Council is a designated road authority pursuant to the provisions of the *Road Management Act 2004*.

Both the *Road Management Act 2004* and the *Local Government Act 1989* allow a Council to name or rename roads. As a coordinating naming authority, Council must ensure that any proposal to name or rename a road conforms to the mandatory Office of Geographic Names (OGN) Naming Rules.

Rename the former Wilmot Court entrance to Burton Close

VicRoads has realigned the entrance of Wilmot Court as part of the Traralgon to Sale Princes Highway duplication works. The new entrance is at the recently constructed Minniedale Road / Princes Highway roundabout and the former Wilmot Court entrance has been blocked off (truncated) at the Princes Highway. As a result of the former entrance being closed at the Princes Highway, there is no direct access from the newly aligned Wilmot Court for two properties. Accordingly, for public safety and delivery of goods and services the former entrance to Wilmot Court should be renamed.

To identify possible names, officers examined the Loy Yang Parish Plan and also the National Archives of Australia, "Discovering Anzacs" website. The Loy Yang Parish Plan records that a T Burton owned approximately 245 acres (99 hectares) abutting Minniedale Road. This land is now part of the Loy Yang Mine and is approximately 2 kilometres south of Wilmot Court.

National Archives of Australia, "Discovering Anzacs" website lists a David Robert Burton, Place of Birth Traralgon, who enlisted with the AIF on the 12 July 1915 and returned on 21 June 1919.

The name "Burton" therefore satisfies both the OGN Naming Rules – Principle C (linking the place to name) and also satisfies the Victorian government commemorative naming project to acknowledge wartime military service.

The road type "Close" complies with both the OGN Naming Rules and the Australian/New Zealand Standard – AS/NZ 4819:2011 Rural and Urban Addressing requires as the description of a "Close is a "Short, enclosed roadway" suitable for an open ended road or Cul-de-sac".

Change of Road Type from Court to Road

Wilmot Court is an open ended road from the Minniedale Road / Princes Highway roundabout through to Turnbill Drive / Varney Crescent intersection. When the rural residential subdivision was approved by the former Shire of Traralgon, Wilmot Court was named in anticipation that a planned VicRoads Traralgon bypass eastern interchange would be constructed. This bypass would have blocked the northern end of Wilmot Court and created a cul-de-sac, no longer being an open ended road. Refer to Attachment 2 for the location of part of the proposed eastern interchange.

VicRoads has changed the alignment of the proposed Traralgon bypass and the land it acquired for part of the interchange has been recently sold. Accordingly, Wilmot Court will remain an open ended road and officers are of the opinion that the road type should be changed from “Court” to “Road” to reflect the correct road type.

Reasons for Proposed Resolution:

Council, as a naming authority, is entitled to name or rename features and roads within the municipality, subject to satisfying the OGN Naming Rules for places in Victoria. A table reviewing the renaming and change of road type proposals is provided in Attachment 3. Officers have concluded that the proposals are in accordance with the OGN Naming Rules and also the requirements of Australia / New Zealand Standard of rural and urban addressing.

Having completed the statutory process outlined above officers recommend that Council resolve:

- Renaming the former entrance to Wilmot Court, Traralgon East, no longer accessed from Princes Highway to Burton Close, Traralgon East, a surname identified on both the Loy Yang Parish Plan and the National Archives of Australia, “Discovering Anzacs” website records, and
- Change the road type for the remaining section of Wilmot Court to Wilmot Road.

Strategy Implications

For reasons of public safety the proposed road name and road type change are required which relates to Objective 5 of the 2017-2021 Council plan: *Provide a connected, engaged and safe community environment, which is improving the wellbeing of all Latrobe City citizens.*

Communication

- Officers consulted the property owners/residents of Wilmot Court Traralgon East on two occasions:
 1. Preliminary consultation - two responses were received, one owner/resident was supportive of the of the road type change from Wilmot Court to Wilmot Road, stating “*The only concern is a lot of paper chasing i.e. (Licences, Passports etc) other than that all good*”, whereas the other owner/resident was not supportive stating “*Australia Post delivers to Minniedale Road, however will not deliver mail to Wilmot Court. Therefore changing the name will also require everyone to change address with certain companies that don’t allow mail to be sent to a PO Box.*”
 2. Formal consultation was undertaken following Council’s decision to commence the name change process. No written responses were received following the direct mail out to the property owners/residents of Wilmot Court.

- The boarder community has been consulted by a public notice published 2 November 2017 inviting written submissions.
- Consultation has been undertaken with VicRoads as the proponent of the name change.

Financial Implications

Costs associated with the statutory process are:

1. Officer resources in preparation of Council reports;
2. Public notice in the Latrobe Valley Express inviting submissions;
3. Officer resources in preparation and submission of an application to the OGN for registration of:
 - Burton Close as a road name;
 - Wilmot Road as a road type.
4. Manufacturing and erection of signs.

The above costs are within existing budget allocations.

Risk Analysis

Identified risk	Risk likelihood*	Controls to manage risk
Property owners/ residents of Wilmot Court do not support the proposal.	Unlikely – property owners/residents have been consulted on two separate occasions.	Council is required to notify various Statutory Authorities of the proposed changes. Residents will also be provided with change of address advice slips.
The OGN does not approve the naming proposals.	Unlikely – Officers are of the opinion that the proposed changes comply with the statutory requirements.	If the proposals are not approved, Council will need to consider selecting a different road name or road type.

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

Legal and Compliance

Council has complied with the requirements of the *Geographic Place Names Act 1998*, the *Office of Geographic Names' Naming rules for places in Victoria – Statutory requirements for naming roads, features and localities 2016* and the requirements of Australia / New Zealand Standard of rural and urban addressing.

Community Implications

Neither positive nor negative community impact is expected.

Environmental Implications

The proposed road name and road type change will not have an environmental impact.

Consultation

Officers undertook preliminary community consultation prior to the advertising of the public notice and surveyed the nine effected residents/property owners concerning a potential to name Burton Close and change the Wilmot road type from “Court” to “Road”. Only one response was received and was in support of Wilmot road type from “Court” to “Road”.

Following advertising of the public notice, no official submissions were received.

Other

Should Council adopt the recommendation, the OGN will be notified and assess the proposed changes. If the application is approved an order will be published in the Government Gazette.

Attachments

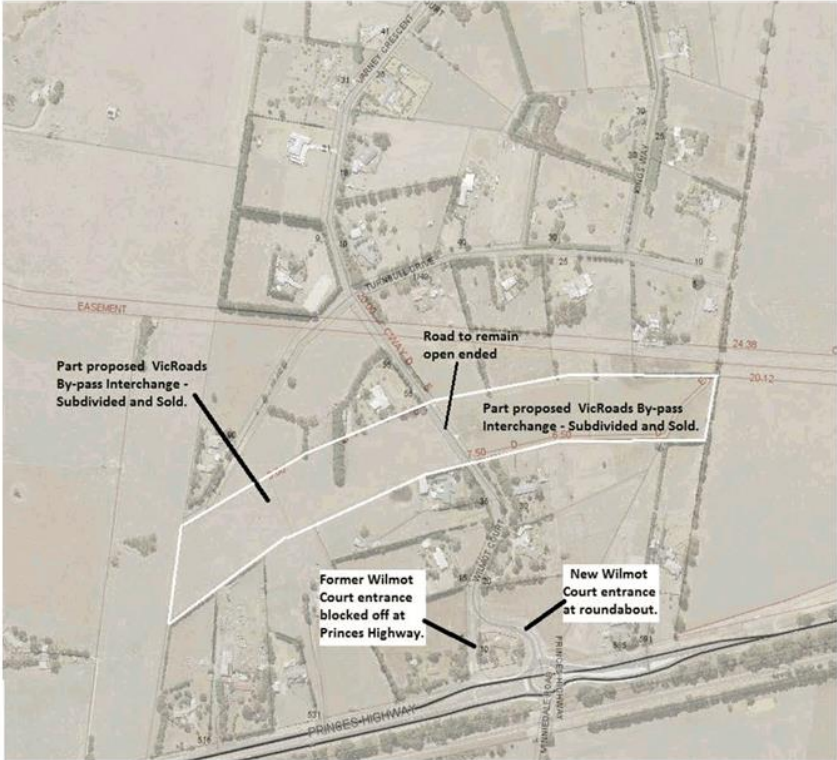
- 1 [↓](#). Aerial Image provided by VicRoads
- 2 [↓](#). Aerial Image - former VicRoads Interchange / Bypass
- 3 [↓](#). OGN Naming Rules

17.2

Renaming of section of Wilmot Court Traralgon East

- 1 Aerial Image provided by VicRoads..... 127**
- 2 Aerial Image - former VicRoads Interchange / Bypass..... 129**
- 3 OGN Naming Rules..... 131**





The following rules must be used in conjunction with the relevant statutory requirements relating to the naming or renaming of roads, features and localities. They are designed to ensure that there can be no confusion, errors or discrimination caused by the naming, renaming or boundary change process.

Renaming the former entrance section of Wilmot Court Traralgon East to Burton Close Traralgon East and renaming of the road type of the remaining section of Wilmot Court to Wilmot Road Traralgon East.

Principles	Officer Comment
<p><i>Principle A - Ensuring Public Safety</i></p> <p><i>Geographic names and boundaries must not risk public and operational safety for emergency response or cause confusion for transport, communication and mail services.</i></p>	<p>By registering a road name the exact street location is recorded and linked to the Victorian Government spatial data set, VICMAP. This detail is essential for an emergency service agency when dispatched to an emergency at these locations.</p>
<p><i>Principle B - Recognising the Public Interest</i></p> <p><i>The rules state that consideration needs to be given to the long-term consequences and effects upon the wider community of naming a road or feature.</i></p>	<p>The proposed renaming of the former entrance section of Wilmot Court to Burton Close and renaming of the road type of Wilmot Court to Wilmot Road are consistent with both of the rules and requirements.</p>
<p><i>Principle C - Linking the Name to the Place</i></p> <p><i>Place names should be relevant to the local area with preference given to unofficial names that are used by the local community. If named after a person that person should be or should have been held strong regard by the community.</i></p>	<p>The names Wilmot and Burton are recorded on the Loy Yang Parish Plan therefore have a direct link with earlier property owners.</p>
<p><i>Principle C - Language</i></p> <p><i>The guidelines state that geographic names should be easy to pronounce, spell and write, and preferably not exceed three words (including feature or road type) and/or 25 characters.</i></p>	<p>The renaming proposals are consistent with this rule.</p>
<p><i>Principle D - Ensuring Names Are Not Duplicated</i></p> <p><i>Place names must not be duplicated. Duplicates are considered to be two (or more) names within close proximity that have identical or similar spelling or pronunciation.</i></p>	<p>A search of the VICNAMES database has been undertaken and the name Burton Close and Wilmot Road are not recorded within the mandatory 15 kilometres radius applicable for rural and remote areas.</p>

<p><i>Principle E - Names Must Not Be Discriminatory</i></p> <p><i>Place names must not cause offence on the basis of race, ethnicity, religion, disability, sexuality or gender.</i></p>	<p>The renaming proposals are unlikely to cause offence to any member of the public.</p>
<p><i>Principle F - Use of Aboriginal languages in the naming</i></p> <p><i>The use of Aboriginal languages in the naming of rates, features and localities is encouraged subject to agreement from the relevant Traditional Owners Group/s.</i></p>	<p>This rule is not applicable.</p>
<p><i>Principle G- Dual names</i></p> <p><i>Australian states and territories use dual names as a way of recognising the names given to places by different enduring cultural and language groups.</i></p> <p><i>In Victoria, the approach to giving simultaneous and joint recognition of Aboriginal and non-Aboriginal cultures through naming is to form a dual name with two distinct name parts, usually one part of non-Aboriginal language origin and the other of Aboriginal language origin.</i></p>	<p>This rule is not applicable.</p>
<p><i>Principle H - Using Commemorative Names</i></p> <p><i>Naming often commemorates an event, person or place. A commemorative name applied to a feature can use the first or surname of a person although it is preferred that only the surname is used.</i></p> <ul style="list-style-type: none"> • <i>If named after a person that person should be or have been held in strong regard by the community.</i> • <i>With reference to unofficial names used by the local community.</i> • <i>When deciding on an assignment of a commemorative name, naming authorities should consider the persons achievements, relevant history and association to the area, and the significance of the family/person to the area/land.</i> • <i>Names of people who are still alive should be avoided.</i> 	<p>The proposed Burton Close complies with this rule subject to public notice, and comment. Also with the state government's ANZAC project.</p>

<ul style="list-style-type: none"> • A commemorative name applied to a locality or a road should use only the surname or first or given names. A commemorative name applied to a feature can use the person's first and surname of a person; although, it is preferred only a surname is used. • The initials of a given name are not to be used in any circumstances. 	
<p><i>Principle I - Using commercial and business names</i></p> <p><i>For similar reasons to those outlined in Principle H, naming authorities should not name places after:</i></p> <ul style="list-style-type: none"> • commercial businesses; • trade names; • estate names (which are solely commercial in nature); • not-for-profit organisations. 	This principle is not applicable
<p><i>Principle J - Language</i></p> <p><i>The rules state that geographic names should be easy to pronounce, spell and write, and preferably not exceed three words (including feature or road type) and/or 25 characters etc</i></p>	The renaming proposals are consistent with this rule.
<p><i>Principle K - Directional names to be avoided</i></p> <p><i>Cardinal directions (north, south, east and west) must be avoided. A proposed name that uses a cardinal direction to distinguish itself from another similar name is considered to be a duplicate name. In these instances a different name should be chosen to allow for a clear distinction between the two or more features, localities or roads.</i></p>	This rule is not applicable.
<p><i>Principle L - Assigning Extent to Feature, Locality or Road</i></p> <p><i>Council, as the naming authority, must define the area and/or extent to which the name will apply.</i></p>	The existing roads are easily identifiable.

In addition to the above rules, there are specific statutory requirements applicable to this request:

Roads

<i>3.2.1 – Rural and Urban Addressing</i>	The renaming proposals comply with the provisions of AS/NZS 4819:2011 – Rural and Urban Addressing .
<i>3.2.2 – Extent: road course, start and end points</i>	The proposed road names and types are not ambiguous and should not cause any confusion for road users. The extent of the roads is clearly identifiable and has definable start and end points.
<i>3.2.3 - Road types</i>	All roads must have a road type assigned that suitably describes the road's characteristics.
<i>3.2.4- Unacceptable road names</i>	The proposed road name does not include any elements that are listed as unacceptable in a road name.
<i>3.2.5 Obstructed or altered roads</i>	This rule is not applicable as the entire length of the road is constructed.

Agenda Item: 17.3

Agenda Item: Tabling of 'Assembly of Councillors' Records

Sponsor: General Manager Corporate Services

Council Plan Objective: Ensure Council operates openly, transparently and responsibly.

Status: For Information

Proposed Resolution:

That Council receives and notes the Assembly of Councillors records tabled for the period 12 October 2017 to 16 January 2018.

Executive Summary:

The following Assembly of Councillor records have been submitted for tabling since the last ordinary Council meeting:

Date	Assembly Details	In Attendance	Confidential	Declarations of Interest
12 October 2017	Moe and District Social Infrastructure Plan Reference Group meeting	Councillor Cr B Law Officers Steven Tong, Heather Farley	No	Nil
20 November 2017	Councillor Briefing	Councillors Cr A McFarlane, Cr G Middlemiss, Cr D White, Cr D Harriman, Cr K O'Callaghan, Cr D Howe, Cr D Clancey, Cr B Law, Cr S Gibson Officers Gary Van Driel,	Yes Confidential under Section 89 (2) e – Proposed developments and (h) any other matter which the Council considers would prejudice the Council or any person	Nil

Date	Assembly Details	In Attendance	Confidential	Declarations of Interest
		Sara Rhodes-Ward, Bruce Connolly, Greg Drumm, Jodie Pitkin, Gail Gatt, Amy Phillips, Brett McCulley		
20 November 2017	Latrobe Creative Percinct Design Team procurement	<p>Councillors</p> <p>Cr D Clancey, Cr D Law, Cr D White, Cr D Howe, Cr S Gibson</p> <p>Officers</p> <p>Gary Van Driel, Phil Stone, Michael Bloyce, Bruce Green, Andrea Smith, Danielle Cox, Tania Eleftheriou</p>	<p>Yes</p> <p>Confidential under section 89 (d) – contractual matters</p>	Nil
20 November 2017	Regional Carbon Innovation Centre	<p>Councillors</p> <p>Cr D Clancey, Cr G Middlemiss, Cr B Law, Cr D White, Cr S Gibson</p> <p>Officers</p> <p>Gary Van Driel, Phil Stone, Bruce Graham</p>	No	Nil

Date	Assembly Details	In Attendance	Confidential	Declarations of Interest
22 November 2017	Latrobe City Cultural Diversity Advisory Committee meeting	Councillor Cr D White Officers Steven Tong, Teresa Pugliese	No	Nil
27 November 2017	Councillor Briefing	Councillors Cr A McFarlane, Cr G Middlemiss, Cr D White, Cr D Harriman, Cr K O'Callaghan, Cr D Howe, Cr D Clancey, Cr B Law Officers Gary Van Driel, Sara Rhodes- Ward, Steve Piasente, Greg Drumm, Phil Stone, Jodie Pitkin, Amy Phillips, Brett McCulley, Michael Bloyce (7.20 pm – 8.42 pm)	Yes Confidential under Section 89 (2) e – Proposed developments and (h) any other matter which the Council considers would prejudice the Council or any person	Cr Harriman x 3 (left meeting), Cr O'Callaghan (left meeting), Cr Clancey (left meeting), Cr Harriman (interest not being a conflict of interest)
07 December 2017	Victory Park Precinct Advisory Committee	Councillor Cr D Clancey Officer Simon Clark	No	Nil

Date	Assembly Details	In Attendance	Confidential	Declarations of Interest
08 December 2017	Morwell Centenary Rose Garden Advisory Committee	Councillor Cr A McFarlane Officer Simon Clark	No	Nil
13 December 2017	Morwell Town Common Development Plan Project Control Group	Councillor Cr A McFarlane Officer Simon Clark	No	Nil
13 December 2017	Latrobe Creative Precinct Project Reference Group	Councillors Cr A McFarlane, Cr D Clancey, Cr B Law Officers Phil Stone, Michael Bloyce, Andrea Smith, Bruce Green	No	Nil
18 December 2017	DELWP	Councillors Cr A McFarlane, Cr G Middlemiss, Cr D White, Cr D Howe, Cr D Clancey, Cr B Law, Cr S Gibson Officers Brett Sim, Gary Van Driel, Phil Stone, Greg Drumm, Steve Piasente	No	Nil

Date	Assembly Details	In Attendance	Confidential	Declarations of Interest
18 December 2017	Presentation from the Audit and Risk Committee Briefing	<p>Councillors</p> <p>Cr A McFarlane, Cr G Middlemiss, Cr D White, Cr D Clancey, Cr B Law, Cr S Gibson</p> <p>Officers</p> <p>Brett Sim, Gary Van Driel, Phil Stone, Greg Drumm, Steven Piasente</p>	No	Nil
18 December 2017	Aggreko	<p>Councillors</p> <p>Cr A McFarlane, Cr G Middlemiss, Cr D White, Cr D Howe, Cr D Clancey, Cr B Law, Cr S Gibson</p> <p>Officers</p> <p>Brett Sim, Gary Van Driel, Phil Stone, Greg Drumm, Steve Piasente</p>	No	<p>Cr D Clancey – left the meeting 7.45 pm</p> <p>Cr G Middlemiss – left the meeting 8.10 pm</p>

Date	Assembly Details	In Attendance	Confidential	Declarations of Interest
18 December 2017	Federation University	Councillors Cr A McFarlane, Cr G Middlemiss, Cr D White, Cr D Clancey, Cr B Law, Cr S Gibson Officers Brett Sim, Gary Van Driel, Phil Stone, Greg Drumm, Steve Piasente	No	Nil
16 January 2018	Latrobe Creative Precinct Project Reference Group	Councillors Cr A McFarlane, Cr D Clancey, Cr B Law Officers Michael Bloyce, Trevor Dando, Andrea Smith	No	Nil

Declaration of Interests:

Officers preparing this report have declared they do not have a conflict of interest in this matter under the provisions of the *Local Government Act 1989*.

Reasons for Proposed Resolution:

The attached *Assembly of Councillors* records have been submitted for tabling.

Section 80(A)2 of the *Local Government Act 1989* states 'The Chief Executive Officer must ensure that the written record of an assembly of Councillors is, as soon as practicable - (a) reported at an ordinary meeting of the Council; and (b) incorporated in the minutes of that Council meeting'.

Attachments

1 [↓](#). Moe and District Social Infrastructure Plan Reference Group 12 October 2017

2 [↓](#). Councillor Briefing 20 November 2017

- 3↓. Latrobe Creative Precinct Design Team Procurement 20 November 2017
- 4↓. Regional Carbon Innovation Centre 20 November 2017
- 5↓. Latrobe City Cultural Diversity Advisory Committee 22 November 2017
- 6↓. Councillor Briefing 27 November 2017
- 7↓. Victory Park Advisory Committee 07 December 2017
- 8↓. Morwell Centenary Rose Garden Advisory Committee 8 December 2017
- 9↓. Morwell Town Common Development Plan Project Control Group 13 December 2017
- 10↓. Latrobe Creative Precinct Project Reference Group 13 December 2017
- 11↓. DELWP Briefing 18 December 2017
- 12↓. Presentation from the Audit and Risk Committee Briefing 18 December 2017
- 13↓. Aggreko Briefing 18 December 2017
- 14↓. Federation University Briefing 18 December 2017
- 15↓. Latrobe Creative Precinct Architect Meeting 16 January 2018

17.3

Tabling of 'Assembly of Councillors' Records

1	Moe and District Social Infrastructure Plan Reference Group 12 October 2017	143
2	Councillor Briefing 20 November 2017	145
3	Latrobe Creative Precinct Design Team Procurement 20 November 2017	149
4	Regional Carbon Innovation Centre 20 November 2017	151
5	Latrobe City Cultural Diversity Advisory Committee 22 November 2017	153
6	Councillor Briefing 27 November 2017	155
7	Victory Park Advisory Committee 07 December 2017	157
8	Morwell Centenary Rose Garden Advisory Committee 8 December 2017	159
9	Morwell Town Common Development Plan Project Control Group 13 December 2017	161
10	Latrobe Creative Precinct Project Reference Group 13 December 2017	163
11	DELWP Briefing 18 December 2017	165
12	Presentation from the Audit and Risk Committee Briefing 18 December 2017	167
13	Aggreko Briefing 18 December 2017	169
14	Federation University Briefing 18 December 2017	171
15	Latrobe Creative Precinct Architect Meeting 16 January 2018.....	173



Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Governance Team for processing as soon as possible.

Assembly details:	Moe and District Social Infrastructure Plan Reference Group meeting
Date:	Thursday 12 October 2017
Time:	4.40 pm to 6.10 pm
Assembly Location:	Meeting Room 3, Latrobe City Service Centre and Library, George Street Moe

In Attendance

Councillors:	<input type="checkbox"/> Cr Alan McFarlane	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Darrell White
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Darren Howe
	<input type="checkbox"/> Cr Dan Clancey	<input checked="" type="checkbox"/> Cr Bradley Law	<input type="checkbox"/> Cr Sharon Gibson
Arrival / Departure Time:			
Officer/s:	Steve Tong, Manager Community Development Heather Farley, Coordinator Community Strengthening		
Matters discussed:	The first draft of the Moe & District Social Infrastructure Plan - content in detail, layout, draft recommendations, next steps, timelines, setting priorities for the recommendations, implementation of the plan and further feedback processes.		
Are any of the matters discussed, considered confidential under the <i>Local Government Act 1989</i>?			
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.			

Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No
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Record Completed by: Heather Farley





Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Governance Team for processing as soon as possible.

Assembly details:	Councillor Briefing
Date:	20 November 2017
Time:	
Assembly Location:	Nambur Wariga, 141 Commercial Road Morwell

In Attendance

Councillors: Arrival / Departure Time:	<input checked="" type="checkbox"/> Cr Alan McFarlane	<input checked="" type="checkbox"/> Cr Graeme Middlemiss	<input checked="" type="checkbox"/> Cr Darrell White
	<input checked="" type="checkbox"/> Cr Dale Harriman	<input checked="" type="checkbox"/> Cr Kellie O'Callaghan	<input checked="" type="checkbox"/> Cr Darren Howe
	<input checked="" type="checkbox"/> Cr Dan Clancey	<input checked="" type="checkbox"/> Cr Brad Law	<input checked="" type="checkbox"/> Cr Sharon Gibson
Officer/s:	Gary Van Driel, Sara Rhodes-Ward, Bruce Connolly, Greg Drumm, Jodie Pitkin, Gail Gatt, Amy Phillips, Brett McCulley		
Matters discussed:	<p>Tonights presentations Confidential Section 89(2) (e) Proposed developments</p> <p>Future presentations Confidential Section 89(2) (e) Proposed developments</p> <p>Matters Arising from Presentations</p> <p>Upcoming Council Meeting</p> <p>Mayor's Update Confidential Section 89(2) (e) Proposed developments (h) prejudice the Council or any person</p> <p>CEO's General Update</p> <p>Transition Briefing Confidential Section 89(2) (h) Prejudice the Council or any person</p> <p>10. FOR INFORMATION</p> <p>10.1 LATROBE VALLEY GOVERNMENT HUB (GOVHUB) OFFICE COMPLEX</p> <p>10.2 APPOINTMENT OF COUNCILLORS TO COMMITTEES 2017-2018</p> <p>10.3 UPDATE ON THE LATROBE DISABILITY NETWORK</p> <p>10.4 LATROBE CREATIVE PRECINCT DESIGN TEAM TENDER OUTCOME</p>		



	<p>11. FOR DISCUSSION</p> <p>11.1 REVIEW OF COUNCIL MEETING CYCLE AND REPORT TEMPLATES</p> <p>11.2 FAIR GO RATES SYSTEM - OVERVIEW</p> <p>11.3 FORMER BUDGEREE PRIMARY SCHOOL NO 2864, 36 ROYS ROAD BUDGEREE</p> <p>CONFIDENTIAL</p> <p>This matter is considered confidential under Section 89(2) (e) of the Local Government Act 1989, as it involves discussion of proposed developments.</p> <p>11.4 PRIORITY RECREATION PROJECTS</p> <p>11.5 TRARALGON SOUTH TENNIS COURTS</p> <p>11.6 COMMUNITY ENGAGEMENT PLANS FOR GIPPSLAND REGIONAL AQUATICS CENTRE AND TRARALGON SPORTS STADIUM</p> <p>11.7 LATROBE CITY DRAFT PARKING ACTION PLAN</p> <p>11.8 INAPPROPRIATE TREE REMOVAL AND REPLACEMENT PROGRAM 2017-2018</p> <p>11.9 REDUCING HARM FROM ELECTRONIC GAMING MACHINES ADVOCACY</p> <p>11.10 EMERGENCY AFTER HOURS SERVICE</p> <p>CONFIDENTIAL</p> <p>This matter is considered confidential under Section 89(2) (d) of the Local Government Act 1989, as it involves discussion of contractual matters.</p> <p>11.11 DESIGNATED CAFE SPACE MOE SERVICE CENTRE/LIBRARY</p> <p>11.12 2016/17 COMMUNITY GRANTS PROGRAM - ASSESSMENT PANEL RECOMMENDATIONS</p> <p>11.13 COMMUNITY GARDENS POLICY</p> <p>Outstanding Issues</p> <p>Strategic Issues for Future Briefings</p>
<p>Are any of the matters discussed, considered confidential under the <i>Local Government Act 1989</i>?</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.</p>	

Conflict Of Interest Disclosures:



Councillor / Officer making disclosure	Left Meeting: Yes / No

Record Completed by: Amy Phillips, Coordinator Governance





Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Governance Team for processing as soon as possible.

Assembly details:	Latrobe Creative Precinct Design Team procurement
Date:	20 November 2017
Time:	1730
Assembly Location:	Nambur, Morwell

In Attendance

Councillors: Arrival / Departure Time:	<input type="checkbox"/> Cr Alan McFarlane	<input type="checkbox"/> Cr Graeme Middlemiss	<input checked="" type="checkbox"/> Cr Darrell White
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input checked="" type="checkbox"/> Cr Darren Howe
	<input checked="" type="checkbox"/> Cr Dan Clancey	<input checked="" type="checkbox"/> Cr Bradley Law	<input checked="" type="checkbox"/> Cr Sharon Gibson
Officer/s:	Gary van Driel, Phil Stone, Michael Bloyce, Bruce Green, Andrea Smith, Danielle Cox, Tania Eleftheriou,		
Matters discussed:	Latrobe Creative Precinct design team procurement process - Confidential under section 89 (d) - contractual matters		
Are any of the matters discussed, considered confidential under the <i>Local Government Act 1989</i>? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.			

Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No
Nil	N/A

Record Completed by: Phil Stone, General Manager, City Development



Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Governance Team for processing as soon as possible.

Assembly details:	Regional Carbon Innovation Centre
Date:	20 November 2017
Time:	4:05 pm
Assembly Location:	Nambur Wariga room, Latrobe City Council

In Attendance

Councillors: Arrival / Departure Time:	<input type="checkbox"/> Cr Alan McFarlane	<input checked="" type="checkbox"/> Cr Graeme Middlemiss Arrived - 4:13 pm	<input checked="" type="checkbox"/> Cr Darrell White
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Darren Howe
	<input checked="" type="checkbox"/> Cr Dan Clancey	<input checked="" type="checkbox"/> Cr Bradley Law	<input checked="" type="checkbox"/> Cr Sharon Gibson
Officer/s:	Gary Van Driel, Phil Stone, Bruce Graham		
Matters discussed:	The Regional Carbon Innovation Centre (RCIC) proposal		
Are any of the matters discussed, considered confidential under the <i>Local Government Act 1989</i>? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.			

Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No
Nil	

Record Completed by: Bruce Graham, Coordinator Regional Strategy



Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Governance Team for processing as soon as possible.

Assembly details:	Latrobe City Cultural Diversity Advisory Committee meeting
Date:	Wednesday 22 November 2017
Time:	6.00pm - 7.35 pm
Assembly Location:	Nambur Wariga Room

In Attendance

Councillors: Arrival / Departure Time:	<input type="checkbox"/> Cr Alan McFarlane	<input type="checkbox"/> Cr Graeme Middlemiss	<input checked="" type="checkbox"/> Cr Darrell White
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Darren Howe
	<input type="checkbox"/> Cr Dan Clancey	<input type="checkbox"/> Cr Bradley Law	<input type="checkbox"/> Cr Sharon Gibson
Officer/s:	Steve Tong, Manager Community Development Teresa Pugliese, Community Development Officer		
Matters discussed:	6.1 Conflicts of Interest Disclosures 6.2 Tentative Citizenship Ceremony dates 2018 6.3 Information re Clemente Program and National Disability Insurance Scheme 6.4 Latrobe City Cultural Diversity Action Plan 2014 - 2018 Year Three Annual report 6.5 Translation of Latrobe City Cultural Diversity Action Plan Year three Annual report 6.6 Action Item 4.2 in the Cultural Diversity Action Plan 2014-2018. 7. Correspondence 8.1 Latrobe Settlement Network Update 8.2 Development of the Cultural Diversity Action Plan 2018 - 2022 8.3 Guests 8.4 Committee Members Reports 9.1 Committee Meeting Dates for 2018.		



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Are any of the matters discussed, considered confidential under the *Local Government Act 1989*?

Yes **No**

Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.

Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No

Record Completed by: Teresa Pugliese





Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Governance Team for processing as soon as possible.

Assembly details:	Councillor Briefing
Date:	27 November 2017
Time:	6.00 PM - 9.22pm
Assembly Location:	Nambur Wariga, 141 Commercial Road Morwell

In Attendance

Councillors: Arrival / Departure Time:	<input checked="" type="checkbox"/> Cr Alan McFarlane	<input checked="" type="checkbox"/> Cr Graeme Middlemiss	<input checked="" type="checkbox"/> Cr Darrell White
	<input checked="" type="checkbox"/> Cr Dale Harriman	<input checked="" type="checkbox"/> Cr Kellie O'Callaghan	<input checked="" type="checkbox"/> Cr Darren Howe
	<input checked="" type="checkbox"/> Cr Dan Clancey	<input checked="" type="checkbox"/> Cr Brad Law	<input type="checkbox"/> Cr Sharon Gibson
Officer/s:	Gary Van Driel, Sara Rhodes Ward, Steve Piasente, Greg Drumm, Phil Stone, Jodie Pitkin, Amy Phillips, Brett McCulley, Michael Bloyce (7.20pm-8.42pm)		
Matters discussed:	Tonights presentations Confidential Section 89(2) (e) Proposed developments Future presentations Confidential Section 89(2) (e) Proposed developments Matters Arising from Presentations Upcoming Council Meeting Notice of Motion Requests Points of Clarification Alternate Motion Requests Upcoming Significant Items Mayor's Update CEO's General Update Transition Briefing Confidential Section 89(2) (h) Prejudice the Council or any person Magritte Exhibition At Latrobe Regional Gallery Confidential Section 89(2) (h) Prejudice the Council or any person Victorian Infrastructure Plan		



	2017 Latrobe City and Federation Training Children's Expo 2017-18 Quarterly Performance Report-Quarter 1 Public Records and Information Management Strength-Led Transition - Phase 2 Latrobe City Township Entry Signs and Branding Outstanding Issues - Confidential Section 89(2)(h) Prejudice Council or any person Strategic Issues For Future Briefings - Confidential Section 89(2)(h) Prejudice Council or any person
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Are any of the matters discussed, considered confidential under the *Local Government Act 1989*?

Yes **No**

Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.

Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No
Cr Harriman x 3	Yes
Cr O'Callaghan	Yes
Cr Clancey	Yes
Cr Harriman - interest not being a conflict of interest	No

Record Completed by: Amy Phillips, Coordinator Governance





Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Governance Team for processing as soon as possible.

Assembly details:	Victory Park Precinct Advisory Committee
Date:	7 December 2017
Time:	5:43pm
Assembly Location:	Newman Park, Traralgon

In Attendance

Councillors: Arrival / Departure Time:	<input type="checkbox"/> Cr Alan McFarlane	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Darrell White
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Darren Howe
	<input checked="" type="checkbox"/> Cr Dan Clancey	<input type="checkbox"/> Cr Bradley Law	<input type="checkbox"/> Cr Sharon Gibson
Officer/s:	Simon Clark		
Matters discussed:	<p>Simon informed the meeting that he had received no comments or feedback from the Committee members regarding the proposed new Advisory Committee structure and operating document. Simon will now recommend to the Governance team that it can commence the process to present the proposal to Council at their February meeting.</p> <p>David M informed the meeting that while overseas he had seen parks which had furniture and infrastructure installed that had been produced from local industrial materials from the areas. David felt that this form of art and infrastructure was a great way to utilise materials which would normally just be disposed of.</p> <p>David M asked if the design of the Map of Australia was now going to be the 1988 logo design. Simon believed that it was likely to be that design but will report back.</p>		



Are any of the matters discussed, considered confidential under the *Local Government Act 1989*?

Yes No

Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.

Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No

Record Completed by: Simon Clark





Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Governance Team for processing as soon as possible.

Assembly details:	Morwell Centenary Rose Garden Advisory Committee
Date:	8 December 2017
Time:	9:00am
Assembly Location:	Rose Garden Wing

In Attendance

Councillors: Arrival / Departure Time:	<input checked="" type="checkbox"/> Cr Alan McFarlane	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Darrell White
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Darren Howe
	<input type="checkbox"/> Cr Dan Clancey	<input type="checkbox"/> Cr Bradley Law	<input type="checkbox"/> Cr Sharon Gibson
Officer/s:	Simon Clark		
Matters discussed:	<p>Discussed the opening event for the Lions Club drinking fountain and garden information sign.</p> <p>Reviewed 25th Anniversary celebrations of the Rose Garden and the opening of the Time Capsule. Discussion also held regarding the placing of the plaque back into the garden.</p> <p>Review of outstanding works schedule.</p> <p>Review of Garden Bed Sponsorship Policy for Friends of the garden.</p>		
<p>Are any of the matters discussed, considered confidential under the <i>Local Government Act 1989</i>?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.</p>			

Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No
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Record Completed by: Simon Clark





Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Governance Team for processing as soon as possible.

Assembly details:	Morwell Town Common Development Plan Project Control Group
Date:	13 December 2017
Time:	5:06 pm
Assembly Location:	KRAUATUNGALOONG ROOM LATROBE CITY COUNCIL CORPORATE HEADQUARTERS COMMERCIAL ROAD, MORWELL

In Attendance

Councillors: Arrival / Departure Time:	<input checked="" type="checkbox"/> Cr Alan McFarlane	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Darrell White
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Darren Howe
	<input type="checkbox"/> Cr Dan Clancey	<input type="checkbox"/> Cr Bradley Law	<input type="checkbox"/> Cr Sharon Gibson
Officer/s:	Simon Clark		
Matters discussed:	<p>Discussion was held regarding the ongoing operation of the Project Control Group Committee. Simon stated that the committee had undertaken great work in further developing the common and in his opinion had completed its primary objective of overseeing the implementation of the 2004 Development Plan. Simon recommended that the committee inform Council that it wished its community committee status be rescinded. Bruce commented that a majority of the development plan had been completed and it was likely that the maintenance of the area was currently only required. Cr Middlemiss said that Council originally formed the committee to complete the adopted development plan and that task had been mostly completed. Cr Middlemiss also said that in the future the timber playground would require replacement and that he saw the opportunity for a further Committee to be formed at that time to assist in the planning and implementation of that project. Cr McFarlane said that he believed that the committee should undertake the completion of the current historical sign project and then request Council to finalise its operations. All members present at the meeting agreed. The members decided that the February meeting would undertake the sole purpose of collating the information for the historical sign to pass onto Council's Graphic Designer, Sharon Harrup.</p>		



	Keith informed the meeting that Max would be moving to Traralgon shortly. Cr's Middlemiss and McFarlane requested that Simon send a letter of thanks to Max Williamson for his contributions to the Committee since its inception.
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Are any of the matters discussed, considered confidential under the *Local Government Act 1989*?

Yes No

Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.

Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No

Record Completed by: Simon Clark





Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Governance Team for processing as soon as possible.

Assembly details:	Latrobe Creative Precinct Project Reference Group
Date:	Wednesday 13 December 2017
Time:	3.30 pm
Assembly Location:	Meeting Room, Latrobe Regional Gallery.

In Attendance

Councillors: Arrival / Departure Time:	<input checked="" type="checkbox"/> Cr Alan McFarlane	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Darrell White
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Darren Howe
	<input checked="" type="checkbox"/> Cr Dan Clancey	<input checked="" type="checkbox"/> Cr Bradley Law	<input type="checkbox"/> Cr Sharon Gibson
Officer/s:	Phil Stone, Michael Bloyce, Andrea Smith, Bruce Green		
Matters discussed:	1. Announcement of the Design Team 2. Outcome of visit to Bunjil Place 3. Proposed community engagement process 4. Naming rights discussion		
Are any of the matters discussed, considered confidential under the <i>Local Government Act 1989</i>? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.			

Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No
Nil	No



Record Completed by: Andrea Smith





Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Governance Team for processing as soon as possible.

Assembly details:	Out of Session Briefing by DELWP
Date:	Monday, 18 December 2017
Time:	6:53 pm
Assembly Location:	Nambur Wariga Room

In Attendance

Councillors: Arrival / Departure Time:	<input checked="" type="checkbox"/> Cr Alan McFarlane	<input checked="" type="checkbox"/> Cr Graeme Middlemiss	<input checked="" type="checkbox"/> Cr Darrell White
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input checked="" type="checkbox"/> Cr Darren Howe Arrived @ 7:21 pm
	<input checked="" type="checkbox"/> Cr Dan Clancey	<input checked="" type="checkbox"/> Cr Bradley Law	<input checked="" type="checkbox"/> Cr Sharon Gibson
Officer/s:	Brett Sim, Gary Van Driel, Phil Stone, Grey Drumm, Steve Piasente		
Matters discussed:	Briefing to Councillors regarding the Central Gippsland Public Land Strategy		
<p>Are any of the matters discussed, considered confidential under the <i>Local Government Act 1989</i>?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.</p>			

Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No

Record Completed by: Brett Sim - Legal Officer



Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Governance Team for processing as soon as possible.

Assembly details:	Out of Session Briefing by Bev Excell
Date:	Monday, 18 December 2017
Time:	6:30 pm
Assembly Location:	Nambur Wariga Room

In Attendance

Councillors: Arrival / Departure Time:	<input checked="" type="checkbox"/> Cr Alan McFarlane	<input checked="" type="checkbox"/> Cr Graeme Middlemiss	<input checked="" type="checkbox"/> Cr Darrell White
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Darren Howe
	<input checked="" type="checkbox"/> Cr Dan Clancey	<input checked="" type="checkbox"/> Cr Bradley Law	<input checked="" type="checkbox"/> Cr Sharon Gibson
Officer/s:	Brett Sim, Gary Van Driel, Phil Stone, Grey Drumm, Steve Piasente		
Matters discussed:	Annual Report for Audit & Risk Committee for Council.		
<p>Are any of the matters discussed, considered confidential under the <i>Local Government Act 1989</i>?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.</p>			

Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No

Record Completed by: Brett Sim - Legal Officer



Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Governance Team for processing as soon as possible.

Assembly details:	Out of Session Briefing by Aggreko
Date:	Monday, 18 December 2017
Time:	6:53 pm
Assembly Location:	Nambur Wariga Room

In Attendance

Councillors: Arrival / Departure Time:	<input checked="" type="checkbox"/> Cr Alan McFarlane	<input checked="" type="checkbox"/> Cr Graeme Middlemiss	<input checked="" type="checkbox"/> Cr Darrell White
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input checked="" type="checkbox"/> Cr Darren Howe
	<input checked="" type="checkbox"/> Cr Dan Clancey	<input checked="" type="checkbox"/> Cr Bradley Law	<input checked="" type="checkbox"/> Cr Sharon Gibson
Officer/s:	Brett Sim, Gary Van Driel, Phil Stone, Grey Drumm, Steve Piasente		
Matters discussed:	Briefing to Council regarding the diesel generators.		
<p>Are any of the matters discussed, considered confidential under the <i>Local Government Act 1989</i>?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.</p>			

Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No
Cr Dan Clancey	Yes - 7:45 pm
Cr Graeme Middlemiss	Yes - 8:10 pm

Record Completed by: Brett Sim - Legal Officer



Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Governance Team for processing as soon as possible.

Assembly details:	Out of Session Briefing by Helen Bartlett
Date:	Monday, 18 December 2017
Time:	5:49 pm
Assembly Location:	Nambur Wariga Room

In Attendance

Councillors: Arrival / Departure Time:	<input checked="" type="checkbox"/> Cr Alan McFarlane	<input checked="" type="checkbox"/> Cr Graeme Middlemiss	<input checked="" type="checkbox"/> Cr Darrell White
	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Darren Howe
	<input checked="" type="checkbox"/> Cr Dan Clancey	<input checked="" type="checkbox"/> Cr Bradley Law	<input checked="" type="checkbox"/> Cr Sharon Gibson
Officer/s:	Brett Sim, Gary Van Driel, Phil Stone, Grey Drumm, Steve Piasente		
Matters discussed:	Federation University - Strategic Overview of activity and future direction, in particular to Gippsland.		
<p>Are any of the matters discussed, considered confidential under the <i>Local Government Act 1989</i>?</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.</p>			

Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No

Record Completed by: Brett Sim - Legal Officer





Assembly of Councillors Record

This form must be completed by the attending Council officer and returned to the Governance Team for processing as soon as possible.

Assembly details:	Latrobe Creative Precinct Project Reference Group - Meeting with Design Team
Date:	Tuesday 16 January 2018
Time:	11.00 am
Assembly Location:	Meeting Room 4, Latrobe City Council Headquarters

In Attendance

Councillors:	<input checked="" type="checkbox"/> Cr Alan McFarlane	<input type="checkbox"/> Cr Graeme Middlemiss	<input type="checkbox"/> Cr Darrell White
Arrival / Departure Time:	<input type="checkbox"/> Cr Dale Harriman	<input type="checkbox"/> Cr Kellie O'Callaghan	<input type="checkbox"/> Cr Darren Howe
	<input checked="" type="checkbox"/> Cr Dan Clancey	<input checked="" type="checkbox"/> Cr Bradley Law	<input type="checkbox"/> Cr Sharon Gibson
	Officer/s: Michael Bloyce, Trevor Dando, Andrea Smith		
Matters discussed:	1. Presentation of initial concept design ideas to Project Reference Group Councillors. 2. Brief discussion following the presentation.		
Are any of the matters discussed, considered confidential under the <i>Local Government Act 1989</i>? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please list the confidentiality reasoning next to the matter discussed, as per the example in the guidance notes.			

Conflict Of Interest Disclosures:

Councillor / Officer making disclosure	Left Meeting: Yes / No
Nil	No

Record Completed by: Andrea Smith

URGENT BUSINESS

18. 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

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

- 19.1 Presentation of the Audit and Risk Committee Minutes**
Agenda item 19.1 *Presentation of the Audit and Risk Committee 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)
- 19.2 Community Representative Appointment to the Gippsland Regional Aquatic Centre and Traralgon Sports Stadium Project Reference Groups**
Agenda item 19.2 *Community Representative Appointment to the Gippsland Regional Aquatic Centre and Traralgon Sports Stadium Project Reference Groups* 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)
- 19.3 Latrobe Tourism Advisory Committee Recruitment for Vacant Member Position**
Agenda item 19.3 *Latrobe Tourism Advisory Committee Recruitment for Vacant Member Position* is designated as confidential as it relates to personnel matters (s89 2a)
- 19.4 Latrobe City Council Economic Development Advisory Committee**
Agenda item 19.4 *Latrobe City Council Economic Development Advisory Committee* is designated as confidential as it relates to

**a matter which the Council or special committee considers
would prejudice the Council or any person (s89 2h)**